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[COMMITTEE PRINT]

STATUTORY PROVISIONS RELATED TO
FEDERAL RESEARCH AND
DEVELOPMENT

SUBCOMMITTEE ON
DOMESTIC AND INTERNATIONAL
SCIENTIFIC PLANNING AND ANALYSIS

OF THE

COMMITTEE ON
SCIENCE AND TECHNOLOGY
U.S. HOUSE OF REPRESENTATIVES
NINETY-FOURTH CONGRESS

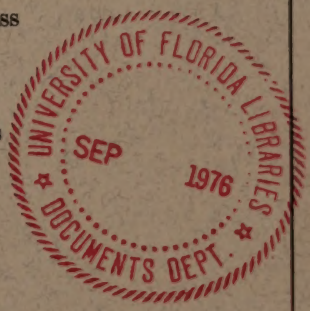
SECOND SESSION

PREPARED BY THE
SCIENCE POLICY RESEARCH DIVISION
CONGRESSIONAL RESEARCH SERVICE
LIBRARY OF CONGRESS

VOLUME II
OF TWO VOLUMES
Serial KK



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JULY 1976

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CONTENTS

VOLUME I—PARTS I AND II

Letter of Transmittal.....	Page
Letter of Submittal.....	III
Contents.....	V
	VII

PART I—SURVEY AND ANALYSIS OF THE FEDERAL STATUTORY PROVISIONS RELATED TO RESEARCH AND DEVELOPMENT

Summary.....	3
Introduction.....	5
Survey and Analysis.....	7
Organizational Survey.....	7
Areas of Interest to House Committee on Science and Technology.....	9
Tables of Federal Research and Development Status:	
1. The Congress, the Judicial Branch, the Executive Office of the President.....	11
2. Department of Agriculture.....	12
3. Department of Commerce.....	14
4. Department of Defense—Civil.....	15
5. Department of Health, Education, and Welfare—Health.....	15
6. Department of Health, Education, and Welfare—Education.....	17
7. Department of Health, Education, and Welfare—Welfare and Human Development.....	18
8. Department of Housing and Urban Development.....	19
9. Department of the Interior.....	19
10. Departments of Justice, Labor, and State.....	20
11. Department of Transportation.....	21
12. Atomic Energy Commission and the Energy Research and Development Administration, Environment Protection Agency.....	22
13. Federal Aviation Administration, Federal Communications Commission, Federal Energy Administration, Federal Maritime Commission, National Academy of Sciences, National Aeronautics and Space Administration, National Science Foundation.....	23
14. Peace Corps (ACTION), Smithsonian Institution, Veterans Administration, Community Services Administration.....	24
15. Coordinated Multiagency Activities.....	25
16. Other Organizations.....	25
17. General Government.....	27

PART II—PROVISIONS OF THE UNITED STATES CODE THROUGH THE 92ND CONGRESS RELATED TO RESEARCH AND DEVELOPMENT

U.S.C. Title 2—The Congress.....	31
U.S.C. Title 5—Government Organization and Employees.....	44
U.S.C. Title 7—Agriculture.....	117
U.S.C. Title 8—Aliens and Nationality.....	202
U.S.C. Title 12—Banks and Banking.....	226
U.S.C. Title 14—Coast Guard.....	233
U.S.C. Title 15—Commerce and Trade.....	235
U.S.C. Title 16—Conservation.....	305
U.S.C. Title 17—Copyright.....	429
U.S.C. Title 18—Crimes and Criminal Procedure.....	432
U.S.C. Title 20—Education.....	433
U.S.C. Title 21—Food and Drugs.....	532

IV

	Page
U.S.C. Title 22—Foreign Relations and Intercourse.....	615
U.S.C. Title 23—Highways	659
U.S.C. Title 28—Judiciary and Judicial Procedure.....	676
U.S.C. Title 29—Labor	677
U.S.C. Title 30—Mineral Lands and Mining.....	698
U.S.C. Title 33—Navigation and Navigable Waters.....	728
U.S.C. Title 35—Patents	781
U.S.C. Title 36—Patriotic Societies and Observances.....	785
U.S.C. Title 38—Veterans' Benefits.....	787
U.S.C. Title 40—Public Buildings, Property, and Works.....	798
U.S.C. Title 42—The Public Health and Welfare.....	810
U.S.C. Title 43—Public Lands.....	1104
U.S.C. Title 45—Railroads	1106
U.S.C. Title 46—Shipping	1121
U.S.C. Title 47—Telegraphs, Telephones, and Radiotelegraphs.....	1124
U.S.C. Title 48—Territories and Insular Possessions.....	1140
U.S.C. Title 49—Transportation	1146
U.S.C. Title 50—War and National Defense.....	1185

VOLUME II—PART III

Contents	III
----------------	-----

PART III—LAWS OF THE 93RD CONGRESS RELATED TO RESEARCH AND DEVELOPMENT

93RD CONGRESS, 1ST SESSION (1973):

Public Law 93-29 —Older Americans Comprehensive Service Amendments of 1973 (Titles I—III).....	1193
Public Law 93-29 —Older Americans Comprehensive Service Amendments of 1973 (Titles IV-IX).....	1211
Public Law 93-82 —Veterans Health Care Expansion Act of 1973.....	1233
Public Law 93-83 —Crime Control Act of 1973.....	1253
Public Law 93-86 —Agriculture and Consumer Protection Act of 1973.....	1279
Public Law 93-87 —Federal-Aid Highway Act of 1973 (Title I).....	1312
Public Law 93-87 —Highway Safety Act of 1973 (Title II).....	1349
Public Law 93-112—Rehabilitation Act of 1973 (Pt. 1).....	1365
Public Law 93-112—Rehabilitation Act of 1973 (Pt. 2).....	1388
Public Law 93-146—Amtrak Improvement Act of 1973.....	1408
Public Law 93-151—Amend the Lead Based Paint Poisoning Prevention Act.....	1417
Public Law 93-154—Emergency Medical Services Systems Act of 1973.....	1422
Public Law 93-203—Comprehensive Employment and Training Act of 1973 (Titles I-III).....	1434
Public Law 93-203—Comprehensive Employment and Training Act of 1973 (Titles IV-VI).....	1463
Public Law 93-205—Endangered Species Act of 1973.....	1486
Public Law 93-222—Health Maintenance Organization Act of 1973.....	1510
Public Law 93-236—Regional Rail Reorganization Act of 1973 (Titles I-II).....	1537
Public Law 93-236—Regional Rail Reorganization Act of 1973 (Titles III-VI).....	1559

93RD CONGRESS, 2ND SESSION (1974):

Public Law 93-247—Child Abuse Prevention and Treatment Act.....	1581
Public Law 93-270—Sudden Infant Death Syndrome Act of 1974.....	1585
Public Law 93-275—Federal Energy Administration Act of 1974.....	1588
Public Law 93-282—Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act.....	1607
Public Law 93-288—Disaster Relief Act of 1974.....	1621
Public Law 93-296—Research on Aging Act of 1974.....	1643
Public Law 93-311—National Commission on Productivity and Work Quality Act.....	1646
Public Law 93-319—Energy Supply and Environmental Coordination Act of 1974.....	1648

	Page
Public Law 93-320—Colorado River Basin Salinity Control Act.....	1669
Public Law 93-353—Health Services Research, Health Statistics, and Medical Libraries Act of 1974.....	1679
Public Law 93-354—National Diabetes Mellitus Research and Education Act.....	1691
Public Law 93-366—Amendments to the Federal Aviation Act of 1958.....	1696
Public Law 93-380—Education Amendments of 1974.....	1706
Public Law 93-383—Housing and Community Development Act of 1974.....	1836
Public Law 93-409—Solar Heating and Cooling Demonstration Act of 1974.....	1944
Public Law 93-410—Geothermal Energy Research, Development, and Demonstration Act of 1974.....	1955
Public Law 93-415—Juvenile Justice and Delinquency Prevention Act of 1974.....	1966
Public Law 93-428—Egg Research and Consumer Information Act....	2000
Public Law 93-438—Energy Reorganization Act of 1974.....	2009
Public Law 93-454—Federal Columbia River Transmission System Act.....	2030
Public Law 93-473—Solar Energy Research, Development, and Demonstration Act of 1974.....	2036
Public Law 93-495—Amendments to the Federal Deposit Insurance Act.....	2044
Public Law 93-496—Amtrak Improvement Act of 1974.....	2071
Public Law 93-498—Federal Fire Prevention and Control Act of 1974..	2079
Public Law 93-503—National Mass Transportation Assistance Act of 1974.....	2084
Public Law 93-516—Amendments to the Rehabilitation Act of 1973 and to the Randolph-Sheppard Act.....	2104
Public Law 93-523—Safe Drinking Water Act.....	2121
Public Law 93-535—Establish the Cascade Head Scenic-Research Area in the State of Oregon.....	2155
Public Law 93-538—Disabled Veterans' and Servicemen's Automobile and Adaptive Equipment Amendments of 1974.....	2158
Public Law 93-573—Amend Title 17 of the United States Code.....	2161
Public Law 93-577—Federal Nonnuclear Energy Research and Devel- opment Act of 1974.....	2164
Public Law 93-633—Hazardous Materials Transportation Act.....	2181
Public Law 93-640—National Arthritis Act of 1974.....	2199
Public Law 93-641—National Health Planning and Resources De- velopment Act of 1974.....	2207
Public Law 93-644—Headstart, Economic Opportunity, and Com- munity Partnership Act of 1974.....	2259

AUTHORIZATION AND APPROPRIATIONS ACTS,
93RD CONGRESS, 2ND SESSION (1974):

Public Law 93-269—Authorization for Office of Education Available for Obligation and Expenditure Until June 30, 1975.....	2298
Public Law 93-276—Authorization for the Atomic Energy Commis- sion.....	2301
Public Law 93-302—Authorization to Carry Out the Peace Corps Act..	2305
Public Law 93-305—Second Supplemental Appropriations Act, 1974..	2306
Public Law 93-307—Authorization for the Armed Forces during the Fiscal Year 1974.....	2344
Public Law 93-308—Amend Maritime Program Authorization.....	2346
Public Law 93-312—Amend the Department of State Authorization Act of 1973.....	2347
Public Law 93-316—Authorization for the National Aeronautics and Space Administration.....	2349
Public Law 93-321—Joint Resolution for Appropriations for the Veterans' Administration.....	2354
Public Law 93-322—Authorization for Energy Research and Devel- opment Activities of Certain Departments....	2355
Public Law 93-324—Joint Resolution on Continuing Appropriations for the Fiscal Year 1975.....	2360

	Page
Public Law 93-332—Amend the Arms Control and Disarmament Act.....	2365
Public Law 93-342—Authorization for the Saline Water Program for the Fiscal Year 1975.....	2366
Public Law 93-345—Authorization for Smithsonian Institution.....	2367
Public Law 93-351—Amend Title VII of the Older Americans Act....	2368
Public Law 93-362—Amend the Anadromous Fish Conservation Act..	2370
Public Law 93-365—Authorization for the Armed Forces During the Fiscal Year 1975.....	2371
Public Law 93-381—Appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and Other Agencies for the Fiscal Year Ending June 30, 1975.....	2381
Public Law 93-391—Appropriations for the Department of Trans- portation and Other Agencies.....	2400
Public Law 93-393—Appropriations for Public Works for Water and Power Development.....	2412
Public Law 93-404—Appropriations for the Department of the Interior and Related Agencies.....	2423
Public Law 93-413—Authorization for the National Science Founda- tion.....	2443
Public Law 93-414—Appropriations for the Department of Housing and Urban Development, NASA, NSF.....	2445
Public Law 93-430—Authorization for the Coast Guard.....	2458
Public Law 93-433—Appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies.....	2463
Public Law 93-436—Extend the Appropriation Authorization for Reporting of Weather Modification Activities.....	2486
Public Law 93-437—Appropriations for the Department of Defense for the Fiscal Year Ending June 30, 1975.....	2487
Public Law 93-448—Joint Resolution Continuing Authorization for the Fiscal Year 1975.....	2508
Public Law 93-517—Appropriations for the Departments of Labor, and Health, Education, and Welfare and Related Agencies.....	2510
ADDITIONAL MATERIALS:	
Public Law 93-126—Department of State Authorization for 1974....	2559
Public Law 93-348—National Research Act.....	2531
Public Law 94-282—National Science and Technology Policy, Organization, and Priorities Act of 1976.....	2544
Index.....	2565

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93RD CONGRESS, 1ST SESSION

H. R. 1000

H. R. 1000

TO STRENGTHEN AND IMPROVE THE OLDER AMERICANS ACT OF 1965, AND FOR OTHER PURPOSES.

AS ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, THIS LEGISLATION MAY BE CITED AS THE "OLDER AMERICANS COMPREHENSIVE CARE AND SERVICES ACT OF 1974."

TITLE I -- ORGANIZATION OF DEPARTMENT

PURPOSE AND SCOPE

SEC. 101. THE CONGRESS FINDS THAT MILLIONS OF OLDER CITIZENS IN THIS NATION ARE SUFFERING UNNECESSARILY FROM POOR LACK OF ADEQUATE SERVICES. IT IS THEREFORE THE PURPOSE OF THIS ACT, IN SUPPORT OF THE OBJECTIVES OF THE OLDER AMERICANS ACT OF 1965, TO -- (1) TO STRENGTHEN AND IMPROVE THE OLDER AMERICANS ACT OF 1965.

ALL PART AVAILABLE CURRENTLY TO THE GOVERNMENT PRINTING OFFICE

CITIZENS WHO NEED THEM.

(2) GIVE FULL AND SPECIAL CONSIDERATION TO OLDER CITIZENS WITH SPECIAL NEEDS IN PLANNING SUCH SERVICES AND, REGARDING THE AVAILABILITY OF SUCH SERVICES FOR ALL OLDER CITIZENS, GIVE PRIORITY TO THE ELDERLY WITH THE GREATEST ECONOMIC AND SOCIAL NEEDS.

(3) PROVIDE COMPREHENSIVE SERVICES WHICH WILL ASSURE THE COORDINATED DELIVERY OF -- (A) MEDICAL SERVICES TO ALL OLDER CITIZENS, AND, (B) ALSO PROVIDE MEANINGFUL EMPLOYMENT OPPORTUNITIES FOR OLDER CITIZENS, INCLUDING OLDER PERSONS, WHOSE PERSONAL AND SOCIAL NEEDS ARE MET, AND (C) INSURE THAT THE PLANNING AND DELIVERY OF SUCH SERVICES WILL BE COORDINATED WITH THE COMMUNITY DEVELOPMENT AND COMMUNITY ASSISTANCE PROGRAMS.

PART III

LAWS OF THE 93D CONGRESS RELATED TO RESEARCH AND DEVELOPMENT

SEC. 102. SECTION 101 OF THE OLDER AMERICANS ACT OF 1965 IS AMENDED BY INSERTING AFTER "SERVICES" THE FOLLOWING: "AND TO PROVIDE ASSISTANCE TO LOW-COST TRANSPORTATION."

TITLE II -- ADMINISTRATION OF OLDER

SEC. 201. (A) SECTION 101 OF THE OLDER AMERICANS ACT OF 1965 IS AMENDED TO READ AS FOLLOWS: "THE OLDER AMERICANS ACT OF 1965"

ESTABLISHMENT OF ADMINISTRATION OF OLDER

ADMINISTRATION OF OLDER INVESTIGATION IN THIS ACT WILL BE IN THE "ADMINISTRATIVE" WHICH SHALL BE CHARGED BY A COMMISSIONER ON OLDER INVESTIGATION IN THIS ACT REPEALED BY AS THE "ADMINISTRATIVE" EXCEPT FOR TITLE VI AND AS OTHERWISE SPECIFICALLY PROVIDED IN THE OLDER AMERICANS

93RD CONGRESS, 1ST SESSION

ITEM 2

00104.87.000300

PUBLIC LAW 93 - 29; 87 STAT. 30;

"OLDER AMERICANS COMPREHENSIVE SERVICE AMENDMENTS OF 1973"
(TITLES I - III)

93RD CONGRESS, S. 50

MAY 3, 1973

AN ACT

TO STRENGTHEN AND IMPROVE THE OLDER AMERICANS ACT OF 1965, AND
FOR OTHER PURPOSES.BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED
STATES OF AMERICA IN CONGRESS ASSEMBLED, THAT THIS ACT MAY BE CITED AS THE
"OLDER AMERICANS COMPREHENSIVE SERVICES AMENDMENTS OF 1973".TITLE I -- DECLARATION OF OBJECTIVES
FINDINGS AND PURPOSESSEC. 101. THE CONGRESS FINDS THAT MILLIONS OF OLDER CITIZENS IN THIS
NATION ARE SUFFERING UNNECESSARY HARM FROM THE LACK OF ADEQUATE SERVICES.
IT IS THEREFORE THE PURPOSE OF THIS ACT, IN SUPPORT OF THE OBJECTIVES OF
THE OLDER AMERICANS ACT OF 1965, TO -- //79 STAT. 218; 42 U.S.C. 3001
NOTE.//(1) MAKE AVAILABLE COMPREHENSIVE PROGRAMS WHICH INCLUDE A FULL
RANGE OF HEALTH, EDUCATION, AND SOCIAL SERVICES TO OUR OLDER
CITIZENS WHO NEED THEM,(2) GIVE FULL AND SPECIAL CONSIDERATION TO OLDER CITIZENS WITH
SPECIAL NEEDS IN PLANNING SUCH PROGRAMS, AND, PENDING THE
AVAILABILITY OF SUCH PROGRAMS FOR ALL OLDER CITIZENS, GIVE PRIORITY
TO THE ELDERLY WITH THE GREATEST ECONOMIC AND SOCIAL NEED,(3) PROVIDE COMPREHENSIVE PROGRAMS WHICH WILL ASSURE THE
COORDINATED DELIVERY OF A FULL RANGE OF ESSENTIAL SERVICES TO OUR
OLDER CITIZENS, AND, WHERE APPLICABLE, ALSO FURNISH MEANINGFUL
EMPLOYMENT OPPORTUNITIES FOR MANY INDIVIDUALS, INCLUDING OLDER
PERSONS, YOUNG PERSONS, AND VOLUNTEERS FROM THE COMMUNITY, AND(4) INSURE THAT THE PLANNING AND OPERATION OF SUCH PROGRAMS WILL
BE UNDERTAKEN AS A PARTNERSHIP OF OLDER CITIZENS, COMMUNITY
AGENCIES, AND STATE AND LOCAL GOVERNMENTS, WITH APPROPRIATE
ASSISTANCE FROM THE FEDERAL GOVERNMENT.SEC. 102. SECTION 101 (8) OF THE OLDER AMERICANS ACT OF 1965 IS AMENDED
BY INSERTING AFTER "SERVICES" THE FOLLOWING: ", INCLUDING ACCESS TO
LOW-COST TRANSPORTATION,". //42 U.S.C. 3001.//

TITLE II -- ADMINISTRATION ON AGING

SEC. 201. (A) SECTION 201 OF THE OLDER AMERICANS ACT OF 1965 IS
AMENDED TO READ AS FOLLOWS: //42 U.S.C. 3011.//

"ESTABLISHMENT OF ADMINISTRATION ON AGING

"SEC. 201. (A) THERE IS ESTABLISHED IN THE OFFICE OF THE SECRETARY AN
ADMINISTRATION ON AGING (HEREINAFTER IN THIS ACT REFERRED TO AS THE
'ADMINISTRATION') WHICH SHALL BE HEADED BY A COMMISSIONER ON AGING
(HEREINAFTER IN THIS ACT REFERRED TO AS THE 'COMMISSIONER'). EXCEPT FOR
TITLE VI AND AS OTHERWISE SPECIFICALLY PROVIDED BY THE OLDER AMERICANS

COMPREHENSIVE SERVICES AMENDMENTS OF 1973, THE ADMINISTRATION SHALL BE THE PRINCIPAL AGENCY FOR CARRYING OUT THIS ACT. IN THE PERFORMANCE OF HIS FUNCTIONS, THE COMMISSIONER SHALL BE DIRECTLY RESPONSIBLE TO THE OFFICE OF THE SECRETARY. THE SECRETARY SHALL NOT APPROVE ANY DELEGATION OF THE FUNCTIONS OF THE COMMISSIONER TO ANY OTHER OFFICER NOT DIRECTLY RESPONSIBLE TO THE COMMISSIONER UNLESS THE SECRETARY SHALL FIRST SUBMIT A PLAN FOR SUCH DELEGATION TO THE CONGRESS. SUCH DELEGATION IS EFFECTIVE AT THE END OF THE FIRST PERIOD OF SIXTY CALENDAR DAYS OF CONTINUOUS SESSION OF CONGRESS AFTER THE DATE ON WHICH THE PLAN FOR SUCH DELEGATION IS TRANSMITTED TO IT: PROVIDED, HOWEVER, THAT WITHIN THIRTY DAYS OF SUCH TRANSMITTAL, THE SECRETARY SHALL CONSULT WITH THE COMMITTEE ON LABOR AND PUBLIC WELFARE OF THE SENATE AND THE COMMITTEE ON EDUCATION AND LABOR OF THE HOUSE OF REPRESENTATIVES RESPECTING SUCH PROPOSED DELEGATION. FOR THE PURPOSE OF THIS SECTION, CONTINUITY OF SESSION IS BROKEN ONLY BY AN ADJOURNMENT OF CONGRESS SINE DIE, AND THE DAYS ON WHICH EITHER HOUSE IS NOT IN SESSION BECAUSE OF AN ADJOURNMENT OF MORE THAN THREE DAYS TO A DAY CERTAIN ARE EXCLUDED IN THE COMPUTATION OF THE THIRTY-DAY AND SIXTY-DAY PERIODS. UNDER PROVISIONS CONTAINED IN A REORGANIZATION PLAN, A PROVISION OF THE PLAN MAY BE EFFECTIVE.

"(B) THE COMMISSIONER SHALL BE APPOINTED BY THE PRESIDENT BY AND WITH THE ADVICE AND CONSENT OF THE SENATE."

(B) (1) SECTION 202 (4) OF THE OLDER AMERICANS ACT OF 1965 IS AMENDED TO READ AS FOLLOWS: //79 STAT. 220; 42 U.S.C. 3011.//

"(4) DEVELOP PLANS, CONDUCT AND ARRANGE FOR RESEARCH IN THE FIELD OF AGING, AND ASSIST IN THE ESTABLISHMENT OF AND CARRY OUT PROGRAMS DESIGNED TO MEET THE NEEDS OF OLDER PERSONS FOR SOCIAL SERVICES, INCLUDING NUTRITION, HOSPITALIZATION, PRERETIREMENT TRAINING, CONTINUING EDUCATION, LOW-COST TRANSPORTATION AND HOUSING, AND HEALTH SERVICES;" **

(2) SECTION 202 OF THE OLDER AMERICANS ACT OF 1965 IS AMENDED BY STRIKING OUT "AND" AT THE END OF PARAGRAPH (7), BY STRIKING OUT THE PERIOD AT THE END OF PARAGRAPH (8) AND INSERTING IN LIEU THEREOF "; AND", AND BY ADDING AT THE END THEREOF THE FOLLOWING NEW PARAGRAPHS:

"(9) DEVELOP BASIC POLICIES AND SET PRIORITIES WITH RESPECT TO THE DEVELOPMENT AND OPERATION OF PROGRAMS AND ACTIVITIES CONDUCTED UNDER AUTHORITY OF THIS ACT;

"(10) PROVIDE FOR THE COORDINATION OF FEDERAL PROGRAMS AND ACTIVITIES RELATED TO SUCH PURPOSES;

"(11) COORDINATE, AND ASSIST IN, THE PLANNING AND DEVELOPMENT BY PUBLIC (INCLUDING FEDERAL, STATE, AND LOCAL AGENCIES) AND NONPROFIT PRIVATE ORGANIZATIONS OF PROGRAMS FOR OLDER PERSONS, WITH A VIEW TO THE ESTABLISHMENT OF A NATIONWIDE NETWORK OF COMPREHENSIVE, COORDINATED SERVICES AND OPPORTUNITIES FOR SUCH PERSONS;

"(12) CONVENE CONFERENCES OF SUCH AUTHORITIES AND OFFICIALS OF PUBLIC (INCLUDING FEDERAL, STATE, AND LOCAL AGENCIES) AND NONPROFIT PRIVATE ORGANIZATIONS CONCERNED WITH THE DEVELOPMENT AND OPERATION OF PROGRAMS FOR OLDER PERSONS AS THE COMMISSIONER DEEMS NECESSARY OR PROPER FOR THE DEVELOPMENT AND IMPLEMENTATION OF POLICIES RELATED TO

THE PURPOSES OF THIS ACT:

"(13) DEVELOP AND OPERATE PROGRAMS PROVIDING SERVICES AND OPPORTUNITIES AS AUTHORIZED BY THIS ACT WHICH ARE NOT OTHERWISE PROVIDED BY EXISTING PROGRAMS FOR OLDER PERSONS;

"(14) CARRY ON A CONTINUING EVALUATION OF THE PROGRAMS AND ACTIVITIES RELATED TO THE PURPOSES OF THIS ACT, WITH PARTICULAR ATTENTION TO THE IMPACT OF MEDICARE AND MEDICAID, THE AGE DISCRIMINATION ACT OF 1967, AND THE PROGRAMS OF THE NATIONAL HOUSING ACT RELATING TO HOUSING FOR THE ELDERLY AND THE SETTING OF STANDARDS FOR THE LICENSING OF NURSING HOMES, INTERMEDIATE CARE HOMES, AND OTHER FACILITIES PROVIDING CARE FOR OLDER PEOPLE; //81 STAT 602; 29 U.S.C. 621 NOTE. 48 STAT. 1246; 12 U.S.C. 1701 AND NOTE.//

"(15) PROVIDE INFORMATION AND ASSISTANCE TO PRIVATE NONPROFIT ORGANIZATIONS FOR THE ESTABLISHMENT AND OPERATION BY THEM OF PROGRAMS AND ACTIVITIES RELATED TO THE PURPOSES OF THIS ACT; AND

"(16) DEVELOP, IN COORDINATION WITH OTHER AGENCIES, A NATIONAL PLAN FOR MEETING THE NEEDS FOR TRAINED PERSONNEL IN THE FIELD OF AGING, AND FOR TRAINING PERSONS FOR CARRYING OUT PROGRAMS RELATED TO THE PURPOSES OF THIS ACT, AND CONDUCT AND PROVIDE FOR THE CONDUCTING OF SUCH TRAINING."

(3) SECTION 202 OF THE ACT (AS AMENDED BY THE PRECEDING PROVISIONS OF THIS SUBSECTION) IS FURTHER AMENDED BY INSERTING "(A)" AFTER "SEC. 202.", AND BY ADDING AT THE END THEREOF THE FOLLOWING NEW SUBSECTION: //ANTE, P. 31.//

"(B) IN EXECUTING HIS DUTIES AND FUNCTIONS UNDER THIS ACT AND CARRYING OUT THE PROGRAMS AND ACTIVITIES PROVIDED FOR BY THIS ACT, THE COMMISSIONER, IN CONSULTATION WITH THE DIRECTOR OF ACTION, SHALL TAKE ALL POSSIBLE STEPS TO ENCOURAGE AND PERMIT VOLUNTARY GROUPS ACTIVE IN SOCIAL SERVICES, INCLUDING YOUTH ORGANIZATIONS ACTIVE AT THE HIGH SCHOOL OR COLLEGE LEVELS, TO PARTICIPATE AND BE INVOLVED INDIVIDUALLY OR THROUGH REPRESENTATIVE GROUPS IN SUCH PROGRAMS OR ACTIVITIES TO THE MAXIMUM EXTENT FEASIBLE, THROUGH THE PERFORMANCE OF ADVISORY OR CONSULTATIVE FUNCTIONS, AND IN OTHER APPROPRIATE WAYS."

(C) TITLE II OF THE OLDER AMERICANS ACT OF 1965 IS FURTHER AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW SECTIONS: //79 STAT. 220; 42 U.S.C. 3011.//

"FEDERAL AGENCY COOPERATION

"SEC. 203. FEDERAL AGENCIES PROPOSING TO ESTABLISH PROGRAMS SUBSTANTIALLY RELATED TO THE PURPOSES OF THIS ACT SHALL CONSULT WITH THE ADMINISTRATION ON AGING PRIOR TO THE ESTABLISHMENT OF SUCH SERVICES, AND FEDERAL AGENCIES ADMINISTERING SUCH PROGRAMS SHALL COOPERATE WITH THE ADMINISTRATION ON AGING IN CARRYING OUT SUCH SERVICES.

THE NATIONAL INFORMATION AND RESOURCE

CLEARING HOUSE FOR THE AGING

"SEC. 204. (A) THE COMMISSIONER IS AUTHORIZED AND DIRECTED TO ESTABLISH AND OPERATE A NATIONAL INFORMATION AND RESOURCE CLEARING HOUSE FOR THE AGING WHICH SHALL --

"(1) COLLECT, ANALYZE, PREPARE, AND DISSEMINATE INFORMATION

RELATED TO THE NEEDS AND INTERESTS OF OLDER PERSONS;

"(2) OBTAIN INFORMATION CONCERNING OLDER PERSONS FROM PUBLIC AND PRIVATE AGENCIES AND OTHER ORGANIZATIONS SERVING THE NEEDS AND INTERESTS OF OLDER PERSONS AND FURNISH, UPON REQUEST, INFORMATION TO SUCH AGENCIES AND ORGANIZATIONS, INCLUDING INFORMATION DEVELOPED BY FEDERAL, STATE, AND LOCAL PUBLIC AGENCIES WITH RESPECT TO PROGRAMS OF SUCH AGENCIES DESIGNED TO SERVE THE NEEDS AND INTERESTS OF OLDER PERSONS;

"(3) ENCOURAGE THE ESTABLISHMENT OF STATE AND LOCAL INFORMATION CENTERS AND PROVIDE TECHNICAL ASSISTANCE TO SUCH CENTERS, INCLUDING SOURCES ESTABLISHED UNDER SECTION 304 (C) (3) AND SECTION 305 (A) (7), TO ASSIST OLDER PERSONS TO HAVE READY ACCESS TO INFORMATION; AND

"(4) CARRY OUT A SPECIAL PROGRAM FOR THE COLLECTION AND DISSEMINATION OF INFORMATION RELEVANT TO CONSUMER INTERESTS OF OLDER PERSONS IN ORDER THAT SUCH OLDER PERSONS MAY MORE READILY OBTAIN INFORMATION CONCERNING GOODS AND SERVICES NEEDED BY THEM.

"(B) THE COMMISSIONER SHALL TAKE WHATEVER ACT IS NECESSARY TO ACHIEVE COORDINATION OF ACTIVITIES CARRIED OUT OR ASSISTED BY ALL DEPARTMENTS, AGENCIES, AND INSTRUMENTALITIES OF THE FEDERAL GOVERNMENT WITH RESPECT TO THE COLLECTION, PREPARATION, AND DISSEMINATION OF INFORMATION RELEVANT TO OLDER PERSONS. TO THE EXTENT PRACTICABLE, THE COMMISSIONER SHALL CARRY OUT HIS FUNCTIONS UNDER THIS SUBSECTION THROUGH THE NATIONAL INFORMATION AND RESOURCE CLEARING HOUSE FOR THE AGING.

"(C) THERE ARE AUTHORIZED TO BE APPROPRIATED TO CARRY OUT THE PURPOSES OF THIS SECTION DURING THE FISCAL YEAR ENDING JUNE 30, 1973, THE FISCAL YEAR ENDING JUNE 30, 1974, AND THE FISCAL YEAR ENDING JUNE 30, 1975, SUCH SUMS AS MAY BE NECESSARY.

"FEDERAL COUNCIL ON THE AGING

"SEC. 205. (A) THERE IS ESTABLISHED A FEDERAL COUNCIL ON THE AGING TO BE COMPOSED OF FIFTEEN MEMBERS APPOINTED BY THE PRESIDENT WITH THE ADVICE AND CONSENT OF THE SENATE FOR TERMS OF THREE YEARS WITHOUT REGARD TO THE PROVISIONS OF TITLE 5, UNITED STATES CODE. MEMBERS SHALL BE APPOINTED SO AS TO BE REPRESENTATIVE OF OLDER AMERICANS, NATIONAL ORGANIZATIONS WITH AN INTEREST IN AGING, BUSINESS, LABOR, AND THE GENERAL PUBLIC. AT LEAST FIVE OF THE MEMBERS SHALL THEMSELVES BE OLDER PERSONS. //80 STAT. 378; 5 U.S.C. 101-//

"(B) (1) OF THE MEMBERS FIRST APPOINTED, FIVE SHALL BE APPOINTED FOR A TERM OF ONE YEAR, FIVE SHALL BE APPOINTED FOR A TERM OF TWO YEARS, AND FIVE SHALL BE APPOINTED FOR A TERM OF THREE YEARS, AS DESIGNATED BY THE PRESIDENT AT THE TIME OF APPOINTMENT.

"(2) ANY MEMBER APPOINTED TO FILL A VACANCY OCCURRING PRIOR TO THE EXPIRATION OF THE TERM FOR WHICH HIS PREDECESSOR WAS APPOINTED SHALL BE APPOINTED ONLY FOR THE REMAINDER OF SUCH TERM. MEMBERS SHALL BE ELIGIBLE FOR REAPPOINTMENT AND MAY SERVE AFTER THE EXPIRATION OF THEIR TERMS UNTIL THEIR SUCCESSORS HAVE TAKEN OFFICE.

"(3) ANY VACANCY IN THE COUNCIL SHALL NOT AFFECT ITS POWERS, BUT SHALL BE FILLED IN THE SAME MANNER BY WHICH THE ORIGINAL APPOINTMENT WAS MADE.

"(4) MEMBERS OF THE COUNCIL SHALL, WHILE SERVING ON BUSINESS OF THE COUNCIL, BE ENTITLED TO RECEIVE COMPENSATION AT A RATE NOT TO EXCEED THE DAILY RATE SPECIFIED FOR GRADE GS - 18 IN SECTION 5332 OF TITLE 5, UNITED STATES CODE, INCLUDING TRAVELTIME, AND WHILE SO SERVING AWAY FROM THEIR HOMES OR REGULAR PLACES OF BUSINESS, THEY MAY BE ALLOWED TRAVEL EXPENSES, INCLUDING PER DIEM IN LIEU OF SUBSISTENCE, IN THE SAME MANNER AS THE EXPENSES AUTHORIZED BY SECTION 5703 (8) OF TITLE 5, UNITED STATES CODE, FOR PERSONS IN THE GOVERNMENT SERVICE EMPLOYED INTERMITTENTLY. //5 U.S.C. 5332 NOTE., 80 STAT. 499; 83 STAT. 190.//

"(C) THE PRESIDENT SHALL DESIGNATE THE CHAIRMAN FROM AMONG THE MEMBERS APPOINTED TO THE COUNCIL. THE COUNCIL SHALL MEET AT THE CALL OF THE CHAIRMAN BUT NOT LESS OFTEN THAN FOUR TIMES A YEAR. THE SECRETARY AND THE COMMISSIONER ON AGING SHALL BE EX OFFICIO MEMBERS OF THE COUNCIL.

"(D) THE COUNCIL SHALL --

"(1) ADVISE AND ASSIST THE PRESIDENT ON MATTERS RELATING TO THE SPECIAL NEEDS OF OLDER AMERICANS;

"(2) ASSIST THE COMMISSIONER IN MAKING THE APPRIASAL OF NEEDS REQUIRED BY SECTION 402; //POST, P. 45.//

"(3) REVIEW AND EVALUATE, ON A CONTINUING BASIS, FEDERAL POLICIES REGARDING THE AGING AND PROGRAMS AND OTHER ACTIVITIES AFFECTING THE AGING CONDUCTED OR ASSISTED BY ALL FEDERAL DEPARTMENTS AND AGENCIES FOR THE PURPOSE OF APPRAISING THEIR VALUE AND THEIR IMPACT ON THE LIVES OF OLDER AMERICANS; AND

"(4) SERVE AS A SPOESMAN ON BEHALF OF OLDER AMERICANS BY MAKING RECOMMENDATIONS TO THE PRESIDENT, TO THE SECRETARY, THE COMMISSIONER, AND TO THE CONGRESS WITH RESPECT TO FEDERAL POLICIES REGARDING THE AGING AND FEDERALLY CONDUCTED OR ASSISTED PROGRAMS AND OTHER ACTIVITIES RELATING TO OR AFFECTING THEM;

"(4) INFORM THE PUBLIC ABOUT THE PROBLEMS AND NEEDS OF THE AGING, IN CONSULTATION WITH THE NATIONAL INFORMATION AND RESOURCE CLEARING HOUSE FOR THE AGING, BY COLLECTING AND DISSEMINATING INFORMATION, CONDUCTING OR COMMISSIONING STUDIES AND PUBLISHING THE RESULTS THEREOF, AND BY ISSUING PUBLICATIONS AND REPORTS; AND

"(6) PROVIDE PUBLIC FORUMS FOR DISCUSSING AND PUBLICIZING THE PROBLEMS AND NEEDS OF THE AGING AND OBTAINING INFORMATION RELATING THERETO BY CONDUCTING PUBLIC HEARINGS, AND BY CONDUCTING OR SPONSORING CONFERENCES, WORKSHOPS, AND OTHER SUCH MEETINGS.

"(E) THE SECRETARY AND THE COMMISSIONER SHALL MAKE AVAILABLE TO THE COUNCIL SUCH STAFF, INFORMATION, AND OTHER ASSISTANCE AS ITMAY REQUIRE TO CARRY OUT ITS ACTIVITIES.

"(F) BEGINNING WITH THE YEAR 1974 THE COUNCIL SHALL MAKE SUCH INTERIM REPORTS AS IT DEEMS ADVISABLE AND AN ANNUAL REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE PRESIDENT NOT LATER THAN MARCH 31 OF EACH YEAR. THE PRESIDENT SHALL TRANSMIT EACH SUCH REPORT TO THE CONGRESS TOGETHER WITH HIS COMMENTS AND RECOMMENDATIONS.

"(G) THE COUNCIL SHALL UNDERTAKE A STUDY OF THE INTERRELATIONSHIPS OF BENEFIT PROGRAMS FOR THE ELDERLY OPERATED BY FEDERAL, STATE, AND LOCAL GOVERNMENT AGENCIES. FOLLOWING THE COMPLETION OF THIS STUDY, BUT NO LATER

THAN EIGHTEEN MONTHS AFTER ENACTMENT OF THIS ACT, THE PRESIDENT SHALL SUBMIT TO CONGRESS RECOMMENDATIONS FOR BRINGING ABOUT GREATER UNIFORMITY OF ELIGIBILITY STANDARDS, AND FOR ELIMINATING THE NEGATIVE IMPACT THAT ONE PAROGRAM'S STANDARDS MAY HAVE ON ANOTHER.

"(H) THE COUNCIL SHALL UNDERTAKE A STUDY OF THE COMBINED IMPACT OF ALL TAXES ON THE ELDERLY -- INCLUDING BUT NOT LIMITED TO INCOME, PROPERTY, SALES, SOCIAL SECURITY TAXES. UPON COMPLETION OF THIS STUDY, BUT NO LATER THAN EIGHTEEN MONTHS AFTER ENACTMENT OF THIS ACT, THE PRESIDENT SHALL SUBMIT TO CONGRESS, AND TO THE GOVERNOR AND LEGISLATURES OF THE STATES, THE RESULTS THEREOF AND SUCH RECOMMENDATIONS AS HE DEEMS NECESSARY.

"(I) THE COUNCIL SHALL UNDERTAKE A STUDY OR STUDIES CONCERNING THE EFFECTS OF THE FORMULAE SPECIFIED IN SECTION 303 FOR ALLOTMENT AMONG THE STATES OF SUMS APPROPRIATED FOR AREA PLANNING AND SOCIAL SERVICE PROGRAMS AUTHORIZED UNDER TITLE III OF THIS ACT. UPON COMPLETION OF THIS STUDY, NOT NO LATER THAN JANUARY 1, 1975, THE RESULTS OF SUCH STUDY TOGETHER WITH RECOMMENDATIONS FOR SUCH CHANGES IF ANY, IN SUCH FORMULAE AS MAY BE DETERMINED TO BE DESIRABLE, AND THE JUSTIFICATION FOR ANY CHANGES RECOMMENDED, SHALL BE SUBMITTED TO THE COMMISSIONER, THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE, THE COMMITTEE ON LABOR AND PUBLIC WELFARE OF THE SENATE, AND THE COMMITTEE ON EDUCATION AND LABOR OF THE HOUSE OF REPRESENTATIVES. //POST, P. 37., POST, P. 36.//

"ADMINISTRATION OF THE ACT

"SEC. 206. (A) IN CARRYING OUT THE PURPOSES OF THIS ACT, THE COMMISSIONER IS AUTHORIZED TO:

- "(1) PROVIDE CONSULTATIVE SERVICES AND TECHNICAL ASSISTANCE TO PUBLIC OR NONPROFIT PRIVATE AGENCIES AND ORGANIZATIONS;
- "(2) PROVIDE SHORT-TERM TRAINING AND TECHNICAL INSTRUCTION;
- "(3) CONDUCT RESEARCH AND DEMONSTRATIONS;
- "(4) COLLECT, PREPARE, PUBLISH, AND DISSEMINATE SPECIAL EDUCATIONAL OR INFORMATIONAL MATERIALS, INCLUDING REPORTS OF THE PROJECTS FOR WHICH FUNDS ARE PROVIDED UNDER THIS ACT; AND
- "(5) PROVIDE STAFF AND OTHER TECHNICAL ASSISTANCE TO THE FEDERAL COUNCIL ON THE AGING.

"(B) IN ADMINISTERING HIS FUNCTIONS UNDER THIS ACT, THE COMMISSIONER MAY UTILIZE THE SERVICES AND FACILITIES OF ANY AGENCY OF THE FEDERAL GOVERNMENT AND OF ANY OTHER PUBLIC OR NONPROFIT AGENCY OR ORGANIZATION, IN ACCORDANCE WITH AGREEMENTS BETWEEN THE COMMISSIONER AND THE HEAD THEREOF, AND IS AUTHORIZED TO PAY THEREFOR, IN ADVANCE OR BY WAY OF REIMBURSEMENT, AS MAY BE PROVIDED IN THE AGREEMENT.

"(C) FOR THE PURPOSE OF CARRYING OUT THIS SECTION, THERE ARE AUTHORIZED TO BE APPROPRIATED SUCH SUMS AS MAY BE NECESSARY.

"EVALUATION

"SEC. 207. (A) THE SECRETARY SHALL MEASURE AND EVALUATE THE IMPACT OF ALL PROGRAMS AUTHORIZED BY THIS ACT, THEIR EFFECTIVENESS IN ACHIEVING STATED GOALS IN GENERAL, AND IN RELATION TO THEIR COST, THEIR IMPACT ON RELATED PROGRAMS, AND THEIR STRUCTURE AND MECHANISMS FOR DELIVERY OF SERVICES, INCLUDING WHERE APPROPRIATE, COMPARISONS WITH APPROPRIATE CONTROL GROUPS COMPOSED OF PERSONS WHO HAVE NOT PARTICIPATED IN SUCH

PROGRAMS. EVALUATIONS SHALL BE CONDUCTED BY PERSONS NOT IMMEDIATELY INVOLVED IN THE ADMINISTRATION OF THE PROGRAM OR PROJECT EVALUATED.

"(B) THE SECRETARY MAY NOT MAKE GRANTS OR CONTRACTS UNDER SECTION 308 OR TITLE IV OF THIS ACT UNTIL HE HAS DEVELOPED AND PUBLISHED GENERAL STANDARDS TO BE USED BY HIM IN EVALUATING THE PROGRAMS AND PROJECTS ASSISTED UNDER SUCH SECTION OR TITLE. RESULTS OF EVALUATIONS CONDUCTED PURSUANT TO SUCH STANDARDS SHALL BE INCLUDED IN THE REPORTS REQUIRED BY SECTION 208. //POST, PP. 44, 45.//

"(C) IN CARRYING OUT EVALUATIONS UNDER THIS SECTION, THE SECRETARY SHALL, WHENEVER POSSIBLE, ARRANGE TO OBTAIN THE OPINIONS OF PROGRAM AND PROJECT PARTICIPANTS ABOUT THE STRENGTHS AND WEAKNESSES OF THE PROGRAMS AND PROJECTS.

"(D) THE SECRETARY SHALL ANNUALLY PUBLISH SUMMARIES OF THE RESULTS OF EVALUATIVE RESEARCH AND EVALUATION OF PROGRAM AND PROJECT IMPACT AND EFFECTIVENESS, THE FULL CONTENTS OF WHICH SHALL BE AVAILABLE TO CONGRESS AND THE PUBLIC. **

"(E) THE SECRETARY SHALL TAKE THE NECESSARY ACTION TO ASSURE THAT ALL STUDIES, EVALUATIONS, PROPOSALS, AND DATA PRODUCED OR DEVELOPED WITH FEDERAL FUNDS SHALL BECOME THE PROPERTY OF THE UNITED STATES.

"(F) SUCH INFORMATION AS THE SECRETARY MAY DEEM NECESSARY FOR PURPOSES OF THE EVALUATIONS CONDUCTED UNDER THIS SECTION SHALL BE MADE AVAILABLE TO HIM, UPON REQUEST, BY THE DEPARTMENTS AND AGENCIES OF THE EXECUTIVE BRANCH.

"(G) THE SECRETARY IS AUTHORIZED TO USE SUCH SUMS AS MAY BE REQUIRED, BUT NOT TO EXCEED 1 PER CENTUM OF THE FUNDS APPROPRIATED UNDER THIS ACT, OR \$1,000,000 WHICHEVER IS GREATER, TO CONDUCT PROGRAM AND PROJECT EVALUATIONS (DIRECTLY, OR BY GRANTS OR CONTRACTS) AS REQUIRED BY THIS TITLE. IN THE CASE OF ALLOTMENTS FROM SUCH AN APPROPRIATION, THE AMOUNT AVAILABLE FOR SUCH ALLOTMENTS (AND THE AMOUNT DEEMED APPROPRIATED THEREFOR) SHALL BE REDUCED ACCORDINGLY.

"REPORTS

"SEC. 208. NOT LATER THAN ONE HUNDRED AND TWENTY DAYS AFTER THE CLOSE OF EACH FISCAL YEAR, THE COMMISSIONER SHALL PREPARE AND SUBMIT TO THE PRESIDENT FOR TRANSMITTAL TO THE CONGRESS A FULL AND COMPLETE REPORT ON THE ACTIVITIES CARRIED OUT UNDER THIS ACT. SUCH ANNUAL REPORTS SHALL INCLUDE STATISTICAL DATA REFLECTING SERVICES AND ACTIVITIES PROVIDED INDIVIDUALS DURING THE PRECEDING FISCAL YEAR.

"JOINT FUNDING OF PROJECTS

"SEC. 209. PURSUANT TO REGULATIONS PRESCRIBED BY THE PRESIDENT, AND TO THE EXTENT CONSISTENT WITH THE OTHER PROVISIONS OF THIS ACT, WHERE FUNDS ARE PROVIDED FOR A SINGLE PROJECT BY MORE THAN ONE FEDERAL AGENCY TO ANY AGENCY OR ORGANIZATION ASSISTED UNDER THIS ACT, THE FEDERAL AGENCY PRINCIPALLY INVOLVED MAY BE DESIGNATED TO ACT FOR ALL IN ADMINISTERING THE FUNDS PROVIDED. IN SUCH CASES, A SINGLE NON-FEDERAL SHARE REQUIREMENT MAY BE ESTABLISHED ACCORDING TO THE PROPORTION OF FUNDS ADVANCED BY EACH FEDERAL AGENCY, AND ANY SUCH AGENCY MAY WAIVE ANY TECHNICAL GRANT OR CONTRACT REQUIREMENT (AS DEFINED BY SUCH REGULATIONS) WHICH IS INCONSISTENT WITH THE SIMILAR REQUIREMENTS OF THE ADMINISTERING AGENCY OR

WHICH THE ADMINISTERING AGENCY DOES NOT IMPOSE.

"ADVANCE FUNDING

"SEC. 210. (A) FOR THE PURPOSE OF AFFORDING ADEQUATE NOTICE OF FUNDING AVAILABLE UNDER THIS ACT, APPROPRIATIONS UNDER THIS ACT ARE AUTHORIZED TO BE INCLUDED IN THE APPROPRIATION ACT FOR THE FISCAL YEAR PRECEDING THE FISCAL YEAR FOR WHICH THEY ARE AVAILABLE FOR OBLIGATION.

"(B) IN ORDER TO EFFECT A TRANSITION TO THE ADVANCE FUNDING METHOD OF TIMING APPROPRIATION ACTION, THE AMENDMENT MADE BY SUBSECTION (A) SHALL APPLY NOTWITHSTANDING THAT ITS INITIAL APPLICATION WILL RESULT IN THE ENACTMENT IN THE SAME YEAR (WHETHER IN THE SAME APPROPRIATION ACT OR OTHERWISE) OF TWO SEPARATE APPROPRIATIONS, ONE FOR THE THEN CURRENT FISCAL YEAR AND ONE FOR THE SUCCEEDING FISCAL YEAR."

SEC. 202. TITLE VIII OF THE OLDER AMERICANS ACT OF 1965 IS HEREBY REPEALED. //86 STAT. 88., 42 U.S.C. 3045.//

TITLE III -- GRANTS FOR STATE AND AREA PROGRAMS

SEC. 301. THE OLDER AMERICANS ACT OF 1965 IS AMENDED BY STRIKING OUT TITLE III AND INSERTING IN LIEU THEREOF THE FOLLOWING NEW TITLE: //79 STAT. 220; 83 STAT. 138., 42 U.S.C. 3021.//

"TITLE III -- GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

"PURPOSE

"SEC. 301. IT IS THE PURPOSE OF THIS TITLE TO ENCOURAGE AND ASSIST STATE AND LOCAL AGENCIES TO CONCENTRATE RESOURCES IN ORDER TO DEVELOP GREATER CAPACITY AND FOSTER THE DEVELOPMENT OF COMPREHENSIVE AND COORDINATED SERVICE SYSTEMS TO SERVE OLDER PERSONS BY ENTERING INTO NEW COOPERATIVE ARRANGEMENTS WITH EACH OTHER AND WITH PROVIDERS OF SOCIAL SERVICES FOR PLANNING FOR THE PROVISION OF, AND PROVIDING, SOCIAL SERVICES AND, WHERE NECESSARY, TO REORGANIZE OR REASSIGN FUNCTIONS, IN ORDER TO --

"(1) SECURE AND MAINTAIN MAXIMUM INDEPENDENCE AND DIGNITY IN A HOME ENVIRONMENT FOR OLDER PERSONS CAPABLE OF SELF CARE WITH APPROPRIATE SUPPORTIVE SERVICES; AND

"(2) REMOVE INDIVIDUAL AND SOCIAL BARRIERS TO ECONOMIC AND PERSONAL INDEPENDENCE FOR OLDER PERSONS.

"DEFINITIONS

"SEC. 302. FOR PURPOSES OF THIS TITLE --

"(1) THE TERM 'SOCIAL SERVICES' MEANS ANY OF THE FOLLOWING SERVICES WHICH MEET SUCH STANDARDS AS THE COMMISSIONER MAY PRESCRIBE:

"(A) HEALTH, CONTINUING EDUCATION, WELFARE, INFORMATIONAL, RECREATIONAL, HOMEMAKER, COUNSELING, OR REFERRAL SERVICES;

"(B) TRANSPORTATION SERVICES WHERE NECESSARY TO FACILITATE ACCESS TO SOCIAL SERVICES;

"(C) SERVICES DESIGNED TO ENCOURAGE AND ASSIST OLDER PERSONS TO USE THE FACILITIES AND SERVICES AVAILABLE TO THEM;

"(D) SERVICES DESIGNED TO ASSIST OLDER PERSONS TO OBTAIN ADEQUATE HOUSING;

"(E) SERVICES DESIGNED TO ASSIST OLDER PERSONS IN AVOIDING INSTITUTIONALIZATION, INCLUDING PREINSTITUTIONALIZATION EVALUATION AND SCREENING, AND HOME HEALTH SERVICES; OR

"(F) ANY OTHER SERVICES;

IF SUCH SERVICES ARE NECESSARY FOR THE GENERAL WELFARE OF OLDER PERSONS.

"(2) THE TERM 'UNIT OF GENERAL PURPOSE LOCAL GOVERNMENT' MEANS (A) A POLITICAL SUBDIVISION OF THE STATE WHOSE AUTHORITY IS BROAD AND GENERAL AND IS NOT LIMITED TO ONLY ONE FUNCTION OR A COMBINATION OF RELATED FUNCTIONS, OR (B) AN INDIAN TRIBAL ORGANIZATION.

"(3) THE TERM 'COMPREHENSIVE AND COORDINATED SYSTEM' MEANS A SYSTEM FOR PROVIDING ALL NECESSARY SOCIAL SERVICES IN A MANNER DESIGNED TO --

"(A) FACILITATE ACCESSIBILITY TO AND UTILIZATION OF ALL SOCIAL SERVICES PROVIDED WITHIN THE GEOGRAPHIC AREA SERVED BY SUCH SYSTEM BY ANY PUBLIC OR PRIVATE AGENCY OR ORGANIZATION;

"(B) DEVELOP AND MAKE THE MOST EFFICIENT USE OF SOCIAL SERVICES IN MEETING THE NEEDS OF OLDER PERSONS; AND

"(C) USE AVAILABLE RESOURCES EFFICIENTLY AND WITH A MINIMUM OF DUPLICATION.

"AREA PLANNING AND SOCIAL SERVICE PROGRAMS

"SEC. 303. (A) THERE ARE AUTHORIZED TO BE APPROPRIATED SUCH SUMS AS MAY BE NECESSARY FOR THE FISCAL YEAR ENDING JUNE 30, 1973, \$103,600,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, AND \$130,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, TO ENABLE THE COMMISSIONER TO MAKE GRANTS TO EACH STATE WITH A STATE PLAN APPROVED UNDER SECTION 305 (EXCEPT AS PROVIDED IN SECTION 307 (A) FOR PAYING PART OF THE COST (PURSUANT TO SUBSECTION (E) OF THIS SECTION AND SECTION 306) OF --

"(1) THE ADMINISTRATION OF AREA PLANS BY AREA AGENCIES ON AGING DESIGNATED PURSUANT TO SECTION 304 (A) (2) (A), INCLUDING THE PREPARATION OF AREA PLANS ON AGING CONSISTENT WITH SECTION 304 (C) AND THE EVALUATION OF ACTIVITIES CARRIED OUT UNDER SUCH PLANS;

"(2) THE DEVELOPMENT OF COMPREHENSIVE AND COORDINATED SYSTEMS FOR THE DELIVERY OF SOCIAL SERVICES; AND

"(3) ACTIVITIES CARRIED OUT PURSUANT TO SECTION 306.

"(B) (1) FROM THE SUMS AUTHORIZED TO BE APPROPRIATED FOR THE FISCAL YEAR ENDING JUNE 30, 1973, UNDER SUBSECTION (A) OF THIS SECTION, (A) GUAM, AMERICAN SAMOA, THE VIRGIN ISLANDS, AND THE TRUST TERRITORY OF THE PACIFIC ISLANDS SHALL EACH BE ALLOTTED AN AMOUNT EQUAL TO ONE-FOURTH OF 1 PER CENTUM OF SUCH SUM, (B) EACH OTHER STATE SHALL BE ALLOTTED AN AMOUNT EQUAL TO ONE-HALF OF 1 PER CENTUM OF SUCH SUM, AND (C) FROM THE REMAINDER OF THE SUM SO APPROPRIATED, EACH STATE SHALL BE ALLOTTED AN ADDITIONAL AMOUNT WHICH BEARS THE SAME RATIO TO SUCH REMAINDER AS THE POPULATION AGED SIXTY OR OVER IN SUCH STATE BEARS TO THE POPULATION AGED SIXTY OR OVER IN ALL STATES.

"(2) FROM THE SUMS APPROPRIATED FOR THE FISCAL YEAR ENDING JUNE 30, 1974, AND FOR THE FISCAL YEAR ENDING JUNE 30, 1975, EACH STATE SHALL BE ALLOTTED AN AMOUNT WHICH BEARS THE SAME RATIO TO SUCH SUMS AS THE POPULATION AGED SIXTY OR OVER IN SUCH STATE BEARS TO THE POPULATION AGED SIXTY OR OVER IN ALL STATES, EXCEPT THAT (A) NO STATE SHALL BE ALLOTTED LESS THAN ONE-HALF OF 1 PER CENTUM OF THE SUM APPROPRIATED FOR THE FISCAL YEAR FOR WHICH THE DETERMINATION WAS MADE; (B) GUAM, AMERICAN SAMOA, THE VIRGIN ISLANDS, AND THE TRUST TERRITORY OF THE PACIFIC ISLANDS SHALL EACH

BE ALLOTTED NO LESS THAN ONE-FOURTH OF 1 PER CENTUM OF THE SUM APPROPRIATED FOR THE FISCAL YEAR FOR WHICH THE DETERMINATION IS MADE; AND (C) NO STATE SHALL BE ALLOTTED AN AMOUNT LESS THAN THAT STATE RECEIVED FOR THE FISCAL YEAR ENDING JUNE 30, 1973. FOR THE PURPOSE OF THE EXCEPTION CONTAINED IN CLAUSE (A) OF THIS PARAGRAPH ONLY, THE TERM 'STATE' DOES NOT INCLUDE GUAM, AMERICAN SAMOA, THE VIRGIN ISLANDS, AND THE TRUST TERRITORY OF THE PACIFIC ISLANDS.

"(3) THE NUMBER OF PERSONS AGED SIXTY OR OVER IN ANY STATE AND IN ALL STATES SHALL BE DETERMINED BY THE COMMISSIONER ON THE BASIS OF THE MOST RECENT AND SATISFACTORY DATA AVAILABLE TO HIM.

"(C) WHENEVER THE COMMISSIONER DETERMINES THAT ANY AMOUNT ALLOTTED TO A STATE FOR A FISCAL YEAR UNDER THIS SECTION WILL NOT BE USED BY SUCH STATE FOR CARRYING OUT THE PURPOSE FOR WHICH THE ALLOTMENT WAS MADE, HE SHALL MAKE SUCH AMOUNT AVAILABLE FOR CARRYING OUT SUCH PURPOSE TO ONE OR MORE OTHER STATES TO THE EXTENT HE DETERMINES SUCH OTHER STATES WILL BE ABLE TO USE SUCH ADDITIONAL AMOUNT FOR CARRYING OUT SUCH PURPOSE. ANY AMOUNT MADE AVAILABLE TO A STATE FROM AN APPROPRIATION FOR A FISCAL YEAR PURSUANT TO THE PRECEDING SENTENCE SHALL, FOR PURPOSES OF THIS TITLE, BE REGARDED AS PART OF SUCH STATE'S ALLOTMENT (AS DETERMINED UNDER THE PRECEDING PROVISIONS OF THIS SECTION) FOR SUCH YEAR.

"(D) THE ALLOTMENT OF A STATE UNDER THIS SECTION FOR THE 1 FISCAL YEAR ENDING JUNE 30, 1973, SHALL REMAIN AVAILABLE UNTIL THE CLOSE OF THE FOLLOWING FISCAL YEAR.

"(E) FROM A STATE'S ALLOTMENT UNDER THIS SECTION FOR A FISCAL YEAR --

"(1) SUCH AMOUNT AS THE STATE AGENCY DETERMINES, BUT NOT MORE THAN 15 PER CENTUM THEREOF, SHALL BE AVAILABLE FOR PAYING SUCH PERCENTAGE AS SUCH AGENCY DETERMINES, BUT NOT MORE THAN 75 PER CENTUM, OF THE COST OF ADMINISTRATION OF AREA PLANS; AND

"(2) SUCH AMOUNT AS THE STATE AGENCY DETERMINES, BUT (BEGINNING WITH THE FISCAL YEAR ENDING JUNE 30, 1975) NOT MORE THAN 20 PER CENTUM THEREOF, SHALL BE AVAILABLE FOR PAYING SUCH PERCENTAGE AS SUCH AGENCY DETERMINES, BUT NOT MORE THAN 75 PER CENTUM, OF THE COST OF SOCIAL SERVICES WHICH ARE NOT PROVIDED AS A PART OF A COMPREHENSIVE AND COORDINATED SYSTEM IN PLANNING AND SERVICE AREAS FOR WHICH THERE IS AN AREA PLAN APPROVED BY THE STATE AGENCY.

"ORGANIZATION

"STATE ORGANIZATION

"SEC. 304. (A) IN ORDER FOR A STATE TO BE ELIGIBLE TO PARTICIPATE IN THE PROGRAMS OF GRANTS TO STATES FROM ALLOTMENTS UNDER SECTION 303 AND SECTION 306 --

"(1) THE STATE SHALL, IN ACCORDANCE WITH REGULATIONS OF THE COMMISSIONER, DESIGNATE A STATE AGENCY AS THE SOLE STATE AGENCY (HEREINAFTER IN THIS TITLE REFERRED TO AS 'THE STATE AGENCY') TO: (A) DEVELOP THE STATE PLAN TO BE SUBMITTED TO THE COMMISSIONER FOR APPROVAL UNDER SECTION 305, (B) ADMINISTER THE STATE PLAN WITHIN SUCH STATE, (C) BE PRIMARILY RESPONSIBLE FOR THE COORDINATION OF ALL STATE ACTIVITIES RELATED TO THE PURPOSES OF THIS ACT, (D) REVIEW AND COMMENT ON, AT THE REQUEST OF ANY FEDERAL DEPARTMENT OR AGENCY, ANY

APPLICATION FROM ANY AGENCY OR ORGANIZATION WITHIN SUCH STATE TO SUCH FEDERAL DEPARTMENT OR AGENCY FOR ASSISTANCE RELATED TO MEETING THE NEEDS OF OLDER PERSONS; AND (F) DIVIDE THE ENTIRE STATE INTO DISTINCT AREAS (HEREINAFTER IN THIS TITLE REFERRED TO AS 'PLANNING AND SERVICE AREAS'), IN ACCORDANCE WITH REGULATIONS OF THE COMMISSIONER, AFTER CONSIDERING THE GEOGRAPHICAL DISTRIBUTION OF INDIVIDUALS AGED SIXTY AND OLDER IN THE STATE, THE INCIDENCE OF THE NEED FOR SOCIAL SERVICES (INCLUDING THE NUMBERS OF OLDER PERSONS WITH LOW INCOMES RESIDING IN SUCH AREAS), THE DISTRIBUTION OF RESOURCES AVAILABLE TO PROVIDE SUCH SERVICES, THE BOUNDARIES OF EXISTING AREAS WITHIN THE STATE WHICH WERE DRAWN FOR THE PLANNING OR ADMINISTRATION OF SOCIAL SERVICES PROGRAMS, THE LOCATION OF UNITS OF GENERAL PURPOSE LOCAL GOVERNMENT WITHIN THE STATE, AND ANY OTHER RELEVANT FACTORS: PROVIDED, THAT ANY UNIT OF GENERAL PURPOSE LOCAL GOVERNMENT WHICH HAS A POPULATION AGED SIXTY OR OVER OF FIFTY THOUSAND OR MORE OR WHICH CONTAINS 15 PER CENTUM OR MORE OF THE STATE'S POPULATION AGED SIXTY OR OVER SHALL BE DESIGNATED AS A PLANNING AND SERVICE AREA; EXCEPT THAT THE STATE MAY DESIGNATE AS A PLANNING AND SERVICE AREA, ANY REGION WITHIN THE STATE RECOGNIZED FOR PURPOSES OF AREA-WIDE PLANNING WHICH INCLUDES ONE OR MORE SUCH UNITS OF GENERAL PURPOSE LOCAL GOVERNMENT WHEN THE STATE DETERMINES THAT THE DESIGNATION OF SUCH A REGIONAL PLANNING AND SERVICE AREA IS NECESSARY FOR, AND WILL ENHANCE, THE EFFECTIVE ADMINISTRATION OF THE PROGRAMS AUTHORIZED BY THIS TITLE, THE STATE MAY INCLUDE IN ANY PLANNING AND SERVICE AREA DESIGNATED PURSUANT TO THIS PROVISION SUCH ADDITIONAL AREAS ADJACENT TO THE UNIT OF GENERAL PURPOSE LOCAL GOVERNMENT OR REGION SO DESIGNATED AS THE STATE DETERMINES TO BE NECESSARY FOR, AND WILL ENHANCE, THE EFFECTIVE ADMINISTRATION OF THE PROGRAMS AUTHORIZED BY THIS TITLE, AND

"(2) THE STATE AGENCY DESIGNATED PURSUANT TO PARAGRAPH (1) SHALL

--

"(A) DETERMINE FOR WHICH PLANNING AND SERVICE AREAS AN AREA PLAN WILL BE DEVELOPED, IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION, AND FOR EACH SUCH AREA DESIGNATE, AFTER CONSIDERATION OF THE VIEWS OFFERED BY THE UNIT OR UNITS OF GENERAL PURPOSE LOCAL GOVERNMENT IN SUCH AREA, A PUBLIC OR NONPROFIT PRIVATE AGENCY OR ORGANIZATION AS THE AREA AGENCY ON AGING FOR SUCH AREA; AND

"(B) PROVIDE ASSURANCES, SATISFACTORY TO THE COMMISSIONER THAT THE STATE AGENCY WILL TAKE INTO ACCOUNT, IN CONNECTION WITH MATTERS OF GENERAL POLICY ARISING IN THE DEVELOPMENT AND ADMINISTRATION OF THE STATE PLAN FOR ANY FISCAL YEAR, THE VIEWS OF RECIPIENTS OF SOCIAL SERVICES PROVIDED UNDER SUCH PLAN.

"AREA ORGANIZATION

"(B) AN AREA AGENCY ON AGING DESIGNATED UNDER SUBSECTION (A) MUST BE --

"(1) AN ESTABLISHED OFFICE OF AGING WHICH IS OPERATING WITHIN A PLANNING AND SERVICE AREA DESIGNATED PURSUANT TO SUBSECTION (A) OF THIS SECTION, OR

"(2) ANY OFFICE OR AGENCY OF A UNIT OF GENERAL PURPOSE LOCAL

GOVERNMENT, WHICH IS DESIGNATED FOR THIS PURPOSES BY THE CHIEF ELECTED OFFICIAL OR OFFICIALS OF SUCH UNIT, OR

"(3) ANY OFFICE OR AGENCY DESIGNATED BY THE CHIEF ELECTED OFFICIAL OR OFFICIALS OF A COMBINATION OF UNITS OF GENERAL PURPOSE LOCAL GOVERNMENT TO ACT ON BEHALF OF SUCH COMBINATION FOR THIS PURPOSE, OR

"(4) ANY PUBLIC OR NONPROFIT PRIVATE AGENCY IN A PLANNING AND SERVICE AREA WHICH IS UNDER THE SUPERVISION OR DIRECTION FOR THIS PURPOSE OF THE DESIGNATED STATE AGENCY AND WHICH CAN ENGAGE IN THE PLANNING OR PROVISION OF A BROAD RANGE OF SOCIAL SERVICES WITHIN SUCH PLANNING AND SERVICE AREA,

AND MUST PROVIDE ASSURANCE, FOUND ADEQUATE BY THE STATE AGENCY, THAT IT WILL HAVE THE ABILITY TO DEVELOP AN AREA PLAN AND TO CARRY OUT, DIRECTLY OR THROUGH CONTRACTUAL OR OTHER ARRANGEMENTS, A PROGRAM PURSUANT TO THE PLAN WITHIN THE PLANNING AND SERVICE AREA. IN DESIGNATING AN AREA AGENCY ON AGING, THE STATE AGENCY SHALL GIVE PREFERENCE TO AN ESTABLISHED OFFICE ON AGING UNLESS THE STATE AGENCY FINDS THAT NO SUCH OFFICE WITHIN THE PLANNING AND SERVICE AREA WILL HAVE THE CAPACITY TO CARRY OUT THE AREA PLAN.

"AREA PLANS

"(C) IN ORDER TO BE APPROVED BY THE STATE AGENCY, AN AREA PLAN FOR A PLANNING AND SERVICE AREA SHALL BE DEVELOPED BY THE AREA AGENCY ON AGING DESIGNATED WITH RESPECT TO SUCH AREA UNDER SUBSECTION (A) AND SHALL--

"(1) PROVIDE FOR THE ESTABLISHMENT OF A COMPREHENSIVE AND COORDINATED SYSTEM FOR THE DELIVERY OF SOCIAL SERVICES WITHIN THE PLANNING AND SERVICE AREA COVERED BY THE PLAN, INCLUDING DETERMINING THE NEED FOR SOCIAL SERVICES IN SUCH AREA (TAKING INTO CONSIDERATION, AMONG OTHER THINGS, THE NUMBERS OF OLDER PERSONS WITH LOW INCOMES RESIDING IN SUCH AREA), EVALUATING THE EFFECTIVENESS OF THE USE OF RESOURCES IN MEETING SUCH NEED, AND ENTERING INTO AGREEMENTS WITH PROVIDERS OF SOCIAL SERVICES IN SUCH AREA, FOR THE PROVISION OF SUCH SERVICES TO MEET SUCH NEED;

"(2) IN ACCORDANCE WITH CRITERIA ESTABLISHED BY THE COMMISSIONER BY REGULATION RELATING TO PRIORITIES, PROVIDE FOR THE INITIATION, EXPANSION, OR IMPROVEMENT OF SOCIAL SERVICES IN THE PLANNING AND SERVICE AREA COVERED BY THE AREA PLAN;

"(3) PROVIDE FOR THE ESTABLISHMENT OR MAINTENANCE OF INFORMATION AND REFERRAL SOURCES IN SUFFICIENT NUMBERS TO ASSURE THAT ALL OLDER PERSONS WITHIN THE PLANNING AND SERVICE AREA COVERED BY THE PLAN WILL HAVE REASONABLY CONVENIENT ACCESS TO SUCH SOURCES. FOR PURPOSES OF THIS SECTION AND SECTION 305 (A) (7), AN INFORMATION AND REFERRAL SOURCE IS A LOCATION WHERE THE STATE OR OTHER PUBLIC OR PRIVATE AGENCY OR ORGANIZATION (A) MAINTAINS CURRENT INFORMATION WITH RESPECT TO THE OPPORTUNITIES AND SERVICES AVAILABLE TO OLDER PERSONS, AND DEVELOPS CURRENT LISTS OF OLDER PERSONS IN NEED OF SERVICES AND OPPORTUNITIES, AND (B) EMPLOYS A SPECIALLY TRAINED STAFF TO INFORM OLDER PERSONS OF THE OPPORTUNITIES AND SERVICES WHICH ARE AVAILABLE, AND ASSISTS SUCH PERSONS TO TAKE ADVANTAGE OF SUCH

1.2

OPPORTUNITIES AND SERVICES; AND

"(4) PROVIDE THAT THE AREA AGENCY ON AGING WILL --

"(A) CONDUCT PERIODIC EVALUATIONS OF ACTIVITIES CARRIED OUT PURSUANT TO THE AREA PLAN;

"(B) RENDER APPROPRIATE TECHNICAL ASSISTANCE TO PROVIDERS OF SOCIAL SERVICES IN THE PLANNING AND SERVICE AREA COVERED BY THE AREA PLAN;

"(C) WHERE NECESSARY AND FEASIBLE, ENTER INTO ARRANGEMENTS, CONSISTENT WITH THE PROVISIONS OF THE AREA PLAN, UNDER WHICH FUNDS UNDER THIS TITLE MAY BE USED TO PROVIDE LEGAL SERVICES TO OLDER PERSONS IN THE PLANNING AND SERVICE AREA CARRIED OUT THROUGH FEDERALLY ASSISTED PROGRAMS OR OTHER PUBLIC OR NONPROFIT AGENCIES;

"(D) TAKE INTO ACCOUNT, IN CONNECTION WITH MATTERS OF GENERAL POLICY ARISING IN THE DEVELOPMENT AND ADMINISTRATION OF THE AREA PLAN, THE VIEWS OF RECIPIENTS OF SERVICES UNDER SUCH PLAN;

"(E) WHERE POSSIBLE, ENTER INTO ARRANGMENTS WITH ORGANIZATIONS PROVIDING DAY CARE SERVICES FOR CHILDREN SO AS TO PROVIDE OPPORTUNITIES FOR OLDER PERSONS TO AID OR ASSIST, ON A VOLUNTARY BASIS, IN THE DELIVERY OF SUCH SERVICES TO CHILDREN; - AND

"(F) ESTABLISH AN ADVISORY COUNCIL, CONSISTING OF REPRESENTATIVES OF THE TARGET POPULATION AND THE GENERAL PUBLIC, TO ADVISE THE AREA AGENCY ON ALL MATTERS RELATING TO THE ADMINISTRATION OF THE PLAN AND OPERATIONS CONDUCTED THEREUNDER.

"STATE PLANS

"SEC. 305. (A) IN ORDER FOR A STATE TO BE ELIGIBLE FOR GRANTS FOR A FISCAL YEAR FROM ITS ALLOTMENTS UNDER SECTION 303 AND SECTION 306, EXCEPT AS PROVIDED IN SECTION 307 (A), IT SHALL SUBMIT TO THE COMMISSIONER A STATE PLAN FOR SUCH YEAR WHICH MEETS SUCH CRITERIA AS THE COMMISSIONER MAY PRESCRIBE BY REGULATION AND WHICH --

"(1) PROVIDES THAT THE STATE AGENCY WILL EVALUATE THE NEED FOR SOCIAL SERVICES WITHIN THE STATE AND DETERMINE THE EXTENT TO WHICH EXISTING PUBLIC OR PRIVATE PROGRAMS MEET SUCH NEED;

"(2) PROVIDES FOR THE USE OF SUCH METHODS OF ADMINISTRATION (INCLUDING METHODS RELATING TO THE ESTABLISHMENT AND MAINTENANCE OF PERSONNEL STANDARDS ON A MERIT BASIS, EXCEPT THAT THE COMMISSIONER SHALL EXERCISE NO AUTHORITY WITH RESPECT TO THE SELECTION, TENURE OF OFFICE OR COMPENSATION OF AN INDIVIDUAL EMPLOYED IN ACCORDANCE WITH SUCH METHODS) AS ARE NECESSARY FOR THE PROPER AND EFFICIENT ADMINISTRATION OF THE PLAN;

"(3) PROVIDES THAT THE STATE AGENCY WILL MAKE SUCH REPORTS, IN SUCH FORM, AND CONTAINING SUCH INFORMATION, AS THE COMMISSIONER MAY FROM TIME TO TIME REQUIRE, AND COMPLY WITH SUCH REQUIREMENTS AS THE COMMISSIONER MAY IMPOSE TO ASSURE THE CORRECTNESS OF SUCH REPORTS;

"(4) PROVIDES THAT THE STATE AGENCY WILL CONDUCT PERIODIC EVALUATIONS OF ACTIVITIES AND PROJECTS CARRIED OUT UNDER THE STATE PLAN;

"(5) ESTABLISHES OBJECTIVES, CONSISTENT WITH THE PURPOSES OF THIS TITLE, TOWARD WHICH ACTIVITIES UNDER THE PLAN WILL BE DIRECTED,

IDENTIFIES OBSTACLES TO THE ATTAINMENT OF THOSE OBJECTIVES, AND INDICATES HOW IT PROPOSES TO OVERCOME THOSE OBSTACLES;

"(6) PROVIDES THAT EACH AREA AGENCY ON AGING DESIGNATED PURSUANT TO SECTION 304 (A) (2) (A) WILL DEVELOP AND SUBMIT TO THE STATE AGENCY FOR APPROVAL AN AREA PLAN WHICH COMPLIES WITH SECTION 304 (C);

"(7) PROVIDES FOR ESTABLISHING OR MAINTAINING INFORMATION AND REFERRAL SOURCES IN SUFFICIENT NUMBERS TO ASSURE THAT ALL OLDER PERSONS IN THE STATE WHO ARE NOT FURNISHED ADEQUATE INFORMATION AND REFERRAL SOURCES UNDER SECTION 304 (C) (3) WILL HAVE REASONABLY CONVENIENT ACCESS TO SUCH SOURCES;

"(8) PROVIDES THAT NO SOCIAL SERVICE WILL BE DIRECTLY PROVIDED BY THE STATE AGENCY OR AN AREA AGENCY ON AGING, EXCEPT WHERE, IN THE JUDGMENT OF THE STATE AGENCY, PROVISION OF SUCH SERVICE BY THE STATE AGENCY OR AN AREA AGENCY ON AGING IS NECESSARY TO ASSURE AN ADEQUATE SUPPLY OF SUCH SERVICE; AND

"(9) PROVIDES THAT SUBJECT TO THE REQUIREMENTS OF MERIT EMPLOYMENT SYSTEMS OF STATE AND LOCAL GOVERNMENTS, PREFERENCE SHALL BE GIVEN TO PERSONS AGED SIXTY OR OVER FOR ANY STAFF POSITIONS (FULL TIME OR PART TIME) IN STATE AND AREA AGENCIES FOR WHICH SUCH PERSONS QUALIFY.

"(B) THE COMMISSIONER SHALL APPROVE ANY STATE PLAN WHICH HE FINDS FULFILLS THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION.

"(C) THE COMMISSIONER SHALL NOT MAKE A FINAL DETERMINATION DISSAPPROVING ANY STATE PLAN, OR ANY MODIFICATION THEREOF, OR MAKE A FINAL DETERMINATION THAT A STATE IS INELIGIBLE UNDER SECTION 304, WITHOUT FIRST AFFORDING THE STATE REASONABLE NOTICE AND OPPORTUNITY FOR A HEARING.

"(D) WHENEVER THE COMMISSIONER, AFTER REASONABLE NOTICE AND OPPORTUNITY FOR HEARING TO THE STATE AGENCY, FINDS THAT --

"(1) THE STATE IS NOT ELIGIBLE UNDER SECTION 304,

"(2) THE STATE PLAN HAS BEEN SO CHANGED THAT IT NO LONGER COMPLIES WITH THE PROVISIONS OF SUBSECTION (A), OR

"(3) IN THE ADMINISTRATION OF THE PLAN THERE IS A FAILURE TO COMPLY SUBSTANTIALLY WITH ANY SUCH PROVISION OF SUBSECTION (A), THE COMMISSIONER SHALL NOTIFY SUCH STATE AGENCY THAT NO FURTHER PAYMENTS FROM ITS ALLOTMENTS UNDER SECTION 303 AND SECTION 306 WILL BE MADE TO THE STATE (OR, IN HIS DISCRETION, THAT FURTHER PAYMENTS TO THE STATE WILL BE LIMITED TO PROJECTS UNDER OR PORTIONS OF THE STATE PLAN NOT AFFECTED BY SUCH FAILURE), UNTIL HE IS SATISFIED THAT THERE WILL NO LONGER BE ANY FAILURE TO COMPLY. UNTIL HE IS SO SATISFIED, NO FURTHER PAYMENTS SHALL BE MADE TO SUCH STATE FROM ITS ALLOTMENTS UNDER SECTION 303 AND SECTION 306 (OR PAYMENTS SHALL BE LIMITED TO PROJECTS UNDER OR PORTIONS OF THE STATE PLAN NOT AFFECTED BY SUCH FAILURE). THE COMMISSIONER SHALL, IN ACCORDANCE WITH REGULATIONS HE SHALL PRESCRIBE, DISBURSE THE FUNDS SO WITHHELD DIRECTLY TO ANY PUBLIC OR NONPROFIT PRIVATE ORGANIZATION OR AGENCY OR POLITICAL SUBDIVISION OF SUCH STATE SUBMITTING AN APPROVED PLAN IN ACCORDANCE WITH THE PROVISIONS OF SECTION 304 AND SECTION 306. ANY SUCH PAYMENT OR PAYMENTS SHALL BE MATCHED IN THE PROPORTIONS SPECIFIED IN

SECTIONS 303 OR 306.

"(E) A STATE WHICH IS DISSATISFIED WITH A FINAL ACTION OF THE COMMISSIONER UNDER SUBSECTION (B), (C), OR (D) MAY APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE CIRCUIT IN WHICH THE STATE IS LOCATED, BY FILING A PETITION WITH SUCH COURT WITHIN SIXTY DAYS AFTER SUCH FINAL ACTION. A COPY OF THE PETITION SHALL BE FORTHWITH TRANSMITTED BY THE CLERK OF THE COURT TO THE COMMISSIONER, OR ANY OFFICER DESIGNATED BY HIM FOR THAT PURPOSE. THE COMMISSIONER THEREUPON SHALL FILE IN THE COURT THE RECORD OF THE PROCEEDINGS ON WHICH HE BASED HIS ACTION, AS PROVIDED IN SECTION 2112 OF TITLE 28, UNITED STATES CODE. UPON THE FILING OF SUCH PETITION, THE COURT SHALL HAVE JURISDICTION TO AFFIRM THE ACTION OF THE COMMISSIONER OR TO SET ASIDE, IN WHOLE OR IN PART, TEMPORARILY OR PERMANENTLY, BUT UNTIL THE FILING OF THE RECORD, THE COMMISSIONER MAY MODIFY OR SET ASIDE HIS ORDER. //72 STAT. 941; 80 STAT. 1323.// THE FINDINGS OF THE COMMISSIONER AS TO THE FACTS, IF SUPPORTED BY SUBSTANTIAL EVIDENCE SHALL BE CONCLUSIVE, BUT THE COURT, FOR GOOD CAUSE SHOWN, MAY REMAND THE CASE TO THE COMMISSIONER TO TAKE FURTHER EVIDENCE, AND THE COMMISSIONER MAY THEREUPON MAKE NEW OR MODIFIED FINDINGS OF FACT AND MAY MODIFY HIS PREVIOUS ACTION, AND SHALL FILE IN THE COURT THE RECORD OF THE FURTHER PROCEEDINGS. SUCH NEW OR MODIFIED FINDINGS OF FACT SHALL LIKEWISE BE CONCLUSIVE IF SUPPORTED BY SUBSTANTIAL EVIDENCE. THE JUDGMENT OF THE COURT AFFIRMING OR SETTING ASIDE, IN WHOLE OR IN PART, ANY ACTION OF THE COMMISSIONER SHALL BE FINAL, SUBJECT TO REVIEW BY THE SUPREME COURT OF THE UNITED STATES UPON CERTIORARI OR CERTIFICATION AS PROVIDED IN SECTION 1254 OF TITLE 28, UNITED STATES CODE. //62 STAT. 928.// THE COMMENCEMENT OF PROCEEDINGS UNDER THIS SUBSECTION SHALL NOT, UNLESS SO SPECIFICALLY ORDERED BY THE COURT, OPERATE AS A STAY OF THE COMMISSIONER'S ACTION.

"PLANNING, COORDINATION, EVALUATION, AND
ADMINISTRATION OF STATE PLANS

"SEC. 306. (A) (1) AMOUNTS APPROPRIATED AS AUTHORIZED BY SECTION 303 MAY BE SUED TO MAKE GRANTS TO STATES FOR PAYING SUCH PERCENTAGES AS EACH STATE AGENCY DETERMINES, BUT NOT MORE THAN 75 PER CENTUM, OF THE COST OF THE ADMINISTRATION OF ITS STATE PLAN, INCLUDING THE PREPARATION OF THE STATE PLAN, THE EVALUATION OF OF ACTIVITIES CARRIED OUT UNDER SUCH PLAN, THE COLLECTION OF DATA AND THE CARRYING OUT OF ANALYSES RELATED TO THE NEED FOR SOCIAL SERVICES WITHIN THE STATE, THE DISSEMINATION OF INFORMATION SO OBTAINED, THE PROVISION OF SHORT-TERM TRAINING TO PERSONNEL OF PUBLIC OR NONPROFIT PRIVATE AGENCIES AND ORGANIZATIONS ENGAGED IN THE OPERATION OF PROGRAMS AUTHORIZED BY THIS ACT, AND THE CARRYING OUT OF DEMONSTRATION PROJECTS OF STATEWIDE SIGNIFICANCE RELATING TO THE INITIATION, EXPANSION, OR IMPROVEMENT OF SOCIAL SERVICE.

"(2) ANY SUMS ALLOTTED TO A STATE UNDER THIS SECTION FOR COVERING PART OF THE COST OF THE ADMINISTRATION OF ITS STATE PLAN WHICH THE STATE DETERMINES IS NOT NEEDED FOR SUCH PURPOSE MAY BE USED BY SUCH STATE TO SUPPLEMENT THE AMOUNT AVAILABLE UNDER SECTION 303 (E) (1) TO COVER PART OF THE COST OF THE ADMINISTRATION OF AREA PLANS.

"(3) ANY STATE WHICH HAS DESIGNATED A SINGLE PLANNING AND SERVICE AREA PURSUANT TO SECTION 304 (A) (1) (E) COVERING ALL, OR SUBSTANTIALLY ALL, OF

THE OLDER PERSONS IN SUCH STATE, AS DETERMINED BY THE COMMISSIONER, MAY ELECT TO PAY PART OF THE COSTS OF THE ADMINISTRATION OF STATE AND AREA PLANS EITHER OUT OF SUMS ALLOTTED UNDER THIS SECTION OR OUT OF SUMS MADE AVAILABLE FOR THE ADMINISTRATION OF AREA PLANS PURSUANT TO SECTION 303 (E) (1), BUT SHALL NOT PAY SUCH COSTS OUT OF SUMS ALLOTTED UNDER BOTH SUCH SECTIONS.

"(B) (1) FROM THE SUMS APPROPRIATED FOR ANY FISCAL YEAR UNDER SECTION 303 FOR CARRYING OUT THE PURPOSES OF THIS SECTION, EACH STATE SHALL BE ALLOTTED AN AMOUNT WHICH BEARS THE SAME RATIO TO SUCH SUM AS THE POPULATION AGED SIXTY OR OVER IN SUCH STATE BEARS TO THE POPULATION AGED SIXTY OR OVER IN ALL STATES, EXCEPT THAT (A) NO STATE SHALL BE ALLOTTED LESS THAN ONE-HALF OF 1 PER CENTUM OF THE SUM APPROPRIATED FOR THE FISCAL YEAR FOR WHICH THE DETERMINATION IS MADE, OR \$160,000, WHICHEVER IS GREATER, AND (B) GUAM, AMERICAN SAMOA, THE VIRGIN ISLANDS, AND THE TRUST TERRITORY OF THE PACIFIC ISLANDS SHALL EACH BE ALLOTTED NO LESS THAN ONE-FOURTH OF 1 PER CENTUM OF THE SUM APPROPRIATED FOR THE FISCAL YEAR FOR WHICH THE DETERMINATION IS MADE, OR \$50,000, WHICHEVER IS GREATER. FOR THE PURPOSE OF THE EXCEPTION CONTAINED IN CLAUSE (A) OF THIS PARAGRAPH, THE TERM 'STATE' DOES NOT INCLUDE GUAM, AMERICAN SAMOA, THE VIRGIN ISLANDS, AND THE TRUST TERRITORY OF THE PACIFIC ISLANDS.

"(2) THE NUMBER OF PERSONS AGED SIXTY OR OVER IN ANY STATE AND IN ALL STATES SHALL BE DETERMINED BY THE COMMISSIONER ON THE BASIS OF THE MOST RECENT SATISFACTORY DATA AVAILABLE TO HIM.

"(C) THE AMOUNTS OF ANY STATE'S ALLOTMENT UNDER SUBSECTION (B) FOR ANY FISCAL YEAR WHICH THE COMMISSIONER DETERMINES WILL NOT BE REQUIRED FOR THAT YEAR SHALL BE REALLOTTED, FROM TIME TO TIME AND ON SUCH DATES DURING SUCH YEAR AS THE COMMISSIONER MAY FIX, TO OTHER STATES IN PROPORTION TO THE ORIGINAL ALLOTMENTS TO SUCH STATES UNDER SUBSECTION (B) FOR THAT YEAR, BUT WITH SUCH PROPORTIONATE AMOUNT FOR ANY OF SUCH OTHER STATES BEING REDUCED TO THE EXTENT IT EXCEEDS THE SUM THE COMMISSIONER ESTIMATES SUCH STATE NEEDS AND WILL BE ABLE TO USE FOR SUCH YEAR; AND THE TOTAL OF SUCH REDUCTIONS SHALL BE SIMILARLY SO REDUCED. SUCH REALLOTMENTS SHALL BE MADE ON THE BASIS OF THE STATE PLAN SO APPROVED, AFTER TAKING INTO CONSIDERATION THE POPULATION AGED SIXTY OR OVER. ANY AMOUNT REALLOTTED TO A STATE UNDER THIS SUBSECTION DURING A YEAR SHALL BE DEEMED PART OF ITS ALLOTMENT UNDER SUBSECTION (B) FOR THAT YEAR.

"(D) THE ALLOTMENT OF A STATE UNDER THIS SECTION FOR THE FISCAL YEAR ENDING JUNE 30, 1973, SHALL REMAIN AVAILABLE UNTIL THE CLOSE OF THE FOLLOWING FISCAL YEAR.

"PAYMENTS

"SEC. 307. (A) PAYMENTS OF GRANTS OR CONTRACTS UNDER THIS TITLE MAY BE MADE (AFTER NECESSARY ADJUSTMENTS ON ACCOUNT OF PREVIOUSLY MADE OVERPAYMENTS OR UNDERPAYMENTS) IN ADVANCE OR BY WAY OF REIMBURSEMENT, AND IN SUCH INSTALLMENTS, AS THE COMMISSIONER MAY DETERMINE. FROM A STATE'S ALLOTMENT FOR A FISCAL YEAR WHICH IS AVAILABLE PURSUANT TO SECTION 306 THE COMMISSIONER MAY PAY TO A STATE WHICH DOES NOT HAVE A STATE PLAN APPROVED UNDER SECTION 305 SUCH AMOUNTS AS HE DEEMS APPROPRIATE FOR THE PURPOSE OF ASSISTING SUCH STATE IN DEVELOPING A STATE PLAN. FROM A STATE'S ALLOTMENT

FOR A FISCAL YEAR WHICH IS AVAILABLE PURSUANT TO SECTION 303, THE COMMISSIONER MAY, DURING THE PERIOD ENDING ONE YEAR AFTER THE DATE OF ENACTMENT OF THE OLDER AMERICANS COMPREHENSIVE SERVICES AMENDMENTS, PAY, IN ACCORDANCE WITH SUCH REGULATIONS AS HE MAY PRESCRIBE, TO A STATE WHICH DOES NOT HAVE A STATE PLAN APPROVED UNDER SECTION 305, SUCH AMOUNTS AS HE DEEMS APPROPRIATE FOR THE PURPOSE OF CONTINUING FEDERAL FINANCIAL ASSISTANCE FOR ACTIVITIES ASSISTED UNDER THE PLAN OF SUCH STATE APPROVED UNDER SECTION 303 OF THIS ACT PRIOR TO ENACTMENT OF THE OLDER AMERICANS COMPREHENSIVE SERVICES AMENDMENTS.

"(B) BEGINNING WITH THE FISCAL YEAR ENDING JUNE 30, 1975, NOT LESS THAN 25 PER CENTUM OF THE NON-FEDERAL SHARE (PURSUANT TO SECTION 303 (E)) OF THE TOTAL EXPENDITURES UNDER THE STATE PLAN SHALL BE MET FROM FUNDS FROM STATE OR LOCAL PUBLIC SOURCES.

"(C) A STATE'S ALLOTMENT UNDER SECTION 303 FOR A FISCAL YEAR SHALL BE REDUCED BY THE PERCENTAGE (IF ANY) BY WHICH ITS EXPENDITURES FOR SUCH YEAR FROM STATE SOURCES UNDER ITS STATE PLAN APPROVED UNDER SECTION 305 ARE LESS THAN ITS EXPENDITURES FROM SUCH SOURCES FOR THE PRECEDING FISCAL YEAR.

"MODEL PROJECTS

"SEC. 308. (A) THE COMMISSIONER MAY, AFTER CONSULTATION WITH THE STATE AGENCY, MAKE GRANTS TO ANY PUBLIC OR NONPROFIT PRIVATE AGENCY OR ORGANIZATION OR CONTRACTS WITH ANY AGENCY OR ORGANIZATION WITHIN SUCH STATE FOR PAYING PART OR ALL OF THE COST OF DEVELOPING OR OPERATING STATEWIDE, REGIONAL, METROPOLITAN AREA, COUNTY, CITY, OR COMMUNITY MODEL PROJECTS WHICH WILL EXPAND OR IMPROVE SOCIAL SERVICES OR OTHERWISE PROMOTE THE WELL-BEING OF OLDER PERSONS. IN MAKING GRANTS AND CONTRACTS UNDER THIS SECTION, THE COMMISSIONER SHALL GIVE SPECIAL CONSIDERATION TO PROJECTS DESIGNED TO --

"(1) ASSIST IN MEETING THE SPECIAL HOUSING NEEDS OF OLDER PERSONS BY (A) PROVIDING FINANCIAL ASSISTANCE TO SUCH PERSONS, WHO OWN THEIR OWN HOMES, NECESSARY TO ENABLE THEM TO MAKE THE REPAIRS AND RENOVATIONS TO THEIR HOMES WHICH ARE NECESSARY FOR THEM TO MEET MINIMUM STANDARDS, (B) STUDYING AND DEMONSTRATING METHODS OF ADAPTING EXISTING HOUSING, OR CONSTRUCTION OF NEW HOUSING, TO MEET THE NEEDS OF OLDER PERSONS SUFFERING FROM PHYSICAL DISABILITIES, AND (C) DEMONSTRATING ALTERNATIVE METHODS OF RELIEVING OLDER PERSONS OF THE BURDEN OF REAL PROPERTY TAXES ON THEIR HOMES;

"(2) PROVIDE CONTINUING EDUCATION TO OLDER PERSONS DESIGNED TO ENABLE THEM TO LEAD MORE PRODUCTIVE LIVES BY BROADENING THE EDUCATIONAL, CULTURAL, OR SOCIAL AWARENESS OF SUCH OLDER PERSONS, EMPHASIZING, WHERE POSSIBLE, FREE TUITION ARRANGEMENTS WITH COLLEGES AND UNIVERSITIES;

"(3) PROVIDE PRERETIREMENT EDUCATION, INFORMATION, AND RELEVANT SERVICES (INCLUDING THE TRAINING OF PERSONNEL TO CARRY OUT SUCH PROGRAMS AND THE CONDUCTING OF RESEARCH WITH RESPECT TO THE DEVELOPMENT AND OPERATION OF SUCH PROGRAMS) TO PERSONS PLANNING RETIREMENT; OR **

"(4) PROVIDE SERVICES TO ASSIST IN MEETING THE PARTICULAR NEEDS OF THE PHYSICALLY AND MENTALLY IMPAIRED OLDER PERSONS INCLUDING SPECIAL TRANSPORTATION AND ESCORT SERVICES, HOMEMAKER, HOME HEALTH AND SHOPPING SERVICES, READER SERVICES, LETTER WRITING SERVICES, AND OTHER SERVICES DESIGNED TO ASSIST SUCH INDIVIDUALS IN LEADING A MORE INDEPENDENT LIFE.

"(B) FOR THE PURPOSE OF CARRYING OUT THIS SECTION, THERE ARE AUTHORIZED TO BE APPROPRIATED SUCH SUMS AS MAY BE NECESSARY FOR THE FISCAL YEAR ENDING JUNE 30, 1973, THE FISCAL YEAR ENDING JUNE 30, 1974, AND THE FISCAL YEAR ENDING JUNE 30, 1975."

ITEM 3

00104.87.000301

PUBLIC LAW 93 - 29; 87 STAT. 30

"OLDER AMERICANS COMPREHENSIVE SERVICE AMENDMENTS OF 1973
(TITLES IV - IX)

93RD CONGRESS, S. 50

MAY 3, 1973

TITLE IV -- TRAINING AND RESEARCH

SEC. 401. THE OLDER AMERICANS ACT OF 1965 IS AMENDED BY STRIKING OUT
TITLES IV AND V AND BY INSERTING IMMEDIATELY AFTER TITLE III THE FOLLOWING
NEW TITLE: //79 STAT. 224; 83 STAT. 111., 42 U.S.C. 3031, 3041.//

"TITLE IV -- TRAINING AND RESEARCH

"PART A -- TRAINING

"STATEMENT OF PURPOSE

"SEC. 401. THE PURPOSE OF THIS PART IS TO IMPROVE THE QUALITY OF
SERVICE AND TO HELP MEET CRITICAL SHORTAGES OF ADEQUATELY TRAINED
PERSONNEL FOR PROGRAMS IN THE FIELD OF AGING BY (1) DEVELOPING INFORMATION
ON THE ACTUAL NEEDS FOR PERSONNEL TO WORK IN THE FIELD OF AGING, BOTH
PRESENT AND LONG RANGE; (2) PROVIDING A BROAD RANGE OF QUALITY TRAINING
AND RETRAINING OPPORTUNITIES, RESPONSIVE TO CHANGING NEEDS OF PROGRAMS IN
THE FIELD OF AGING; (3) ATTRACTING A GREATER NUMBER OF QUALIFIED PERSONS
INTO THE FIELD OF AGING; AND (4) HELPING TO MAKE PERSONNEL TRAINING
PROGRAMS MORE RESPONSIVE TO THE NEED FOR TRAINED PERSONNEL IN THE FIELD OF
AGING.

"APPRAISING PERSONNEL NEEDS IN THE FIELD OF AGING

"SEC. 402. (A) THE COMMISSIONER SHALL FROM TIME TO TIME APPRAISE THE
NATION'S EXISTING AND FUTURE PERSONNEL NEEDS IN THE FIELD OF AGING, AT ALL
LEVELS AND IN ALL TYPES OF PROGRAMS, AND THE ADEQUACY OF THE NATION'S
EFFORTS TO MEET THESE NEEDS. IN DEVELOPING INFORMATION RELATING TO
PERSONNEL NEEDS IN THE FIELD OF AGING, THE COMMISSIONER SHALL CONSULT
WITH, AND MAKE MAXIMUM UTILIZATION OF STATISTICAL AND OTHER RELATED
INFORMATION OF THE DEPARTMENT OF LABOR, THE VETERANS' ADMINISTRATION, THE
OFFICE OF EDUCATION, FEDERAL COUNCIL ON THE AGING, THE NATIONAL FOUNDATION
ON THE ARTS AND HUMANITIES, STATE EDUCATIONAL AGENCIES, OTHER STATE AND
LOCAL PUBLIC AGENCIES, AND OFFICES DEALING WITH PROBLEMS OF THE AGING,
STATE EMPLOYMENT SECURITY AGENCIES, AND OTHER APPROPRIATE PUBLIC AND
PRIVATE AGENCIES.

"(B) THE COMMISSIONER SHALL PREPARE AND PUBLISH ANNUALLY AS A PART OF
THE ANNUAL REPORT PROVIDED IN SECTION 208 A REPORT ON THE PROFESSIONS
DEALING WITH THE PROBLEMS OF THE AGING, IN WHICH HE SHALL PRESENT IN
DETAIL HIS VIEW ON THE STATE OF SUCH PROFESSIONS AND THE TRENDS WHICH HE
DISCERNS WITH RESPECT TO THE FUTURE COMPLEXION OF PROGRAMS FOR THE AGING
THROUGHOUT THE NATION AND THE FUNDS AND THE NEEDS OF WELL-EDUCATED
PERSONNEL TO STAFF SUCH PROGRAMS. THE REPORT SHALL INDICATE THE
COMMISSIONER'S PLANS CONCERNING THE ALLOCATION OF FEDERAL ASSISTANCE UNDER
THIS TITLE IN RELATION TO THE PLANS AND PROGRAMS OF OTHER FEDERAL
AGENCIES.

"ATTRACTING QUALIFIED PERSONS TO THE FIELD OF AGING

"SEC. 403. THE COMMISSIONER MAY MAKE GRANTS TO STATE AGENCIES REFERRED TO IN SECTION 304, STATE OR LOCAL EDUCATIONAL AGENCIES, INSTITUTIONS OF HIGHER EDUCATION, OR OTHER PUBLIC OR NONPROFIT PRIVATE AGENCIES, ORGANIZATIONS, OR INSTITUTIONS, AND HE MAY ENTER INTO CONTRACTS WITH ANY AGENCY, INSTITUTION, OR ORGANIZATION FOR THE PURPOSE OF --

"(1) PUBLICIZING AVAILABLE OPPORTUNITIES FOR CAREERS IN THE FIELD OF AGING;

"(2) ENCOURAGING QUALIFIED PERSONS TO ENTER OR REENTER THE FIELD OF AGING;

"(3) ENCOURAGING ARTISTS, CRAFTSMEN, ARTISANS, SCIENTISTS, AND PERSONS FROM OTHER PROFESSIONS AND VOCATIONS AND HOMEMAKERS, TO UNDERTAKE ASSIGNMENTS ON A PART-TIME BASIS OR FOR TEMPORARY PERIODS IN THE FIELD OF AGING; OR

"(4) PREPARING AND DISSEMINATING MATERIALS, INCLUDING AUDIO-VISUAL MATERIALS AND PRINTED MATERIALS, FOR USE IN RECRUITMENT AND TRAINING OF PERSONS EMPLOYED OR PREPARING FOR EMPLOYMENT IN CARRYING OUT PROGRAMS RELATED TO THE PURPOSES OF THIS ACT.

"TRAINING PROGRAMS FOR PERSONNEL IN THE FIELD OF AGING

"SEC. 404. (A) THE COMMISSIONER MAY MAKE GRANTS TO ANY PUBLIC OR NONPROFIT PRIVATE AGENCY, ORGANIZATION, OR INSTITUTION OR WITH STATE AGENCIES REFERRED TO IN SECTION 304, OR CONTRACTS WITH ANY AGENCY, ORGANIZATION, OR INSTITUTION, TO ASSIST THEM IN TRAINING PERSONS WHO ARE EMPLOYED OR PREPARING FOR EMPLOYMENT IN FIELDS RELATED TO THE PURPOSES OF THIS ACT --

"(1) TO ASSIST IN COVERING THE COST OF COURSES OF TRAINING OR STUDY (INCLUDING SHORT-TERM OR REGULAR SESSION INSTITUTES AND OTHER INSERVICE AND PRESERVICE TRAINING PROGRAMS),

"(2) FOR ESTABLISHING AND MAINTAINING FELLOWSHIPS TO TRAIN PERSONS TO BE SUPERVISORS OR TRAINERS OF PERSONS EMPLOYED OR PREPARING FOR EMPLOYMENT IN FIELDS RELATED TO THE PURPOSES OF THIS ACT,

"(3) FOR SEMINARS, CONFERENCES, SYMPOSIUMS, AND WORKSHOPS IN THE FIELD OF AGING, INCLUDING THE CONDUCT OF CONFERENCES AND OTHER MEETINGS FOR THE PURPOSES OF FACILITATING EXCHANGE OF INFORMATION AND STIMULATING NEW APPROACHES WITH RESPECT TO ACTIVITIES RELATED TO THE PURPOSES OF THIS ACT,

"(4) FOR THE IMPROVEMENT OF PROGRAMS FOR PREPARING PERSONNEL FOR CAREERS IN THE FIELD OF AGING, INCLUDING DESIGN, DEVELOPMENT, AND EVALUATION OF EXEMPLARY TRAINING PROGRAMS, INTRODUCTION OF HIGH QUALITY AND MORE EFFECTIVE CURRICULA AND CURRICULA MATERIALS, AND

"(5) THE PROVISION OF INCREASED OPPORTUNITIES FOR PRACTICAL EXPERIENCE.

"(B) THE COMMISSIONER MAY INCLUDE IN THE TERMS OF ANY CONTRACT OR GRANT UNDER THIS PART PROVISIONS AUTHORIZING THE PAYMENT, TO PERSONS PARTICIPATING IN TRAINING PROGRAMS SUPPORTED UNDER THIS PART, OF SUCH STIPENDS (INCLUDING ALLOWANCES FOR SUBSISTENCE AND OTHER EXPENSES FOR SUCH PERSONS AND THEIR DEPENDENTS) AS HE DETERMINES TO BE CONSISTENT WITH PREVAILING PRACTICES UNDER COMPARABLE FEDERALLY SUPPORTED PROGRAMS. WHERE

THE COMMISSIONER PROVIDES FOR THE USE OF FUNDS UNDER THIS SECTION FOR FELLOWSHIPS, HE SHALL (IN ADDITION TO STIPENDS FOR THE RECIPIENTS) PAY TO COLLEGES OR UNIVERSITIES IN WHICH THE FELLOWSHIP IS BEING PURSUED SUCH AMOUNTS AS THE COMMISSIONER SHALL DETERMINE TO BE CONSISTENT WITH PREVAILING PRACTICES UNDER COMPARABLE FEDERALLY SUPPORTED PROGRAMS.

"PART B -- RESEARCH AND DEVELOPMENT PROJECTS

"DESCRIPTION OF ACTIVITIES

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"SEC. 411. THE COMMISSIONER MAY MAKE GRANTS TO ANY PUBLIC OR NONPROFIT PRIVATE AGENCY, ORGANIZATION, OR INSTITUTION AND CONTRACTS WITH ANY AGENCY, ORGANIZATION, OR INSTITUTION OR WITH ANY INDIVIDUAL FOR THE PURPOSE OF --

"(1) STUDYING CURRENT PATTERNS AND CONDITIONS OF LIVING OF OLDER PERSONS AND IDENTIFYING FACTORS WHICH ARE BENEFICIAL OR DETRIMENTAL TO THE WHOLESOME AND MEANINGFUL LIVING OF SUCH PERSONS;

"(2) DEVELOPING OR DEMONSTRATING NEW APPROACHES, TECHNIQUES, AND METHODS (INCLUDING THE USE OF MULTIPURPOSE CENTERS) WHICH HOLD PROMISE OF SUBSTANTIAL CONTRIBUTION TOWARD WHOLESOME AND MEANINGFUL LIVING FOR OLDER PERSONS;

"(3) DEVELOPING OR DEMONSTRATING APPROACHES, METHODS, AND TECHNIQUES FOR ACHIEVING OR IMPROVING COORDINATION OF COMMUNITY SERVICES FOR OLDER PERSONS;

"(4) EVALUATING THESE APPROACHES, TECHNIQUES, AND METHODS, AS WELL AS OTHERS WHICH MAY ASSIST OLDER PERSONS TO ENJOY WHOLESOME AND MEANINGFUL LIVES AND TO CONTINUE TO CONTRIBUTE TO THE STRENGTH AND WELFARE OF OUR NATION;

"(5) COLLECTING AND DISSEMINATING, THROUGH PUBLICATIONS AND OTHER APPROPRIATE MEANS, INFORMATION CONCERNING RESEARCH FINDINGS, DEMONSTRATION RESULTS, AND OTHER MATERIALS DEVELOPED IN CONNECTION WITH ACTIVITIES ASSISTED UNDER THIS PART; OR

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"(6) CONDUCTING CONFERENCES AND OTHER MEETINGS FOR THE PURPOSES OF FACILITATING EXCHANGE OF INFORMATION AND STIMULATING NEW APPROACHES WITH RESPECT TO ACTIVITIES RELATED TO THE PURPOSES OF THIS PART.

"SPECIAL STUDY AND DEMONSTRATION PROJECTS ON

THE TRANSPORTATION PROBLEMS OF OLDER AMERICANS

"SEC. 412. (A) THE COMMISSIONER SHALL, AFTER CONSULTATION WITH THE SECRETARY OF TRANSPORTATION AND THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, CONDUCT A COMPREHENSIVE STUDY AND SURVEY OF THE TRANSPORTATION PROBLEMS OF OLDER AMERICANS WITH EMPHASIS UPON SOLUTIONS THAT ARE PRACTICABLE AND CAN BE IMPLEMENTED IN A TIMELY FASHION. IN CONDUCTING THE STUDY AND SURVEY, THE COMMISSIONER SHALL CONSIDER --

"(1) THE USE OF ALL COMMUNITY TRANSPORTATION FACILITIES PARTICULARLY PUBLIC TRANSPORTATION SYSTEMS, THE POSSIBLE USE OF SCHOOL BUSES, AND EXCESS DEPARTMENT OF DEFENSE VEHICLES; AND

"(2) THE NEED FOR REVISED AND IMPROVED PROCEDURES FOR OBTAINING MOTOR VEHICLE INSURANCE BY OLDER AMERICANS TO BE IMPLEMENTED FOR USE IN A COORDINATED TRANSPORTATION SYSTEM.

"(B) IN CONNECTION WITH THE STUDY REQUIRED BY SUBSECTION (A), THE

COMMISSIONER, IN COORDINATION WITH THE SECRETARY OF TRANSPORTATION AND THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, SHALL CONDUCT RESEARCH AND DEMONSTRATION PROJECTS, EITHER DIRECTLY OR BY GRANTS OR CONTRACTS WITH PUBLIC OR PRIVATE NONPROFIT AGENCIES AND ORGANIZATIONS, IN ORDER TO --

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"(1) DEMONSTRATE POSSIBLE SOLUTIONS OF ECONOMIC AND SERVICE ASPECT OF FURNISHING ADEQUATE TRANSPORTATION TO OLDER PERSONS IN RURAL AND URBAN AREAS INCLUDING TRANSPORTATION SERVICES FURNISHED BY SOCIAL SERVICE AGENCIES;

"(2) DEMONSTRATE IMPROVEMENT OF TRANSPORTATION SERVICES AVAILABLE TO OLDER PERSONS WITH EMPHASIS ON (A) ESTABLISHING SPECIAL TRANSPORTATION SUBSYSTEMS FOR OLDER PERSONS OR SIMILAR GROUPS WITH SIMILAR MOBILITY RESTRICTIONS, (B) PROVIDING PORTAL-TO-PORTAL SERVICE AND DEMAND ACTUATED SERVICES, (C) MAKING PAYMENTS DIRECTLY TO OLDER PERSONS TO ENABLE THEM TO OBTAIN REASONABLE AND NECESSARY TRANSPORTATION SERVICES;

"(3) DEMONSTRATE IMPROVED COORDINATION BETWEEN TRANSPORTATION SYSTEMS AND SOCIAL SERVICE DELIVERY SYSTEMS; AND

"(4) DEMONSTRATE INNOVATIVE SOLUTIONS FOR OTHER SPECIAL TRANSPORTATION PROBLEMS CONFRONTING OLDER AMERICANS.

"(C) AT LEAST HALF OF THE PROJECTS AUTHORIZED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE CONDUCTED IN STATES THAT ARE PREDOMINANTLY RURAL IN CHARACTER.

"(D) NOT LATER THAN JANUARY 1, 1975, THE COMMISSIONER SHALL PREPARE AND TRANSMIT TO THE SECRETARY, TO THE PRESIDENT, AND TO THE CONGRESS, A REPORT ON HIS FINDINGS AND RECOMMENDATIONS, INCLUDING A PLAN FOR IMPLEMENTATION OF IMPROVED TRANSPORTATION SERVICES FOR OLDER AMERICANS AND RECOMMENDATIONS FOR ADDITIONAL LEGISLATION, ADMINISTRATIVE AND OTHER MEASURES TO PROVIDE SOLUTIONS TO THE TRANSPORTATION PROBLEMS OF OLDER AMERICANS NOT LATER THAN JANUARY 1, 1975, AS HE DEEMS ADVISABLE.

"(E) IN CARRYING OUT THE STUDY AND SURVEY, AND THE DEMONSTRATION AND RESEARCH PROJECTS UNDER THIS SECTION, THE COMMISSIONER IS AUTHORIZED TO --

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"(1) PROCURE TEMPORARY OR INTERMITTENT SERVICES OF EXPERTS AND CONSULTANTS IN ACCORDANCE WITH SECTION 3109 OF TITLE 4, UNITED STATES CODE, AND //80 STAT. 416.//

"(2) SECURE DIRECTLY FROM ANY EXECUTIVE DEPARTMENT, BUREAU, AGENCY, BOARD, COMMISSION, OFFICE, INDEPENDENT ESTABLISHMENT OR INSTRUMENTALITY INFORMATION, SUGGESTIONS, ESTIMATES, AND STATISTICS FOR THE PURPOSE OF THIS SECTION; AND EACH SUCH DEPARTMENT, BUREAU, AGENCY, BOARD, COMMISSION, OFFICE, INDEPENDENT ESTABLISHMENT OR INSTRUMENTALITY IS AUTHORIZED AND DIRECTED, TO THE EXTENT PERMITTED BY LAW, TO FURNISH SUCH INFORMATION, SUGGESTIONS, ESTIMATES, AND STATISTICS DIRECTLY TO THE COMMISSIONER UPON REQUEST MADE BY HIM.

"PART C -- MULTIDISCIPLINARY CENTERS OF GERONTOLOGY

"SEC. 421. THE COMMISSIONER MAY MAKE GRANTS TO PUBLIC AND PRIVATE NONPROFIT AGENCIES, ORGANIZATIONS, AND INSTITUTIONS FOR THE PURPOSE OF ESTABLISHING OR SUPPORTING MULTIDISCIPLINARY CENTERS OF GERONTOLOGY. A GRANT MAY BE MADE UNDER THIS SECTION ONLY IF THE APPLICATION THEREFOR --

"(1) PROVIDES SATISFACTORY ASSURANCE THAT THE APPLICANT WILL EXPEND THE FULL AMOUNT OF THE GRANT TO ESTABLISH OR SUPPORT A MULTIDISCIPLINARY CENTER OF GERONTOLOGY WHICH SHALL --

"(A) RECRUIT AND TRAIN PERSONNEL AT THE PROFESSIONAL AND SUBPROFESSIONAL LEVELS,

"(B) CONDUCT BASIC AND APPLIED RESEARCH ON WORK, LEISURE, AND EDUCATION OF OLDER PEOPLE, LIVING ARRANGEMENTS OF OLDER PEOPLE, SOCIAL SERVICES FOR OLDER PEOPLE, THE ECONOMICS OF AGING, AND OTHER RELATED AREAS, **

"(C) PROVIDE CONSULTATION TO PUBLIC AND VOLUNTARY ORGANIZATIONS WITH RESPECT TO THE NEEDS OF OLDER PEOPLE AND IN PLANNING AND DEVELOPING SERVICES FOR THEM,

"(D) SERVE AS A REPOSITORY OF INFORMATION AND KNOWLEDGE WITH RESPECT TO THE AREAS FOR WHICH IT CONDUCTS BASIC AND APPLIED RESEARCH, **

"(E) STIMULATE THE INCORPORATION OF INFORMATION ON AGING INTO THE TEACHING OF BIOLOGICAL, BEHAVIORAL, AND SOCIAL SCIENCES AT COLLEGES OR UNIVERSITIES, **

10)"(F) HELP TO DEVELOP TRAINING PROGRAMS ON AGING IN SCHOOLS OF SOCIAL WORK, PUBLIC HEALTH, HEALTH CARE ADMINISTRATION, EDUCATION, AND IN OTHER SUCH SCHOOLS AT COLLEGES AND UNIVERSITIES, AND

"(G) CREATE OPPORTUNITIES FOR INNOVATIVE, MULTIDISCIPLINARY EFFORTS IN TEACHING, RESEARCH, AND DEMONSTRATION PROJECTS WITH RESPECT TO AGING; **

"(2) PROVIDES FOR SUCH FISCAL CONTROL AND FUND ACCOUNTING PROCEDURES AS MAY BE NECESSARY TO ASSURE PROPER DISBURSEMENT OF AND ACCOUNTING FOR FUNDS PAID TO THE APPLICANT UNDER THIS SECTION; AND

"(3) PROVIDES FOR MAKING SUCH REPORTS, IN SUCH FORM AND CONTAINING SUCH INFORMATION, AS THE COMMISSIONER MAY REQUIRE TO CARRY OUT HIS FUNCTIONS UNDER THIS SECTION, AND FOR KEEPING SUCH RECORDS AND FOR AFFORDING SUCH ACCESS THERETO AS THE COMMISSIONER MAY FIND NECESSARY TO ASSURE THE CORRECTNESS AND VERIFICATION OF SUCH REPORTS.

"PART D -- AUTHORIZATION OF APPROPRIATIONS

"AUTHORIZATION

"SEC. 431. THERE ARE AUTHORIZED TO BE APPROPRIATED FOR THE PURPOSES OF CARRYING OUT THIS TITLE SUCH SUMS AS MAY BE NECESSARY FOR THE FISCAL YEAR ENDING JUNE 30, 1973, THE FISCAL YEAR ENDING JUNE 30, 1974, AND THE FISCAL YEAR ENDING JUNE 30, 1975.

"PAYMENTS OF GRANTS

"SEC. 432. (A) TO THE EXTENT HE DEEMS IT APPROPRIATE, THE COMMISSIONER SHALL REQUIRE THE RECIPIENT OF ANY GRANT OR CONTRACT UNDER THIS TITLE TO CONTRIBUTE MONEY, FACILITIES, OR SERVICES FOR CARRYING OUT THE PROJECT FOR WHICH SUCH GRANT OR CONTRACT WAS MADE.

"(B) PAYMENTS UNDER THIS PART PURSUANT TO A GRANT OR CONTRACT MAY BE MADE (AFTER NECESSARY ADJUSTMENT, IN THE CASE OF GRANTS, ON ACCOUNT OF PREVIOUSLY MADE OVERPAYMENTS OR UNDERPAYMENTS) IN ADVANCE OR BY WAY OF REIMBURSEMENT, AND IN SUCH INSTALLMENTS AND ON SUCH CONDITIONS, AS THE

COMMISSIONER MAY DETERMINE.

"(C) THE COMMISSIONER SHALL MAKE NO GRANT OR CONTRACT UNDER THIS TITLE IN ANY STATE WHICH HAS ESTABLISHED OR DESIGNATED A STATE AGENCY FOR PURPOSES OF TITLE III OF THIS ACT UNLESS THE COMMISSIONER HAS CONSULTED WITH SUCH STATE AGENCY REGARDING SUCH GRANT OR CONTRACT."

TITLE V -- MULTIPURPOSE SENIOR CENTERS

SEC. 501. THE OLDER AMERICANS ACT OF 1965 IS FURTHER AMENDED BY INSERTING IMMEDIATELY AFTER TITLE IV THE FOLLOWING NEW TITLE:

"TITLE V -- MULTIPURPOSE SENIOR CENTERS

"PART A -- ACQUISITION, ALTERATION, OR
RENOVATION OF MULTIPURPOSE SENIOR CENTERS

"GRANT AUTHORIZED

"SEC. 501. (A) IN ORDER TO PROVIDE A FOCAL POINT IN COMMUNITIES FOR THE DEVELOPMENT AND DELIVERY OF SOCIAL SERVICES AND NUTRITIONAL SERVICES DESIGNED PRIMARILY FOR OLDER PERSONS, THE COMMISSIONER MAY MAKE GRANTS TO UNITS OF GENERAL PURPOSE LOCAL GOVERNMENT OR OTHER PUBLIC OR NONPROFIT PRIVATE AGENCIES OR ORGANIZATIONS AND MAY MAKE CONTRACTS WITH ANY AGENCY OR ORGANIZATION TO PAY NOT TO EXCEED 75 PER CENTUM OF THE COST OF ACQUIRING, ALTERING, OR RENOVATING EXISTING FACILITIES TO SERVE AS MULTIPURPOSE SENIOR CENTERS (INCLUDING THE INITIAL EQUIPMENT OF SUCH FACILITIES). FACILITIES ASSISTED BY GRANTS OR CONTRACTS UNDER THIS PART SHALL BE IN CLOSE PROXIMITY TO THE MAJORITY OF INDIVIDUALS ELIGIBLE TO USE THE MULTIPURPOSE SENIOR CENTER, AND WITHIN WALKING DISTANCE WHERE POSSIBLE.

"(B) THE TOTAL PAYMENTS MADE PURSUANT TO GRANTS OR CONTRACTS UNDER THIS SECTION IN ANY STATE FOR ANY FISCAL YEAR SHALL NOT EXCEED 10 PER CENTUM OF THE TOTAL AMOUNT APPROPRIATED FOR THE YEAR FOR THE PURPOSES OF CARRYING OUT THIS PART.

"(C) THE TERM 'MULTIPURPOSE SENIOR CENTER' MEANS A COMMUNITY FACILITY FOR THE ORGANIZATION AND PROVISION OF A BROAD SPECTRUM OF SERVICES (INCLUDING PROVISION OF HEALTH, SOCIAL, AND EDUCATIONAL SERVICES AND PROVISION OF FACILITIES FOR RECREATIONAL ACTIVITIES) FOR OLDER PERSONS.

"REQUIREMENTS FOR APPROVAL OF APPLICATIONS

"SEC. 502. (A) A GRANT OR CONTRACT FOR PURCHASE UNDER THIS PART MAY BE MADE ONLY IF THE APPLICATION THEREFOR IS APPROVED BY THE COMMISSIONER UPON HIS DETERMINATION THAT --

"(1) THE APPLICATION CONTAINS OR IS SUPPORTED BY REASONABLE ASSURANCES THAT (A) FOR NOT LESS THAN TEN YEARS AFTER PURCHASE, THE FACILITY WILL BE USED FOR THE PURPOSES FOR WHICH IT IS TO BE PURCHASED, (B) SUFFICIENT FUNDS WILL BE AVAILABLE TO MEET THE NONFEDERAL SHARE OF THE COST OF PURCHASE OF THE FACILITY, (C) SUFFICIENT FUNDS WILL BE AVAILABLE, WHEN PURCHASE IS COMPLETED, FOR EFFECTIVE USE OF THE FACILITY FOR THE PURPOSE FOR WHICH IT IS BEING PURCHASED, AND (D) THE FACILITY WILL NOT BE USED AND IS NOT INTENDED TO BE USED FOR SECTARIAN INSTRUCTION OR AS A PLACE FOR RELIGIOUS WORSHIP;

"(2) THE APPLICATION CONTAINS OR IS SUPPORTED BY REASONABLE ASSURANCES THAT THERE ARE NO EXISTING FACILITIES IN THE COMMUNITY

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SUITABLE FOR LEASING AS A MULTIPURPOSE SENIOR CENTER;
 "(3) THE PLANS AND SPECIFICATIONS ARE IN ACCORDANCE WITH REGULATIONS RELATING TO MINIMUM STANDARDS OF CONSTRUCTION AND EQUIPMENT (PROMULGATED WITH PARTICULAR EMPHASIS ON SECURING COMPLIANCE WITH THE REQUIREMENTS OF THE ARCHITECTURAL BARRIERS ACT OF 1968 (PUBLIC LAW 90 - 480)); AND //82 STAT. 718., 42 U.S.C. 4151.//

"(4) THE APPLICATION CONTAINS OR IS SUPPORTED BY ADEQUATE ASSURANCE THAT ANY LABORER OR MECHANIC EMPLOYED BY ANY CONTRACTORS OR SUBCONTRACTORS IN THE PERFORMANCE OF WORK ON THE FACILITY WILL BE PAID WAGES AT RATES NOT LESS THAN THOSE PREVAILING FOR SIMILAR WORK IN THE LOCALITY AS DETERMINED BY THE SECRETARY OF LABOR IN ACCORDANCE WITH THE DAVIS-BACON ACT, AS AMENDED (40 U.S.C. 276A - 276A5). THE SECRETARY OF LABOR SHALL HAVE, WITH RESPECT TO THE LABOR STANDARDS SPECIFIED IN THIS PARAGRAPH, THE AUTHORITY AND FUNCTIONS SET FORTH IN REORGANIZATION PLAN NUMBERED 14 OF 1950 (15 F. R. 3176; 64 STAT. 1267), AND SECTION 2 OF THE ACT OF JUNE 13, 1934, AS AMENDED (40 U.S.C. 276C). //49 STAT. 1011., 63 STAT. 108.//

"(B) IN MAKING GRANTS OR CONTRACTS UNDER THIS PART, THE COMMISSIONER SHALL —

"(1) GIVE PREFERENCE TO THE ACQUISITION OF MULTIPURPOSE SENIOR CENTERS IN AREAS WHERE THERE IS BEING DEVELOPED A COMPREHENSIVE AND COORDINATED SYSTEM UNDER TITLE III OF THIS ACT; AND //ANTE, P. 36.//

"(2) CONSULT WITH THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT WITH RESPECT TO THE TECHNICAL ADEQUACY OF ANY PROPOSED ALTERATION OR RENOVATION.

"PAYMENTS

"SEC. 503. UPON APPROVAL OF ANY APPLICATION FOR A GRANT OR CONTRACT UNDER THIS PART, THE COMMISSIONER SHALL RESERVE, FROM ANY APPROPRIATION AVAILABLE THEREFOR, THE AMOUNT OF SUCH GRANT OR CONTRACT. THE AMOUNT SO RESERVED MAY BE PAID IN ADVANCE OR BY WAY OF REIMBURSEMENT, AND IN SUCH INSTALLMENTS CONSISTENT WITH PROGRESS IN ALTERATION OR RENOVATION, AS THE COMMISSIONER MAY DETERMINE. THE COMMISSIONER'S RESERVATION OF ANY AMOUNT UNDER THIS SECTION MAY BE AMENDED BY HIM, EITHER UPON APPROVAL OF AN AMENDMENT OF THE APPLICATION OR UPON REVISION OF THE ESTIMATED COST OF ALTERING OR RENOVATING THE FACILITY.

"RECAPTURE OF PAYMENTS

"SEC. 504. IF, WITHIN TEN YEARS AFTER PURCHASE OF ANY FACILITY FOR WHICH FUNDS HAVE BEEN PAID UNDER THIS PART —

"(A) THE OWNER OF THE FACILITY CEASES TO BE A PUBLIC OR NONPROFIT PRIVATE AGENCY OR ORGANIZATION, OR

"(B) THE FACILITY CEASES TO BE USED FOR THE PURPOSES FOR WHICH IT WAS PURCHASED (UNLESS THE COMMISSIONER DETERMINES, IN ACCORDANCE WITH REGULATIONS, THAT THERE IS GOOD CAUSE FOR RELEASING THE APPLICANT OR OTHER OWNER FROM THE OBLIGATION TO DO SO), THE UNITED STATES SHALL BE ENTITLED TO RECOVER FROM THE APPLICANT OR

THE OTHER OWNER OF THE FACILITY AN AMOUNT WHICH BEARS TO THE THEN VALUE OF THE FACILITY (OR SO MUCH THEREOF AS CONSTITUTED AN APPROVED PROJECT OR PROJECTS) THE SAME RATIO AS THE AMOUNT OF SUCH FEDERAL FUNDS BORE TO THE COST OF THE FACILITY FINANCED WITH THE AID OF SUCH FUNDS. SUCH VALUE SHALL BE DETERMINED BY AGREEMENT OF THE PARTIES OR BY ACTION BROUGHT IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT IN WHICH SUCH FACILITY IS SITUATED.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 505. (A) THERE ARE AUTHORIZED TO BE APPROPRIATED FOR THE PURPOSE OF MAKING GRANTS OR CONTRACTS UNDER SECTION 501, SUCH SUMS AS MAY BE NECESSARY FOR THE FISCAL YEAR ENDING JUNE 30, 1973, THE FISCAL YEAR ENDING JUNE 30, 1974, AND THE FISCAL YEAR ENDING JUNE 30, 1975.

"(B) SUMS APPROPRIATED FOR ANY FISCAL YEAR UNDER SUBSECTION (A) OF THIS SECTION AND REMAINING UNOBLIGATED AT THE END OF SUCH YEAR SHALL REMAIN AVAILABLE FOR SUCH PURPOSE FOR THE NEXT FISCAL YEAR.

"MORTGAGE INSURANCE FOR MULTIPURPOSE SENIOR CENTERS

"SEC. 506. (A) IT IS THE PURPOSE OF THIS SECTION TO ASSIST AND ENCOURAGE THE PROVISION OF URGENTLY NEEDED FACILITIES FOR PROGRAMS FOR THE ELDERLY.

"(B) FOR THE PURPOSE OF THIS PART THE TERMS 'MORTGAGE', 'MORTGAGOR', 'MORTGAGEE', 'MATURITY DATE', AND 'STATE' SHALL HAVE THE MEANINGS RESPECTIVELY SET FORTH IN SECTION 207 OF THE NATIONAL HOUSING ACT. //12 U.S.C. 1713.//

"(C) THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE IS AUTHORIZED TO INSURE ANY MORTGAGE (INCLUDING ADVANCES ON SUCH MORTGAGE DURING ACQUISITION, ALTERATION, OR RENOVATION) IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION UPON SUCH TERMS AND CONDITIONS AS HE MAY PRESCRIBE AND MAKE COMMITMENTS FOR INSURANCE OF SUCH MORTGAGE PRIOR TO THE DATE OF ITS EXECUTION OR DISBURSEMENT THEREON.

"(D) IN ORDER TO CARRY OUT THE PURPOSE OF THIS SECTION, THE SECRETARY IS AUTHORIZED TO INSURE ANY MORTGAGE WHICH COVERS A NEW MULTIPURPOSE SENIOR CENTER, INCLUDING EQUIPMENT TO BE USED IN ITS OPERATION, SUBJECT TO THE FOLLOWING CONDITIONS: 4)"(1) THE MORTGAGE SHALL BE EXECUTED BY A MORTGAGOR, APPROVED BY THE SECRETARY, WHO DEMONSTRATES ABILITY SUCCESSFULLY TO OPERATE ONE OR MORE PROGRAMS FOR THE ELDEPLY. THE SECRETARY MAY IN HIS DISCRETION REQUIRE ANY SUCH MORTGAGOR TO BE REGULATED OR RESTRICTED AS TO MINIMUM CHARGES AND METHODS OF FINANCING, AND, IN ADDITION THERETO, IF THE MORTGAGOR IS A CORPORATE ENTITY, AS TO CAPITAL STRUCTURE AND RATE OF RETURN. AS AN AID TO THE REGULATION OR RESTRICTION OF ANY MORTGAGOR WITH RESPECT TO ANY OF THE FOREGOING MATTERS, THE SECRETARY MAY MAKE SUCH CONTRACTS WITH AND ACQUIRE FOR NOT TO EXCEED \$100 SUCH STOCK INTEREST IN SUCH MORTGAGOR AS HE MAY DEEM NECESSARY. ANY STOCK OR INTEREST SO PURCHASED SHALL BE PAID FOR OUT OF THE MULTIPURPOSE SENIOR CENTER INSURANCE FUND, AND SHALL BE REDEEMED BY THE MORTGAGOR AT PAR UPON THE TERMINATION OF ALL OBLIGATIONS OF THE SECRETARY UNDER THE INSURANCE.

"(2) THE MORTGAGE SHALL INVOLVE A PRINCIPAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$250,000 AND NOT TO EXCEED 90 PER CENTUM OF THE ESTIMATED REPLACEMENT COST OF THE PROPERTY OR PROJECT, INCLUDING EQUIPMENT TO BE

USED IN THE OPERATION OF THE MULTIPURPOSE SENIOR CENTER, WHEN THE PROPOSED IMPROVEMENTS ARE COMPLETED AND THE EQUIPMENT IS INSTALLED.

"(3) THE MORTGAGE SHALL--

"(A) PROVIDE FOR COMPLETE AMORTIZATION BY PERIODIC PAYMENTS WITHIN SUCH TERM AS THE SECRETARY SHALL PRESCRIBE, AND

"(B) BEAR INTEREST (EXCLUSIVE OF PREMIUM CHARGES FOR INSURANCE AND SERVICE CHARGES, IF ANY) AT NOT TO EXCEED SUCH PER CENTUM PER ANNUM ON THE PRINCIPAL OBLIGATION OUTSTANDING AT ANY TIME AS THE SECRETARY FINDS NECESSARY TO MEET THE MORTGAGE MARKET.

"(4) THE SECRETARY SHALL NOT INSURE ANY MORTGAGE UNDER THIS SECTION UNLESS HE HAS DETERMINED THAT THE CENTER TO BE COVERED BY THE MORTGAGE WILL BE IN COMPLIANCE WITH MINIMUM STANDARDS TO BE PRESCRIBED BY THE SECRETARY.

"(5) IN THE PLANS FOR SUCH MULTIPURPOSE SENIOR CENTER, DUE CONSIDERATION SHALL BE GIVEN TO EXCELLENCE OF ARCHITECTURE AND DESIGN, AND TO THE INCLUSION OF WORKS OF ART (NOT REPRESENTING MORE THAN 1 PER CENTUM OF THE COST OF THE PROJECT).

"(E) THE SECRETARY SHALL FIX AND COLLECT PREMIUM CHARGES FOR THE INSURANCE OF MORTGAGES UNDER THIS SECTION WHICH SHALL BE PAYABLE ANNUALLY IN ADVANCE BY THE MORTGAGEE, EITHER IN CASH OR IN DEFERRED PAYMENTS OF THE MULTIPURPOSE SENIOR CENTER INSURANCE FUND (ESTABLISHED BY SUBSECTION (H)) ISSUED AT PAR PLUS ACCRUED INTEREST. IN THE CASE OF ANY MORTGAGE SUCH CHARGE SHALL BE NOT LESS THAN AN AMOUNT EQUIVALENT TO ONE-FOURTH OF 1 PER CENTUM PER ANNUM NOR MORE THAN AN AMOUNT EQUIVALENT TO 1 PER CENTUM PER ANNUM OF THE AMOUNT OF THE PRINCIPAL OBLIGATION OF THE MORTGAGE OUTSTANDING AT ANY ONE TIME, WITHOUT TAKING INTO ACCOUNT DELINQUENT PAYMENTS OR PREPAYMENTS. IN ADDITION TO THE PREMIUM CHARGE HEREFIN PROVIDED FOR, THE SECRETARY IS AUTHORIZED TO CHARGE AND COLLECT SUCH AMOUNTS AS HE MAY DEEM REASONABLE FOR THE APPRAISAL OF A PROPERTY OR PROJECT DURING ACQUISITION, ALTERATION, OR RENOVATION; BUT SUCH CHARGES FOR APPRAISAL AND INSPECTION SHALL NOT AGGREGATE MORE THAN 1 PER CENTUM OF THE ORIGINAL PRINCIPAL FACE AMOUNT OF THE MORTGAGE.

"(F) THE SECRETARY MAY CONSENT TO THE RELEASE OF A PART OR PARTS OF THE MORTGAGED PROPERTY OR PROJECT FROM THE LIEN OF ANY MORTGAGE INSURED UNDER THIS SECTION UPON SUCH TERMS AND CONDITIONS AS HE MAY PRESCRIBE.

"(G) (1) THE SECRETARY SHALL HAVE THE SAME FUNCTIONS, POWERS, AND DUTIES (INsofar AS APPLICABLE) WITH RESPECT TO THE INSURANCE OF MORTGAGES UNDER THIS SECTION AS THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT HAS WITH RESPECT TO THE INSURANCE OF MORTGAGES UNDER TITLE II OF THE NATIONAL HOUSING ACT. //12 U.S.C. 1707-//

"(2) THE PROVISIONS OF SUBSECTION (E), (G), (H), (I), (J), (K), (L), AND (N) OF SECTION 207 OF THE NATIONAL HOUSING ACT SHALL APPLY TO MORTGAGES INSURED UNDER THIS SECTION; EXCEPT THAT, FOR THE PURPOSES OF THEIR APPLICATION WITH RESPECT TO SUCH MORTGAGES, ALL REFERENCES IN SUCH PROVISION TO THE GENERAL INSURANCE FUND SHALL BE DEEMED TO REFER TO THE MULTIPURPOSE SENIOR CENTER INSURANCE FUND, AND ALL REFERENCES IN SUCH PROVISIONS TO 'SECRETARY' SHALL BE DEEMED TO REFER TO THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE. //12 U.S.C. 1713-//

"(H) (1) THERE IS HEREBY CREATED A MULTIPURPOSE SENIOR CENTER INSURANCE FUND WHICH SHALL BE SUED BY THE SECRETARY AS A REVOLVING FUND FOR CARRYING OUT ALL THE INSURANCE PROVISIONS OF THIS SECTION. ALL MORTGAGES INSURED UNDER THIS SECTION SHALL BE INSURED UNDER AND BE THE OBLIGATION OF THE MULTIPURPOSE SENIOR CENTER INSURANCE FUND.

"(2) THE GENERAL EXPENSES OF THE OPERATIONS OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE RELATING TO MORTGAGES INSURED UNDER THIS SECTION MAY BE CHARGED TO THE MULTIPURPOSE SENIOR CENTER INSURANCE FUND.

"(3) MONEYS IN THE MULTIPURPOSE SENIOR CENTER INSURANCE FUND NOT NEEDED FOR THE CURRENT OPERATIONS OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE WITH RESPECT TO MORTGAGES INSURED UNDER THIS SECTION SHALL BE DEPOSITED WITH THE TREASURER OF THE UNITED STATES TO THE CREDIT OF SUCH FUND, OR INVESTED IN BONDS OR OTHER OBLIGATIONS OF, OR IN BONDS OR OTHER OBLIGATIONS GUARANTEED AS TO PRINCIPAL AND INTEREST BY, THE UNITED STATES. THE SECRETARY MAY, WITH THE APPROVAL OF THE SECRETARY OF THE TREASURY, PURCHASE IN THE OPEN MARKET DEBENTURES ISSUED AS OBLIGATIONS OF THE MULTIPURPOSE SENIOR CENTER INSURANCE FUND. SUCH PURCHASES SHALL BE MADE AT A PRICE WHICH WILL PROVIDE AN INVESTMENT YIELD OF NOT LESS THAN THE YIELD OBTAINABLE FROM OTHER INVESTMENTS AUTHORIZED BY THIS SECTION. DEBENTURES SO PURCHASED SHALL BE CANCELED AND NOT REISSUED.

"(4) PREMIUM CHARGES, ADJUSTED PREMIUM CHARGES, AND APPRAISAL AND OTHER FEES RECEIVED ON ACCOUNT OF THE INSURANCE OF ANY MORTGAGE UNDER THIS SECTION, THE RECEIPTS DERIVED FROM PROPERTY COVERED BY SUCH MORTGAGES AND FROM ANY CLAIMS, DEBTS, CONTRACTS, PROPERTY, AND SECURITY ASSIGNED TO THE SECRETARY IN CONNECTION THEREWITH, AND ALL EARNINGS AS THE ASSETS OF THE FUND, SHALL BE CREDITED TO THE MULTIPURPOSE SENIOR CENTER INSURANCE FUND. THE PRINCIPAL OF, AND INTEREST PAID AND TO BE PAID ON, DEBENTURES WHICH ARE THE OBLIGATION OF SUCH FUND, CASH INSURANCE PAYMENTS AND ADJUSTMENTS, AND EXPENSES INCURRED IN THE HANDLING, MANAGEMENT, RENOVATION, AND DISPOSAL OF PROPERTIES ACQUIRED, IN CONNECTION WITH MORTGAGES INSURED UNDER THIS SECTION, SHALL BE CHARGED TO SUCH FUND.

"(5) THERE ARE AUTHORIZED TO BE APPROPRIATED TO PROVIDE INITIAL CAPITAL FOR THE MULTIPURPOSE SENIOR CENTER INSURANCE FUND, AND TO ASSURE THE SOUNDNESS OF SUCH FUND THEREAFTER, SUCH SUMS AS MAY BE NECESSARY.

"ANNUAL INTEREST GRANTS

"SEC. 507. (A) TO ASSIST NONPROFIT PRIVATE AGENCIES TO REDUCE THE COST OF BORROWING FROM OTHER SOURCES FOR THE ACQUISITION, ALTERATION OR RENOVATION OF FACILITIES, THE SECRETARY MAY MAKE ANNUAL INTEREST GRANTS TO SUCH AGENCIES.

"(B) ANNUAL INTEREST GRANTS UNDER THIS SECTION WITH RESPECT TO ANY FACILITY SHALL BE MADE OVER A FIXED PERIOD NOT EXCEEDING FORTY YEARS, AND PROVISION FOR SUCH GRANTS SHALL BE EMBODIED IN A CONTRACT GUARANTEEING THEIR PAYMENT OVER SUCH PERIOD. EACH SUCH GRANT SHALL BE IN AN AMOUNT NOT GREATER THAN THE DIFFERENCE BETWEEN (1) THE AVERAGE ANNUAL DEBT SERVICE WHICH WOULD BE REQUIRED TO BE PAID, DURING THE LIFE OF THE LOAN, ON THE AMOUNT BORROWED FROM OTHER SOURCES FOR THE ACQUISITION, ALTERATION, OR RENOVATION OF SUCH FACILITIES, AND (2) THE AVERAGE ANNUAL DEBT SERVICE WHICH THE INSTITUTION WOULD HAVE BEEN REQUIRED TO PAY, DURING THE LIFE OF

THE LOAN, WITH RESPECT TO SUCH AMOUNTS IF THE APPLICABLE INTEREST RATE WERE 3 PER CENTUM PER ANNUM: PROVIDED, THAT THE AMOUNT ON WHICH SUCH GRANT IS BASED SHALL BE APPROVED BY THE SECRETARY.

"(C) (1) THERE ARE HEREBY AUTHORIZED TO BE APPROPRIATED TO THE SECRETARY SUCH SUMS AS MAY BE NECESSARY FOR PAYMENT OF ANNUAL INTEREST GRANTS IN ACCORDANCE WITH THIS SECTION.

"(2) CONTRACTS FOR ANNUAL INTEREST GRANTS UNDER THIS SECTION SHALL NOT BE ENTERED INTO IN AN AGGREGATE AMOUNT GREATER THAN IS AUTHORIZED IN APPROPRIATION ACTS.

"(D) NOT MORE THAN 12 1/2 PER CENTUM OF THE FUNDS PROVIDED FOR IN THIS SECTION FOR GRANTS MAY BE USED WITHIN ANY ONE STATE.

"PART B -- INITIAL STAFFING OF MULTIPURPOSE SENIOR CENTERS
"PERSONNEL STAFFING GRANT PROGRAM AUTHORIZED

"(SEC. 511. (A) FOR THE PURPOSE OF ASSISTING IN THE ESTABLISHMENT AND INITIAL OPERATION OF MULTIPURPOSE SENIOR CENTERS THE COMMISSIONER MAY, IN ACCORDANCE WITH THE PROVISIONS OF THIS PART, MAKE GRANTS TO MEET, FOR THE TEMPORARY PERIODS SPECIFIED IN THIS PART, ALL OR PART OF THE COSTS OF COMPENSATION OF PROFESSIONAL AND TECHNICAL PERSONNEL FOR THE INITIAL OPERATION OF NFW MULTIPURPOSE SENIOR CENTERS AND FOR THE DELIVERY OF SOCIAL SERVICES ESTABLISHED THEREIN.

"(B) GRANTS FOR SUCH COST OF ANY CENTER UNDER THIS TITLE MAY BE MADE ONLY FOR THE PERIOD BEGINNING WITH THE FIRST DAY OF THE FIRST MONTH FOR WHICH SUCH GRANT IS MADE AND ENDING WITH THE CLOSE OF THREE YEARS AFTER SUCH FIRST DAY. SUCH GRANTS WITH RESPECT TO ANY CENTER MAY NOT EXCEED 75 PER CENTUM OF SUCH COSTS FOR THE FIRST YEAR OF THE PROJECT, 66 2/3 PER CENTUM OF SUCH COSTS FOR THE SECOND YEAR OF THE PROJECT, AND 50 PER CENTUM OF SUCH COSTS FOR THE THIRD YEAR OF THE PROJECT.

"(C) IN MAKING SUCH GRANTS, THE SECRETARY SHALL TAKE INTO ACCOUNT THE RELATIVE NEEDS OF THE SEVERAL STATES FOR COMMUNITY CENTERS FOR SENIOR CITIZENS, THEIR RELATIVE FINANCIAL NEEDS, AND THEIR POPULATION OF PERSONS OVER SIXTH YEARS OF AGE.

"(D) FOR THE PURPOSE OF THIS PART, THERE ARE AUTHORIZED TO BE APPROPRIATED SUCH SUMS AS MAY BE NECESSARY FOR THE FISCAL YEAR ENDING JUNE 30, 1973, AND FOR EACH OF THE NEXT TWO SUCCEEDING FISCAL YEARS."

TITLE VI -- NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM
SEC. 601. SECTION 601 OF THE OLDER AMERICANS ACT OF 1965 IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW SUBSECTION: //83 STAT. 111., 42 U.S.C. 3044.//

"(D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO COMPENSATION PROVIDED TO INDIVIDUAL VOLUNTEERS UNDER THIS PART SHALL BE CONSIDERED INCOME FOR ANY PURPOSE WHATSOEVER."

SEC. 602. SECTION 603 OF THE OLDER AMERICANS ACT OF 1965 IS AMENDED BY INSERTING IMMEDIATELY BEFORE THE PERIOD AT THE END THEREOF THE FOLLOWING: "AND \$15,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1973, \$17,500,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, AND \$20,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975". //42 U.S.C. 3044A.//

SEC. 603. (A) THE HEADING OF PART B OF TITLE VI OF THE OLDER AMERICANS ACT OF 1965 IS AMENDED TO READ AS FOLLOWS:

"FOSTER GRANDPARENT PROGRAM AND OLDER
AMERICANS COMMUNITY SERVICE PROGRAMS".

(B) SECTION 611 OF SUCH ACT IS AMENDED TO READ AS FOLLOWS: //86 STAT. 705., 42 U.S.C. 30448.//

"SEC. 611. (A) THE COMMISSIONER IS AUTHORIZED TO MAKE GRANTS TO OR CONTRACTS WITH PUBLIC AND NONPROFIT PRIVATE AGENCIES AND ORGANIZATIONS TO PAY PART OR ALL OF THE COST OF DEVELOPMENT AND OPERATION OF PROJECTS DESIGNED TO PROVIDE OPPORTUNITIES FOR LOW-INCOME PERSONS AGED SIXTY OR OVER TO RENDER SUPPORTIVE PERSON-TO-PERSON SERVICES IN HEALTH, EDUCATION, WELFARE, AND RELATED SETTINGS TO CHILDREN HAVING EXCEPTIONAL NEEDS, INCLUDING SERVICES AS 'FOSTER GRANDPARENTS' TO CHILDREN, RECEIVING CARE IN HOSPITALS, HOMES FOR DEPENDENT AND NEGLECTED CHILDREN, OR OTHER ESTABLISHMENTS PROVIDING CARE FOR CHILDREN WITH SPECIAL NEEDS.

"(B) THE COMMISSIONER IS ALSO AUTHORIZED TO MAKE GRANTS OR CONTRACTS TO CARRY OUT THE PURPOSES DESCRIBED IN SUBSECTION (A) IN THE CASE OF PERSONS (OTHER THAN CHILDREN) HAVING EXCEPTIONAL NEEDS, INCLUDING SERVICES AS 'SENIOR HEALTH AIDES' TO WORK WITH PERSONS RECEIVING HOME HEALTH CARE AND NURSING CARE, AND AS 'SENIOR COMPANIONS' TO PERSONS HAVING DEVELOPMENTAL DISABILITIES.

"(C) PAYMENTS UNDER THIS PART PURSUANT TO A GRANT OR CONTRACT MAY BE MADE (AFTER NECESSARY ADJUSTMENT ON ACCOUNT OF PREVIOUSLY MADE OVERPAYMENTS OR UNDERPAYMENTS) IN ADVANCE OR BY WAY OF REIMBURSEMENT, IN SUCH INSTALLMENTS AND ON SUCH CONDITIONS AS THE COMMISSIONER MAY DETERMINE.

"(D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO COMPENSATION PROVIDED TO INDIVIDUAL VOLUNTEERS UNDER THIS PART SHALL BE CONSIDERED INCOME FOR ANY PURPOSE WHATSOEVER."

"(C) THE FIRST SENTENCE OF SECTION 613 OF SUCH ACT IS AMENDED TO READ AS FOLLOWS:

"IN ADMINISTERING THIS PART, THE COMMISSIONER SHALL CONSULT WITH THE OFFICE OF ECONOMIC OPPORTUNITY, THE DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE AND ANY OTHER FEDERAL AGENCIES ADMINISTERING RELEVANT PROGRAMS WITH A VIEW TO ACHIEVING OPTIMAL COORDINATION WITH SUCH OTHER PROGRAMS AND SHALL PROMOTE THE COORDINATION OF PROJECTS UNDER THIS PART WITH OTHER PUBLIC OR PRIVATE PROGRAMS OR PROJECTS CARRIED OUT AT STATE AND LOCAL LEVELS." //83 STAT. 113., 42 U.S.C. 3044D.//

SEC. 604. SECTION 614 OF THE OLDER AMERICANS ACT IS AMENDED TO READ AS FOLLOWS: //42 U.S.C. 4033C.//

"SEC. 614. (A) (1) THERE ARE AUTHORIZED TO BE APPROPRIATED FOR GRANTS OR CONTRACTS UNDER SUBSECTIONS (A) AND (B) OF SECTION 611, \$25,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1973, \$32,500,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, AND \$40,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, RESPECTIVELY, OF WHICH (A) \$25,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1973, \$26,500,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, AND \$32,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, RESPECTIVELY, SHALL BE AVAILABLE FOR SUCH YEARS FOR GRANTS OR CONTRACTS UNDER SUBSECTION (A) OF SECTION 611 AND (B) \$6,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, AND \$8,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975,

RESPECTIVELY, SHALL BE AVAILABLE FOR SUCH YEARS FOR GRANTS OR CONTRACTS UNDER SUBSECTION (B) OF SUCH SECTION.

"(2) IF THE SUMS AUTHORIZED TO BE APPROPRIATED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR FISCAL YEARS BEGINNING AFTER JUNE 30, 1973, ARE NOT APPROPRIATED AND MADE AVAILABLE FOR EACH SUCH FISCAL YEAR, THEN SUCH SUMS AS ARE SO APPROPRIATED AND MADE AVAILABLE FOR EACH SUCH FISCAL YEAR SHALL BE ALLOCATED SO THAT --

"(A) ANY AMOUNTS APPROPRIATED NOT IN EXCESS OF A SUM WHICH WHEN ADDED TO CARRYOVER BALANCES OTHERWISE AVAILABLE FOR OBLIGATION UNDER SUBSECTION (A) OF SECTION 611 EQUALS \$25,000,000 SHALL BE SUED FOR GRANTS OR CONTRACTS UNDER SUCH SUBSECTION; AND

"(B) ANY AMOUNTS APPROPRIATED IN EXCESS OF A SUM WHICH WHEN ADDED TO CARRYOVER BALANCES OTHERWISE AVAILABLE FOR OBLIGATION UNDER SUBSECTION (A) OF SECTION 611 EQUALS \$31,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, AND \$33,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, RESPECTIVELY, SHALL BE SUED FOR GRANTS OR CONTRACTS FOR SUCH FISCAL YEARS UNDER SUBSECTION (A) OF SUCH SECTION."

SEC. 605. THE AUTHORITIES CONFERRED UPON THE COMMISSIONER OF THE ADMINISTRATION ON AGING BY THE AMENDMENTS MADE IN THIS TITLE SHALL BE CARRIED OUT PURSUANT TO DELEGATIONS OF AUTHORITY, REORGANIZATION PLANS, AND TRANSFERS MADE EFFECTIVE PRIOR TO THE DATE OF ENACTMENT OF THIS ACT WITH RESPECT TO AUTHORITIES CONFERRED UPON THE SECRETARY OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE UNDER TITLE VI OF THE OLDER AMERICANS ACT OF 1965, AS AMENDED.

TITLE VII -- NUTRITION PROGRAM AVAILABILITY OF SURPLUS COMMODITIES

SEC. 701. SECTION 707 OF THE OLDER AMERICANS ACT OF 1965 IS AMENDED TO READ AS FOLLOWS: //86 STAT. 94, 42 U.S.C. 3045F.//

"AVAILABILITY OF SURPLUS COMMODITIES

"SEC. 707. (A) AGRICULTURAL COMMODITIES AND PRODUCTS PURCHASED BY THE SECRETARY OF AGRICULTURE UNDER SECTION 32 OF THE ACT OF AUGUST 24, 1935 (7 U.S.C. 612C) MAY BE DONATED TO A RECIPIENT OF A GRANT OR CONTRACT TO BE USED FOR PROVIDING NUTRITIONAL SERVICES IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE. //49 STAT. 774.//

"(B) THE COMMODITY CREDIT CORPORATION MAY DISPOSE OF FOOD COMMODITIES UNDER SECTION 416 OF THE AGRICULTURAL ACT OF 1949 (7 U.S.C. 1431) BY DONATING THEM TO A RECIPIENT OF A GRANT OR CONTRACT TO BE USED FOR PROVIDING NUTRITIONAL SERVICES IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE. //68 STAT. 458; 86 STAT. 1492.//

"(C) DAIRY PRODUCTS PURCHASED BY THE SECRETARY OF AGRICULTURE UNDER SECTION 709 OF THE FOOD AND AGRICULTURE ACT OF 1965 (7 U.S.C. 1446A - 1) MAY BE USED TO MEET THE REQUIREMENTS OF PROGRAMS PROVIDING NUTRITIONAL SERVICES IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE." //79 STAT. 1212; 80 STAT. 1538.//

SEC. 702. SECTION 705 (A) OF THE OLDER AMERICANS ACT OF 1965 IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW PARAGRAPH: //86 STAT 91., 42 U.S.C. 3045D.//

"(5) PROVIDE THAT, WHEN MUTUALLY AGREED UPON BY RECIPIENTS OF

GRANTS AND CONTRACTS AND AREA PLANNING AND SERVICE AREAS AGENCIES, NUTRITION PROJECTS ASSISTED UNDER THIS TITLE SHALL BE MADE A PART OF THE COMPREHENSIVE AND COORDINATED SYSTEMS ESTABLISHED UNDER TITLE III OF THIS ACT." //ANTE, P. 36.//

STATE PLANNING

SEC. 703. SECTION 705 (A) (2) (B) OF THE OLDER AMERICANS ACT OF 1965 IS AMENDED BY INSERTING "FOR THE FISCAL YEAR ENDING JUNE 30, 1973," FOLLOWING "ADMINISTRATIVE COST,"; BY STRIKING OUT "ANY FISCAL YEAR" IN THIS SECTION AND SUBSTITUTING IN LIEU THEREOF "SUCH FISCAL YEAR"; AND BY ADDING AT THE END OF THE FIRST SENTENCE THEREOF THE FOLLOWING SENTENCE: "FOR THE FISCAL YEARS ENDING AFTER JUNE 30, 1973, FUNDS ALLOTTED TO A STATE FOR STATE PLANNING AND ADMINISTRATION PURSUANT TO SECTION 306 OF THIS ACT MAY BE USED FOR THE ADMINISTRATION OF THE STATE PLAN SUBMITTED PURSUANT TO THIS SECTION, EXCEPT THAT WHEREVER THE GOVERNOR OF THE STATE DESIGNATES AN AGENCY OTHER THAN THE AGENCY DESIGNATED UNDER SECTION 304 (A) (1) OF THIS ACT, THEN THE COMMISSIONER SHALL DETERMINE THAT PORTION OF A STATE'S ALLOTMENT UNDER SECTION 306 WHICH SHALL BE AVAILABLE TO THE AGENCY DESIGNATED UNDER SECTION 705 (A) (1) FOR PLANNING AND ADMINISTRATION."

CONFORMING AMENDMENT

SEC. 704. (A) THE FIRST SENTENCE OF SECTION 705 (A) OF THE OLDER AMERICANS ACT OF 1965 IS AMENDED BY STRIKING OUT "303" THE FIRST TIME IT APPEARS IN SUCH SENTENCE AND INSERTING IN LIEU THEREOF "304" AND BY STRIKING OUT "303" THE SECOND TIME IT APPEARS IN SUCH SENTENCE AND INSERTING IN LIEU THEREOF, "305".

(B) SECTION 705 (A) (1) OF THE OLDER AMERICANS ACT OF 1965 IS AMENDED BY STRIKING OUT "303" AND INSERTING IN LIEU THEREOF "304".

(C) TITLE VII OF THE OLDER AMERICANS ACT OF 1965 IS AMENDED BY STRIKING OUT "SECRETARY" WHEREVER IN SUCH TITLE THE TERM REFERS TO THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE, AND INSERTING IN LIEU THEREOF "COMMISSIONER".

TITLE VIII -- AMENDMENTS TO OTHER ACTS

AMENDMENT TO LIBRARY SERVICES AND CONSTRUCTION ACT

SEC. 801. (A) THE LIBRARY SERVICES AND CONSTRUCTION ACT (20 U.S.C. 351 ET SEQ.) IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW TITLE: //70 STAT. 293; 84 STAT. 1660.//

"TITLE IV -- OLDER READERS SERVICES

"GRANTS TO STATES FOR OLDER READERS SERVICES

"SEC. 401. THE COMMISSIONER SHALL CARRY OUT A PROGRAM OF MAKING GRANTS TO STATES WHICH HAVE AN APPROVED BASIC STATE PLAN UNDER SECTION 6 AND HAVE SUBMITTED A LONG-RANGE PROGRAM AND AN ANNUAL PROGRAM UNDER SECTION 403 FOR LIBRARY SERVICES FOR OLDER PERSONS.

"USES OF FEDERAL FUNDS

"SEC. 402. (A) FUNDS APPROPRIATED PURSUANT TO PARAGRAPH (4) OF SECTION 4 (A) SHALL BE AVAILABLE FOR GRANTS TO STATES FROM ALLOTMENTS UNDER SECTION 5 (A) FOR THE PURPOSE OF CARRYING OUT THE FEDERAL SHARE OF THE COST OF CARRYING OUT STATE PLANS SUBMITTED AND APPROVED UNDER SECTION 403. SUCH GRANTS SHALL BE USED FOR (1) THE TRAINING OF LIBRARIANS TO WORK WITH

THE ELDERLY; (2) THE CONDUCT OF SPECIAL LIBRARY PROGRAMS FOR THE ELDERLY; (3) THE PURCHASE OF SPECIAL LIBRARY MATERIALS FOR USE BY THE ELDERLY; (4) THE PAYMENT OF SALARIES FOR ELDERLY PERSONS WHO WISH TO WORK IN LIBRARIES AS ASSISTANTS ON PROGRAMS FOR THE ELDERLY; (5) THE PROVISION OF IN-HOME VISITS BY LIBRARIANS AND OTHER LIBRARY PERSONNEL TO THE ELDERLY; (6) THE ESTABLISHMENT OF OUTREACH PROGRAMS TO NOTIFY THE ELDERLY OF LIBRARY SERVICES AVAILABLE TO THEM; AND (7) THE FURNISHING OF TRANSPORTATION TO ENABLE THE ELDERLY TO HAVE ACCESS TO LIBRARY SERVICES.

"(B) FOR THE PURPOSES OF THIS TITLE, THE FEDERAL SHARE SHALL BE 100 PER CENTUM OF THE COST OF CARRYING OUT THE STATE PLAN.

"STATE ANNUAL PROGRAM FOR LIBRARY SERVICES FOR THE ELDERLY

"SEC. 403. ANY STATE DESIRING TO RECEIVE A GRANT FROM ITS ALLOTMENT FOR THE PURPOSES OF THIS TITLE FOR ANY FISCAL YEAR SHALL, IN ADDITION TO HAVING SUBMITTED, AND HAVING HAD APPROVED, A BASIC STATE PLAN UNDER SECTION 6, SUBMIT FOR THAT FISCAL YEAR AN ANNUAL PROGRAM FOR LIBRARY SERVICES FOR OLDER PERSONS. SUCH PROGRAM SHALL BE SUBMITTED AT SUCH TIME, IN SUCH FORM, AND CONTAIN SUCH INFORMATION AS THE COMMISSIONER MAY REQUIRE BY REGULATION AND SHALL --

"(1) SET FORTH A PROGRAM FOR THE YEAR SUBMITTED UNDER WHICH FUNDS PAID TO THE STATE FROM APPROPRIATIONS PURSUANT TO PARAGRAPH (4) OF SECTION 4 (A) WILL BE USED, CONSISTENT WITH ITS LONG-RANGE PROGRAM FOR THE PURPOSES SET FORTH IN SECTION 402, AND

"(2) INCLUDE AN EXTENSION OF THE LONG-RANGE PROGRAM TAKING INTO CONSIDERATION THE RESULTS OF EVALUATIONS.

"COORDINATION WITH PROGRAMS FOR OLDER AMERICANS

"SEC. 404. IN CARRYING OUT THE PROGRAM AUTHORIZED BY THIS TITLE, THE COMMISSIONER SHALL CONSULT WITH THE COMMISSIONER OF THE ADMINISTRATION ON AGING AND THE DIRECTOR OF ACTION FOR THE PURPOSE OF COORDINATING WHERE PRACTICABLE, THE PROGRAMS ASSISTED UNDER THIS TITLE WITH THE PROGRAMS ASSISTED UNDER THE OLDER AMERICANS ACT OF 1965."

(B) SECTION 4 (A) OF THE LIBRARY SERVICES AND CONSTRUCTION ACT IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW PARAGRAPH:

"(4) FOR THE PURPOSE OF MAKING GRANTS TO STATES TO ENABLE THEM TO CARRY OUT PUBLIC LIBRARY SERVICE PROGRAMS FOR OLDER PERSONS AUTHORIZED BY TITLE IV, THERE ARE AUTHORIZED TO BE APPROPRIATED SUCH SUMS AS MAY BE NECESSARY FOR THE FISCAL YEAR ENDING JUNE 30, 1973, THE FISCAL YEAR ENDING JUNE 30, 1974, THE FISCAL YEAR ENDING JUNE 30, 1975, AND THE FISCAL YEAR ENDING JUNE 30, 1976." //84 STAT. 1662. 20 U.S.C. 351B.//

(C) (1) SECTION 5 (A) (1) OF SUCH ACT IS AMENDED BY STRIKING OUT "OR (3)" AND INSERTING IN LIEU THEREOF "(3), OR (4)". //20 U.S.C. 351C.//

(2) SECTION (A) (2) OF SUCH ACT IS AMENDED BY STRIKING OUT "OR (3)" AND INSERTING IN LIEU THEREOF "(3), OR (4)".

(3) SECTION 5 (A) OF SUCH ACT IS AMENDED BY STRIKING OUT THE WORD "AND" AT THE END OF SUCH PARAGRAPH (B) THEREOF, BY STRIKING OUT THE PERIOD AT THE END OF SUBPARAGRAPH (C) AND INSERTING IN LIEU THEREOF A SEMICOLON AND THE WORD "AND", AND BY INSERTING AFTER SUBPARAGRAPH (C) THEREOF THE FOLLOWING:

"(D) WITH RESPECT TO APPROPRIATIONS FOR THE PURPOSES OF TITLE IV, \$40,000 FOR EACH STATE, EXCEPT THAT IT SHALL BE \$10,000 IN THE CASE OF GUAM, AMERICAN SAMOA, THE VIRGIN ISLANDS, AND THE TRUST TERRITORY OF THE PACIFIC ISLANDS." //ANTE, P. 55.//

(4) THE LAST SENTENCE OF SECTION 5 (A) (3) OF SUCH ACT IS AMENDED BY STRIKING OUT "OR (3)" AND INSERTING IN LIEU THEREOF "(3) OR (4)". //84 STAT. 1662., 20 U.S.C. 351C.//

"(5) SECTION 5 (B) OF SUCH ACT IS AMENDED BY STRIKING OUT "OR (3)" AND INSERTING IN LIEU THEREOF "(3), OR (4)".

(C) SECTION 6 (A) OF SUCH ACT IS AMENDED BY STRIKING OUT "AND III" AND INSERTING IN LIEU THEREOF "III AND IV". //84 STAT. 1663., 20 U.S.C. 351D., 20 U.S.C. 351E.//

"(D) (1) SECTION 7 (A) OF SUCH ACT IS AMENDED BY STRIKING OUT "OR (3)" AND INSERTING IN LIEU THEREOF "(3), OR (4)".

(2) SECTION 7 (B) (1) OF SUCH ACT IS AMENDED BY INSERTING "AND TITLE IV" AFTER "TITLE III".

(E) THE AMENDMENTS MADE BY SUBSECTIONS (A), (B), AND (C) OF THIS SECTION SHALL BE EFFECTIVE AFTER JUNE 30, 1973.

AMENDMENT TO NATIONAL COMMISSION ON LIBRARIES

AND INFORMATION SCIENCE ACT

SEC. 802. (A) SECTION 5 (A) (2) OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT IS AMENDED BY STRIKING OUT "AND" AFTER "AREAS" AND INSERTING A COMMA IN LIEU THEREOF, AND BY INSERTING AFTER "DEPRIVED PERSONS," THE FOLLOWING: "AND OF ELDERLY PERSONS,". //84 STAT. 441., 20 U.S.C. 1504.//

(B) THE SECOND SENTENCE OF SECTION 6 (A) (20 U.S.C. 1505 (A)) OF SUCH ACT IS AMENDED BY INSERTING BEFORE THE PERIOD AT THE END THEREOF THE FOLLOWING: ", AND AT LEAST ONE OTHER OF WHOM SHALL BE KNOWLEDGEABLE WITH RESPECT TO THE LIBRARY AND INFORMATION SERVICE AND SCIENCE NEEDS OF THE ELDERLY".

AMENDMENT TO HIGHER EDUCATION ACT OF 1965

SEC. 803. TITLE I OF THE HIGHER EDUCATION ACT OF 1965 IS AMENDED BY REDSIGNATING SECTIONS 110, 111, AND 112 (AND CROSS REFERENCES THERETO) AS 111, 112, AND 113, RESPECTIVELY, AND BY INSERTING AFTER SECTION 109 THE FOLLOWING NEW SECTION: //86 STAT. 236., 20 U.S.C. 1109 - 1011.//

"SPECIAL PROGRAMS AND PROJECTS RELATING TO PROBLEMS OF THE ELDERLY

"SEC. 110. (A) THE COMMISSIONER IS AUTHORIZED TO MAKE GRANTS TO INSTITUTIONS OF HIGHER EDUCATION (AND COMBINATIONS THEREOF) TO ASSIST SUCH INSTITUTIONS IN PLANNING, DEVELOPING, AND CARRYING OUT, CONSISTENT WITH THE PURPOSE OF THIS TITLE, PROGRAMS SPECIFICALLY DESIGNED TO APPLY THE RESOURCES OF HIGHER EDUCATION TO THE PROBLEMS OF THE ELDERLY, PARTICULARLY WITH REGARD TO TRANSPORTATION AND HOUSING PROBLEMS OF ELDERLY PERSONS LIVING IN RURAL AND ISOLATED AREAS.

"(B) FOR PURPOSES OF MAKING GRANTS UNDER THIS SECTION, THERE ARE AUTHORIZED TO BE APPROPRIATED SUCH SUMS AS MAY BE NECESSARY FOR THE FISCAL YEAR ENDING JUNE 30, 1973, AND EACH SUCCEEDING FISCAL YEAR ENDING PRIOR TO JULY 1, 1977.

"(C) IN CARRYING OUT THE PROGRAM AUTHORIZED BY THIS SECTION, THE COMMISSIONER SHALL CONSULT WITH THE COMMISSIONER OF THE ADMINISTRATION ON AGING FOR THE PURPOSE OF COORDINATING, WHERE PRACTICABLE, THE PROGRAMS ASSISTED UNDER THIS SECTION WITH THE PROGRAMS ASSISTED UNDER THE OLDER AMERICANS ACT OF 1965." //ANTE, P. 30.//

AMENDMENT TO ADULT EDUCATION ACT

SEC. 804. (A) THE ADULT EDUCATION ACT (20 U.S.C. 1201 ET SEQ.) IS AMENDED BY REDESIGNATING SECTIONS 310, 311, AND 312 (AND CROSS REFERENCES THERETO) AS SECTIONS 311, 312, AND 313, RESPECTIVELY, AND BY INSERTING AFTER SECTION 309 THE FOLLOWING NEW SECTION: //84 STAT. 163., 20 U.S.C. 1209 - 1211.//

"SPECIAL PROJECTS FOR THE ELDERLY

"SEC. 310. (A) THE COMMISSIONER IS AUTHORIZED TO MAKE GRANTS TO STATE AND LOCAL EDUCATIONAL AGENCIES OR OTHER PUBLIC OR PRIVATE NONPROFIT AGENCIES FOR PROGRAMS TO FURTHER THE PURPOSE OF THIS ACT BY PROVIDING EDUCATIONAL PROGRAMS FOR ELDERLY PERSONS WHOSE ABILITY TO SPEAK AND READ THE ENGLISH LANGUAGE, IS LIMITED AND WHO LIVE IN AN AREA WITH A CULTURE DIFFERENT THAN THEIR OWN. SUCH PROGRAMS SHALL BE DESIGNED TO EQUIP SUCH ELDERLY PERSONS TO DEAL SUCCESSFULLY WITH THE PRACTICAL PROBLEMS IN THEIR EVERYDAY LIFE, INCLUDING THE MAKING OF PURCHASES, MEETING THEIR TRANSPORTATION AND HOUSING NEEDS, AND COMPLYING WITH GOVERNMENTAL REQUIREMENTS SUCH AS THOSE FOR OBTAINING CITIZENSHIP, PUBLIC ASSISTANCE AND SOCIAL SECURITY BENEFITS, AND HOUSING.

"(B) FOR THE PURPOSE OF MAKING GRANTS UNDER THIS SECTION THERE ARE AUTHORIZED TO BE APPROPRIATED SUCH SUMS AS MAY BE NECESSARY FOR THE FISCAL YEAR ENDING JUNE 30, 1973, AND EACH SUCCEEDING FISCAL YEAR ENDING PRIOR TO JULY 1, 1975.

"(C) IN CARRYING OUT THE PROGRAM AUTHORIZED BY THIS SECTION, THE COMMISSIONER SHALL CONSULT WITH THE COMMISSIONER OF THE ADMINISTRATION ON AGING FOR THE PURPOSE OF COORDINATING, WHERE PRACTICABLE, THE PROGRAMS ASSISTED UNDER THIS SECTION WITH THE PROGRAMS ASSISTED UNDER THE OLDER AMERICANS ACT OF 1965."

(B) SECTION 313 (A) OF SUCH ACT, AS REDESIGNATED, IS AMENDED BY INSERTING BEFORE THE PERIOD AT THE END THEREOF THE FOLLOWING: "(OTHER THAN SECTION 310)". //ANTE, P. 30.//

ADDITIONAL AUTHORIZATION FOR SENIOR OPPORTUNITIES AND SERVICES

SEC. 805. IN ADDITION TO THE AMOUNTS AUTHORIZED TO BE APPROPRIATED AND ALLOCATED PURSUANT TO THE ECONOMIC OPPORTUNITY AMENDMENTS OF 1972, THERE IS FURTHER AUTHORIZED TO BE APPROPRIATED SUCH SUMS AS MAY BE NECESSARY FOR THE FISCAL YEAR ENDING JUNE 30, 1973 AND THE SUCCEEDING FISCAL YEAR, TO BE USED FOR THE SENIOR OPPORTUNITIES AND SERVICES PROGRAM DESCRIBED IN SECTION 222 (A) OF THE ECONOMIC OPPORTUNITY ACT OF 1964. //86 STAT. 688., 42 U.S.C. 2701 NOTE.//

TITLE IX -- COMMUNITY SERVICE EMPLOYMENT FOR
OLDER AMERICANS //81 STAT. 698; 82 STAT. 1019.

42

U.S.C. 2809.//

SHORT TITLE

SEC. 901. THIS TITLE MAY BE CITED AS THE "OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT ACT".

OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

SEC. 902. (A) IN ORDER TO FOSTER AND PROMOTE USEFUL PART-TIME WORK OPPORTUNITIES IN COMMUNITY SERVICE ACTIVITIES FOR UNEMPLOYED LOW INCOME PERSONS WHO ARE FIFTY-FIVE YEARS OLD OR OLDER AND WHO HAVE POOR EMPLOYMENT PROSPECTS, THE SECRETARY OF LABOR (HEREINAFTER REFERRED TO AS THE "SECRETARY") IS AUTHORIZED TO ESTABLISH AN OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM (HEREINAFTER REFERRED TO AS THE "PROGRAM").

(B) IN ORDER TO CARRY OUT THE PROVISIONS OF THIS TITLE, THE SECRETARY IS AUTHORIZED --

(1) TO ENTER INTO AGREEMENTS WITH PUBLIC OR PRIVATE NONPROFIT AGENCIES OR ORGANIZATIONS, AGENCIES OF A STATE GOVERNMENT OR A POLITICAL SUBDIVISION OF A STATE (HAVING ELECTED OR DULY APPOINTED GOVERNING OFFICIALS), OR A COMBINATION OF SUCH POLITICAL SUBDIVISIONS, OR INDIAN TRIBES ON FEDERAL OR STATE RESERVATIONS IN ORDER TO FURTHER THE PURPOSES AND GOALS OF THE PROGRAM. SUCH AGREEMENTS MAY INCLUDE PROVISIONS FOR THE PAYMENT OF COSTS, AS PROVIDED IN SUBSECTION (C), OR PROJECTS DEVELOPED BY SUCH ORGANIZATIONS AND AGENCIES IN COOPERATION WITH THE SECRETARY IN ORDER TO MAKE THE PROGRAM EFFECTIVE OR TO SUPPLEMENT IT. NO PAYMENTS SHALL BE MADE BY THE SECRETARY TOWARD THE COST OF ANY PROJECT ESTABLISHED OR ADMINISTERED BY ANY SUCH ORGANIZATION OR AGENCY UNLESS HE DETERMINES THAT SUCH PROJECT --

(A) WILL PROVIDE EMPLOYMENT ONLY FOR ELIGIBLE INDIVIDUALS, EXCEPT FOR NECESSARY TECHNICAL, ADMINISTRATIVE, AND SUPERVISORY PERSONNEL, BUT SUCH PERSONNEL SHALL, TO THE FULLEST EXTENT POSSIBLE, BE RECRUITED FROM AMONG ELIGIBLE INDIVIDUALS;

(B) WILL PROVIDE EMPLOYMENT FOR ELIGIBLE INDIVIDUALS IN THE COMMUNITY IN WHICH SUCH INDIVIDUALS RESIDE, OR IN NEARBY COMMUNITIES;

(C) WILL EMPLOY ELIGIBLE INDIVIDUALS IN SERVICES RELATED TO PUBLICLY OWNED AND OPERATED FACILITIES AND PROJECTS, OR PROJECTS SPONSORED BY ORGANIZATIONS EXEMPT FROM TAXATION UNDER THE PROVISIONS OF SECTION 501 (C) (3) OF THE INTERNAL REVENUE CODE OF 1954 (OTHER THAN POLITICAL PARTIES), EXCEPT PROJECTS INVOLVING THE CONSTRUCTION, OPERATION, OR MAINTENANCE OF ANY FACILITY USED OR TO BE USED AS A PLACE FOR SECTARIAN RELIGIOUS INSTRUCTION OR WORSHIP; //68A STAT-163., 26 U.S.C. 501.//

(D) WILL CONTRIBUTE TO THE GENERAL WELFARE OF THE COMMUNITY;

(E) WILL PROVIDE EMPLOYMENT FOR ELIGIBLE INDIVIDUALS WHOSE OPPORTUNITIES FOR OTHER SUITABLE PUBLIC OR PRIVATE PAID EMPLOYMENT ARE POOR;

(F) WILL RESULT IN AN INCREASE IN EMPLOYMENT OPPORTUNITIES FOR ELIGIBLE INDIVIDUALS, AND WILL NOT RESULT IN THE DISPLACEMENT OF EMPLOYED WORKERS OR IMPAIR EXISTING CONTRACTS;

(G) WILL UTILIZE METHODS OF RECRUITMENT AND SELECTION (INCLUDING, BUT NOT LIMITED TO, LISTING OF JOB VACANCIES WITH THE EMPLOYMENT

AGENCY OPERATED BY ANY STATE OR POLITICAL SUBDIVISION THEREOF) WHICH WILL ASSURE THAT THE MAXIMUM NUMBER OF ELIGIBLE INDIVIDUALS WILL HAVE AN OPPORTUNITY TO PARTICIPATE IN THE PROJECT;

(H) WILL INCLUDE SUCH TRAINING AS MAY BE NECESSARY TO MAKE THE MOST EFFECTIVE USE OF THE SKILLS AND TALENTS OF THOSE INDIVIDUALS WHO ARE PARTICIPATING, AND WILL PROVIDE FOR THE PAYMENT OF THE REASONABLE EXPENSES OF INDIVIDUALS BEING TRAINED, INCLUDING REASONABLE SUBSISTENCE ALLOWANCE;

(I) WILL ASSURE THAT SAFE AND HEALTHY CONDITIONS OF WORK WILL BE PROVIDED, AND WILL ASSURE THAT PERSONS EMPLOYED IN PUBLIC SERVICE JOBS ASSISTED UNDER THIS TITLE SHALL BE PAID WAGES WHICH SHALL NOT BE LOWER THAN WHICHEVER IS THE HIGHEST OF (I) THE MINIMUM WAGE WHICH WOULD BE APPLICABLE TO THE EMPLOYEE UNDER THE FAIR LABOR STANDARDS ACT OF 1938, IF SECTION 6 (A) (1) OF SUCH ACT APPLIED TO THE PARTICIPANT AND IF HE WERE NOT EXEMPT UNDER SECTION 13 THEREOF, (II) THE STATE OR LOCAL MINIMUM WAGE FOR THE MOST NEARLY COMPARABLE COVERED EMPLOYMENT, OR (III) THE PREVAILING RATES OF PAY FOR PERSONS EMPLOYED IN SIMILAR PUBLIC OCCUPATIONS BY THE SAME EMPLOYER; 1/52 STAT. 1060., 29 U.S.C. 201., 80 STAT. 838., 29 STAT. 206., 29 STAT. 213.//

(J) WILL BE ESTABLISHED OR ADMINISTERED WITH THE ADVICE OF PERSONS COMPETENT IN THE FIELD OF SERVICE IN WHICH EMPLOYMENT IS BEING PROVIDED, AND OF PERSONS WHO ARE KNOWLEDGEABLE WITH REGARD TO THE NEEDS OF OLDER PERSONS;

(K) WILL AUTHORIZE PAY FOR NECESSARY TRANSPORTATION COSTS OF ELIGIBLE INDIVIDUALS WHICH MAY BE INCURRED IN EMPLOYMENT IN ANY PROJECT FUNDED UNDER THIS TITLE IN ACCORDANCE WITH REGULATIONS PROMULGATED BY THE SECRETARY; AND

(L) WILL ASSURE THAT TO THE EXTENT FEASIBLE SUCH PROJECTS WILL SERVE THE NEEDS OF MINORITY, INDIAN, AND LIMITED ENGLISH-SPEAKING ELIGIBLE INDIVIDUALS IN PROPORTION TO THEIR NUMBERS IN THE STATE;

(2) TO MAKE, ISSUE, AND AMEND SUCH REGULATIONS AS MAY BE NECESSARY TO EFFECTIVELY CARRY OUT THE PROVISIONS OF THIS TITLE.

(C) (1) THE SECRETARY IS AUTHORIZED TO PAY NOT TO EXCEED 90 PER CENTUM OF THE COST OF ANY PROJECT WHICH IS THE SUBJECT OF AN AGREEMENT ENTERED INTO UNDER SUBSECTION (B), EXCEPT THAT THE SECRETARY IS AUTHORIZED TO PAY ALL OF THE COSTS OF ANY SUCH PROJECT WHICH IS (A) AN EMERGENCY OR DISASTER PROJECT OR (B) A PROJECT LOCATED IN AN ECONOMICALLY DEPRESSED ARFA AS DETERMINED IN CONSULTATION WITH THE SECRETARY OF COMMERCE AND THE DIRECTOR OF THE OFFICE OF ECONOMIC OPPORTUNITY.

(2) THE NON-FEDERAL SHARE SHALL BE IN CASH OR IN KIND. IN DETERMINING THE AMOUNT OF THE NON-FEDERAL SHARE, THE SECRETARY IS AUTHORIZED TO ATTRIBUTE FAIR MARKET VALUE TO SERVICES AND FACILITIES CONTRIBUTED FROM NON-FEDERAL SOURCES.

ADMINISTRATION

SEC. 903. (A) IN ORDER TO EFFECTIVELY CARRY OUT THE PURPOSES OF THIS TITLE, THE SECRETARY IS AUTHORIZED TO CONSULT WITH AGENCIES OF STATES AND THEIR POLITICAL SUBDIVISIONS WITH REGARD TO --

(1) THE LOCALITIES IN WHICH COMMUNITY SERVICE PROJECTS OF THE TYPE AUTHORIZED BY THIS TITLE ARE MOST NEEDED;

(2) CONSIDERATION OF THE EMPLOYMENT SITUATION AND THE TYPES OF SKILLS POSSESSED BY AVAILABLE LOCAL INDIVIDUALS WHO ARE ELIGIBLE TO PARTICIPATE; AND

(3) POTENTIAL PROJECTS AND THE NUMBER AND PERCENTAGE OF ELIGIBLE INDIVIDUALS IN THE LOCAL POPULATION.

(B) (1) THE SECRETARY IS AUTHORIZED AND DIRECTED TO REQUIRE AGENCIES AND ORGANIZATIONS ADMINISTERING COMMUNITY SERVICE PROJECTS AND OTHER ACTIVITIES ASSISTED UNDER THIS TITLE TO COORDINATE THEIR PROJECTS AND ACTIVITIES WITH AGENCIES AND ORGANIZATIONS CONDUCTING RELATED MANPOWER AND UNEMPLOYMENT PROGRAMS RECEIVING ASSISTANCE UNDER THIS ACT AND UNDER OTHER AUTHORITIES SUCH AS THE ECONOMIC OPPORTUNITY ACT OF 1964, THE MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962, AND THE EMERGENCY EMPLOYMENT ACT OF 1971. //78 STAT. 508., 76 STAT. 23., 42 U.S.C. 2701 NOTE, 2571 NOTE., 85 STAT. 146., 42 U.S.C. 4871 NOTE.// IN CARRYING OUT THE PROVISIONS OF THIS PARAGRAPH, THE SECRETARY IS AUTHORIZED TO MAKE NECESSARY ARRANGEMENTS TO INCLUDE PROJECTS AND ACTIVITIES ASSISTED UNDER THIS TITLE WITHIN A COMMON AGREEMENT AND A COMMON APPLICATION WITH PROJECTS ASSISTED UNDER THIS ACT AND OTHER PROVISIONS OF LAW SUCH AS THE ECONOMIC OPPORTUNITY ACT OF 1964, THE MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962, THE EMERGENCY EMPLOYMENT ACT OF 1971.

(2) THE SECRETARY IS AUTHORIZED TO MAKE WHATEVER ARRANGEMENTS THAT ARE NECESSARY TO CARRY OUT THE PROGRAMS ASSISTED UNDER THIS TITLE AS PART OF ANY GENERAL MANPOWER LEGISLATION HEREAFTER ENACTED, EXCEPT AS PART OF ANY GENERAL MANPOWER LEGISLATION HEREAFTER ENACTED, EXCEPT THAT APPROPRIATIONS FOR PROGRAMS ASSISTED UNDER THIS TITLE MAY NOT BE EXPENDED FOR PROGRAMS ASSISTED UNDER THAT TITLE.

(C) IN CARRYING OUT THE PROVISIONS OF THIS TITLE, THE SECRETARY IS AUTHORIZED TO USE, WITH THEIR CONSENT, THE SERVICES, EQUIPMENT, PERSONNEL, AND FACILITIES OF FEDERAL AND OTHER AGENCIES WITH OR WITHOUT REIMBURSEMENT, AND ON A SIMILAR BASIS TO COOPERATE WITH OTHER PUBLIC AND PRIVATE AGENCIES, AND INSTRUMENTALITIES IN THE USE OF SERVICES, EQUIPMENT, AND FACILITIES.

(D) THE SECRETARY SHALL ESTABLISH CRITERIA DESIGNED TO ASSURE EQUITABLE PARTICIPATION IN THE ADMINISTRATION OF COMMUNITY SERVICE PROJECTS BY AGENCIES AND ORGANIZATIONS ELIGIBLE FOR PAYMENT UNDER SECTION 902 (B).

(E) PAYMENTS UNDER THIS TITLE MAY BE MADE IN ADVANCE OR BY WAY OF REIMBURSEMENT AND IN SUCH INSTALLMENTS AS THE SECRETARY MAY DETERMINE.

(F) THE SECRETARY SHALL NOT DELEGATE HIS FUNCTIONS AND DUTIES UNDER THIS TITLE TO ANY OTHER DEPARTMENT OR AGENCY OF GOVERNMENT. PARTICIPANTS NOT FEDERAL EMPLOYEES

SEC. 904. (A) ELIGIBLE INDIVIDUALS WHO ARE EMPLOYED IN ANY PROJECT FUNDED UNDER THIS TITLE SHALL NOT BE CONSIDERED TO BE FEDERAL EMPLOYEES AS A RESULT OF SUCH EMPLOYMENT AND SHALL NOT BE SUBJECT TO THE PROVISIONS OF PART III OF TITLE 5, UNITED STATES CODE. //80 STAT. 407. 5 U.S.C. 2101.//

(B) NO CONTRACT SHALL BE ENTERED INTO UNDER THIS TITLE WITH A CONTRACTOR WHO IS, OR WHOSE EMPLOYEES ARE, UNDER STATE LAW, EXEMPTED FROM

OPERATION OF THE STATE WORKMEN'S COMPENSATION LAW, GENERALLY APPLICABLE TO EMPLOYEES, UNLESS THE CONTRACTOR SHALL UNDERTAKE TO PROVIDE EITHER THROUGH INSURANCE BY A RECOGNIZED CARRIER, OR BY SELF INSURANCE, AS ALLOWED BY STATE LAW, THAT THE PERSONS EMPLOYED UNDER THE CONTRACT, SHALL ENJOY WORKMEN'S COMPENSATION COVERAGE EQUAL TO THAT PROVIDED BY LAW FOR COVERED EMPLOYMENT. THE SECRETARY MUST ESTABLISH STANDARDS FOR SEVERANCE BENEFITS, IN LIEU OF UNEMPLOYMENT INSURANCE COVERAGE, FOR ELIGIBLE INDIVIDUALS WHO HAVE PARTICIPATED IN QUALIFYING PROGRAMS AND WHO HAVE BECOME UNEMPLOYED.

INTERAGENCY COOPERATION

SEC. 905. THE SECRETARY SHALL CONSULT AND COOPERATE WITH THE OFFICE OF ECONOMIC OPPORTUNITY, THE ADMINISTRATION ON AGING, THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, AND ANY OTHER RELATED FEDERAL AGENCY ADMINISTERING RELATED PROGRAMS, WITH A VIEW TO ACHIEVING OPTIMAL COORDINATION WITH SUCH OTHER PROGRAMS AND SHALL PROMOTE THE COORDINATION OF PROJECTS UNDER THIS TITLE WITH OTHER PUBLIC AND PRIVATE PROGRAMS OR PROJECTS OF A SIMILAR NATURE. SUCH FEDERAL AGENCIES SHALL COOPERATE WITH THE SECRETARY IN DISSEMINATING INFORMATION ABOUT THE AVAILABILITY OF ASSISTANCE UNDER THIS TITLE AND IN PROMOTING THE IDENTIFICATION AND INTERESTS OF INDIVIDUALS ELIGIBLE FOR EMPLOYMENT IN PROJECTS FUNDED UNDER THIS TITLE.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 906. (A) (1) FROM THE SUMS APPROPRIATED FOR ANY FISCAL YEAR UNDER SECTION 908 THERE SHALL BE INITIALLY ALLOTTED FOR PROJECTS WITHIN EACH STATE AN AMOUNT WHICH BEARS THE SAME RATIO TO SUCH SUM AS THE POPULATION, AGED FIFTY-FIVE OR OVER IN SUCH STATE BEARS TO THE POPULATION AGED FIFTY-FIVE OR OVER IN ALL STATES, EXCEPT THAT (A) NO STATE SHALL BE ALLOTTED LESS THAN ONE-HALF OF 1 PER CENTUM OF THE SUM APPROPRIATED FOR THE FISCAL YEAR FOR WHICH THE DETERMINATION IS MADE; AND (B) GUAM, AMERICAN SAMOA, THE VIRGIN ISLANDS, AND THE TRUST TERRITORY OF THE PACIFIC ISLANDS SHALL EACH BE ALLOTTED AN AMOUNT EQUAL TO ONE-FOURTH OF 1 PER CENTUM OF THE SUM APPROPRIATED FOR THE FISCAL YEAR FOR WHICH THE DETERMINATION IS MADE. FOR THE PURPOSE OF THIS EXCEPTION CONTAINED IN THIS PARAGRAPH, THE TERM "STATE" DOES NOT INCLUDE GUAM, AMERICAN SAMOA, THE VIRGIN ISLANDS, AND THE TRUST TERRITORY OF THE PACIFIC ISLANDS. //87 STAT. 63; 87 STAT. 64//

(2) THE NUMBER OF PERSONS AGED FIFTY-FIVE OR OVER IN ANY STATE AND FOR ALL STATES SHALL BE DETERMINED BY THE SECRETARY ON THE BASIS OF THE MOST SATISFACTORY DATA AVAILABLE TO HIM.

(B) THE AMOUNT ALLOTTED FOR PROJECTS WITHIN ANY STATE UNDER SUBSECTION (A) FOR ANY FISCAL YEAR WHICH THE SECRETARY DETERMINES WILL NOT BE REQUIRED FOR THAT YEAR SHALL BE REALLOTTED, FROM TIME TO TIME AND ON SUCH DATES DURING SUCH YEAR AS THE SECRETARY MAY FIX, TO PROJECTS WITHIN OTHER STATES IN PROPORTION TO THE ORIGINAL ALLOTMENTS TO PROJECTS WITHIN SUCH STATES UNDER SUBSECTION (A) FOR THAT YEAR, BUT WITH SUCH PROPORTIONATE AMOUNT FOR ANY OF SUCH OTHER STATES BEING REDUCED TO THE EXTENT IT EXCEEDS THE SUM THE SECRETARY ESTIMATES THAT PROJECTS WITHIN SUCH STATE NEED AND WILL BE ABLE TO USE FOR SUCH YEAR; AND THE TOTAL OF SUCH REDUCTIONS SHALL

BE SIMILARLY REALLOTTED AMONG THE STATES WHOSE PROPORTIONATE AMOUNTS WERE NOT SO REDUCED. ANY AMOUNT REALLOTTED TO A STATE UNDER THIS SUBSECTION DURING A YEAR SHALL BE DEEMED PART OF ITS ALLOTMENT UNDER SUBSECTION (A) FOR THAT YEAR.

(C) THE AMOUNT APPORTIONED FOR PROJECTS WITHIN EACH STATE UNDER SUBSECTION (A) SHALL BE APPORTIONED AMONG AREAS WITHIN EACH SUCH STATE IN AN EQUITABLE MANNER, TAKING INTO CONSIDERATION THE PROPORTION WHICH ELIGIBLE PERSONS IN EACH SUCH AREA BEARS TO SUCH TOTAL NUMBER OF SUCH PERSONS, RESPECTIVELY, IN THAT STATE.

DEFINITIONS

SEC. 907. AS USED IN THIS TITLE --

(A) "STATE" MEANS ANY OF THE SEVERAL STATES OF THE UNITED STATES, THE DISTRICT OF COLUMBIA, PUERTO RICO, THE VIRGIN ISLANDS, AMERICAN SAMOA, GUAM, AND THE TRUST TERRITORY OF THE PACIFIC ISLANDS;

(B) "ELIGIBLE INDIVIDUAL" MEANS AN INDIVIDUAL WHO IS FIFTY-FIVE YEARS OLD OR OLDER, WHO HAS A LOW INCOME, AND WHO HAS OR WOULD HAVE DIFFICULTY IN SECURING EMPLOYMENT, EXCEPT THAT PURSUANT TO REGULATIONS PRESCRIBED BY THE SECRETARY ANY SUCH INDIVIDUAL WHO IS SIXTY YEARS OLD OR OLDER SHALL HAVE PRIORITY FOR THE WORK OPPORTUNITIES PROVIDED FOR UNDER THIS ACT;

(C) "COMMUNITY SERVICE" MEANS SOCIAL, HEALTH, WELFARE, EDUCATIONAL, LIBRARY, RECREATIONAL, AND OTHER SIMILAR SERVICES; CONSERVATION, MAINTENANCE OR RESTORATION OF NATURAL RESOURCES; COMMUNITY BETTERMENT OR BEAUTIFICATION; ANTIPOLLUTION AND ENVIRONMENTAL QUALITY EFFORTS; ECONOMIC DEVELOPMENT; AND SUCH OTHER SERVICES WHICH ARE ESSENTIAL AND NECESSARY TO THE COMMUNITY AS THE SECRETARY, BY REGULATION, MAY PRESCRIBE.

AUTHORIZATION OF APPROPRIATIONS

SEC. 908. THERE ARE HEREBY AUTHORIZED TO BE APPROPRIATED \$60,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1973, AND \$100,000,000 FOR FISCAL YEAR ENDING JUNE 30, 1974, TO CARRY OUT THE PROVISIONS OF THIS TITLE.

LEGISLATIVE HISTORY:

HOUSE REPORT NO. 93 - 43 ACCOMPANYING H. R. 71 (COMM. ON EDUCATION AND LABOR).

SENATE REPORT NO. 93 - 19 (COMM. ON LABOR AND PUBLIC WELFARE). CONGRESSIONAL RECORD, VOL. 119 (1973):

FEB. 20, CONSIDERED AND PASSED SENATE. MAR. 13, CONSIDERED AND PASSED HOUSE, AMENDED, IN LIEU OF

H. R. 71. APR. 18, SENATE CONCURRED IN HOUSE AMENDMENT WITH AN AMENDMENT; HOUSE CONCURRED IN SENATE AMENDMENT.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, VOL. 9, NO. 18: MAY 4, PRESIDENTIAL STATEMENT.

ITEM 12

00104.87.001790

PUBLIC LAW 93 - 82; 87 STAT. 179

VETERANS HEALTH CARE EXPANSION ACT OF 1973.

93RD CONGRESS, S. 59

AUGUST 2, 1973

AN ACT

TO AMEND TITLE 38 OF THE UNITED STATES CODE TO PROVIDE IMPROVED AND EXPANDED MEDICAL AND NURSING HOME CARE TO VETERANS; TO PROVIDE HOSPITAL AND MEDICAL CARE TO CERTAIN DEPENDENTS AND SURVIVORS OF VETERANS; TO PROVIDE FOR IMPROVED STRUCTURAL SAFETY OF VETERANS' ADMINISTRATION FACILITIES; TO IMPROVE RECRUITMENT AND RETENTION OF CAREER PERSONNEL IN THE DEPARTMENT OF MEDICINE AND SURGERY; AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, THAT THIS ACT MAY BE CITED AS THE "VETERANS HEALTH CARE EXPANSION ACT OF 1973."

TITLE I--HOSPITAL, DOMICILIARY, AND MEDICAL CARE BENEFITS
SEC. 101. (A) SUBPARAGRAPH (C) OF SECTION 601(4) OF TITLE 38, UNITED STATES CODE, IS AMENDED TO READ AS FOLLOWS: //72 STAT. 1141; 82 STAT. 1202.//

"(C) PRIVATE FACILITIES FOR WHICH THE ADMINISTRATOR CONTRACTS IN ORDER TO PROVIDE (I) HOSPITAL CARE OR MEDICAL SERVICES FOR PERSONS SUFFERING FROM SERVICE-CONNECTED DISABILITIES OR FROM DISABILITIES FOR WHICH SUCH PERSONS WERE DISCHARGED OR RELEASED FROM THE ACTIVE MILITARY, NAVAL, OR AIR SERVICE; (II) HOSPITAL CARE FOR WOMEN VETERANS; OR (III) HOSPITAL CARE FOR VETERANS IN A STATE, TERRITORY, COMMONWEALTH, OR POSSESSION OF THE UNITED STATES NOT CONTIGUOUS TO THE FORTY-EIGHT CONTIGUOUS STATES, EXCEPT THAT THE ANNUALLY DETERMINED AVERAGE HOSPITAL PATIENT LOAD PER THOUSAND VETERAN POPULATION HOSPITALIZED AT VETERANS' ADMINISTRATION EXPENSE IN GOVERNMENT AND PRIVATE FACILITIES IN EACH SUCH NON-CONTIGUOUS STATE MAY NOT EXCEED THE AVERAGE PATIENT LOAD PER THOUSAND VETERAN POPULATION HOSPITALIZED BY THE VETERANS' ADMINISTRATION WITHIN THE FORTY-EIGHT CONTIGUOUS STATES; BUT AUTHORITY UNDER THIS CLAUSE (III) SHALL EXPIRE ON DECEMBER 31, 1978.

(B) SECTION 601(5) OF SUCH TITLE IS AMENDED TO READ AS FOLLOWS: //72 STAT. 1141. 38 USC 601.//

"(5) THE TERM 'HOSPITAL CARE' INCLUDES--

"(A)(I) MEDICAL SERVICES RENDERED IN THE COURSE OF THE HOSPITALIZATION OF ANY VETERAN, AND (II) TRANSPORTATION AND INCIDENTAL EXPENSES FOR ANY VETERAN WHO IS IN NEED OF TREATMENT FOR A SERVICE-CONNECTED DISABILITY OR IS UNABLE TO DEFRAY THE EXPENSE OF TRANSPORTATION;

"(B) SUCH MENTAL HEALTH SERVICES, CONSULTATION, PROFESSIONAL COUNSELING, AND TRAINING (INCLUDING (I) NECESSARY EXPENSES FOR TRANSPORTATION IF UNABLE TO DEFRAY SUCH EXPENSES; //87 STAT. 180// OR (II) NECESSARY EXPENSES OF TRANSPORTATION AND SUBSISTENCE IN THE

CASE OF A VETERAN WHO IS RECEIVING CARE FOR A SERVICE-CONNECTED DISABILITY, OR IN THE CASE OF A DEPENDENT OR SURVIVOR OF A VETERAN RECEIVING CARE UNDER THE LAST SENTENCE OF SECTION 613(B) OF THIS TITLE, //POST, P. 181.// UNDER THE TERMS AND CONDITIONS SET FORTH IN SECTION 111 OF THIS TITLE) //72 STAT. 1113; 80 STAT. 208. 38 USC 111.// OF THE MEMBERS OF THE IMMEDIATE FAMILY (INCLUDING LEGAL GUARDIANS) OF A VETERAN OR SUCH A DEPENDENT OR SURVIVOR OF A VETERAN, OR, IN THE CASE OF A VETERAN OR SUCH DEPENDENT OR SURVIVOR OF A VETERAN WHO HAS NO IMMEDIATE FAMILY MEMBERS (OR LEGAL GUARDIAN), THE PERSON IN WHOSE HOUSEHOLD SUCH VETERAN, OR SUCH A DEPENDENT OR SURVIVOR CERTIFIES HIS INTENTION TO LIVE, AS MAY BE NECESSARY OR APPROPRIATE TO THE EFFECTIVE TREATMENT AND REHABILITATION OF A VETERAN OR SUCH A DEPENDENT OR A SURVIVOR OF A VETERAN; AND

"(C)(I) MEDICAL SERVICES RENDERED IN THE COURSE OF THE HOSPITALIZATION OF A DEPENDENT OR SURVIVOR OF A VETERAN RECEIVING CARE UNDER THE LAST SENTENCE OF SECTION 613(B) OF THIS TITLE, //INFRA.// AND (II) TRANSPORTATION AND INCIDENTAL EXPENSES FOR SUCH DEPENDENT OR SURVIVOR OF A VETERAN WHO IS IN NEED OF TREATMENT FOR ANY INJURY, DISEASE, OR DISABILITY AND IS UNABLE TO DEFRAY THE EXPENSE OF TRANSPORTATION.".

(C) SECTION 601(6) OF SUCH TITLE IS AMENDED BY INSERTING IMMEDIATELY AFTER "TREATMENT," THE FOLLOWING: //72 STAT. 1141; 74 STAT. 472. 38 USC 601.// "SUCH HOME HEALTH SERVICES AS THE ADMINISTRATOR DETERMINES TO BE NECESSARY OR APPROPRIATE FOR THE EFFECTIVE AND ECONOMICAL TREATMENT OF A DISABILITY OF A VETERAN OR A DEPENDENT OR SURVIVOR OF A VETERAN RECEIVING CARE UNDER THE LAST SENTENCE OF SECTION 613(B) OF THIS TITLE".

SEC. 102. SECTION 610 OF TITLE 38, UNITED STATES CODE, IS AMENDED BY--

(1) BY INSERTING IN SUBSECTION (A) "OR NURSING HOME CARE" IMMEDIATELY AFTER "HOSPITAL CARE" WHERE IT FIRST APPEARS: //76 STAT. 381; 80 STAT. 27, 1377.//

(2) STRIKING OUT CLAUSE (1)(B) OF SUBSECTION (A) AND INSERTING IN LIEU THEREOF THE FOLLOWING:

"(B) ANY VETERAN FOR A NON-SERVICE-CONNECTED DISABILITY IF HE IS UNABLE TO DEFRAY THE EXPENSES OF NECESSARY HOSPITAL CARE:".

(3) AMENDING SUBSECTION (C) TO READ AS FOLLOWS:

"(C) WHILE ANY VETERAN IS RECEIVING HOSPITAL CARE OR NURSING HOME CARE IN ANY VETERANS' ADMINISTRATION FACILITY, THE ADMINISTRATOR MAY, WITHIN THE LIMITS OF VETERANS' ADMINISTRATION FACILITIES, FURNISH MEDICAL SERVICES TO CORRECT OR TREAT ANY NON-SERVICE-CONNECTED DISABILITY OF SUCH VETERAN, IN ADDITION TO TREATMENT INCIDENT TO THE DISABILITY FOR WHICH HE IS HOSPITALIZED, IF THE VETERAN IS WILLING, AND THE ADMINISTRATOR FINDS SUCH SERVICES TO BE REASONABLY NECESSARY TO PROTECT THE HEALTH OF SUCH VETERAN."; AND

(4) ADDING AT THE END THEREOF THE FOLLOWING NEW SUBSECTION:

"(D) IN NO CASE MAY NURSING HOME CARE BE FURNISHED IN A HOSPITAL NOT UNDER THE DIRECT AND EXCLUSIVE JURISDICTION OF THE ADMINISTRATOR EXCEPT AS PROVIDED IN SECTION 620 OF THIS TITLE." //POST, P. 182.//

SEC. 133. (A) SUBSECTION (F) OF SECTION 612 OF TITLE 38, UNITED STATES CODE, IS AMENDED TO READ AS FOLLOWS:

"(F) THE ADMINISTRATOR MAY ALSO FURNISH MEDICAL SERVICES FOR ANY DISABILITY ON AN OUTPATIENT OR AMBULATORY BASIS-- //74 STAT. 472; 83 STAT. 168, 87 STAT. 180 87 STAT. 181//

"(1) TO ANY VETERAN ELIGIBLE FOR HOSPITAL CARE UNDER SECTION 610 OF THIS TITLE (A) WHERE SUCH SERVICES ARE REASONABLY NECESSARY IN PREPARATION FOR, OR TO OBTAIN THE NEED OF, HOSPITAL ADMISSION, OR (B) WHERE SUCH A VETERAN HAS BEEN GRANTED HOSPITAL CARE AND SUCH MEDICAL SERVICES ARE REASONABLY NECESSARY TO COMPLETE TREATMENT INCIDENT TO SUCH HOSPITAL CARE; AND

"(2) TO ANY VETERAN WHO HAS A SERVICE-CONNECTED DISABILITY RATED AT 80 PER CENTUM OR MORE."

(B) STRIKE OUT SECTIONS 613 AND 614 IN THEIR ENTIRETY AND INSERT IN LIEU THEREOF: //72 STAT. 1143, 38 USC 613, 614.//

613. MEDICAL CARE FOR SURVIVORS AND DEPENDENTS OF CERTAIN VETERANS

"(A) THE ADMINISTRATOR IS AUTHORIZED TO PROVIDE MEDICAL CARE, IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (B) OF THIS SECTION, FOR--

"(1) THE WIFE OF A CHILD OF A VETERAN WHO HAS A TOTAL DISABILITY, PERMANENT IN NATURE, RESULTING FROM A SERVICE-CONNECTED DISABILITY, AND

"(2) THE WIDOW OR CHILD OF A VETERAN WHO DIED AS A RESULT OF A SERVICE-CONNECTED DISABILITY WHO ARE NOT OTHERWISE ELIGIBLE FOR MEDICAL CARE UNDER CHAPTER 55 OF TITLE 10 (CHAMPUS). //72 STAT. 1445; 84 STAT. 1081, 10 USC 1071.//

"(B) IN ORDER TO ACCOMPLISH THE PURPOSES OF SUBSECTION (A) OF THIS SECTION, THE ADMINISTRATOR SHALL PROVIDE FOR MEDICAL CARE IN THE SAME OR SIMILAR MANNER AND SUBJECT TO THE SAME OR SIMILAR LIMITATIONS AS MEDICAL CARE IS FURNISHED TO CERTAIN DEPENDENTS AND SURVIVORS OF ACTIVE DUTY AND RETIRED MEMBERS OF THE ARMED FORCES UNDER CHAPTER 55 OF TITLE 10 (CHAMPUS), BY--

"(1) ENTERING INTO AN AGREEMENT WITH THE SECRETARY OF DEFENSE UNDER WHICH THE SECRETARY SHALL INCLUDE COVERAGE FOR SUCH MEDICAL CARE UNDER THE CONTRACT, OR CONTRACTS, HE ENTERS INTO TO CARRY OUT SUCH CHAPTER 55, AND UNDER WHICH THE ADMINISTRATOR SHALL FULLY REIMBURSE THE SECRETARY FOR ALL COSTS AND EXPENDITURES MADE FOR THE PURPOSE OF AFFORDING THE MEDICAL CARE AUTHORIZED PURSUANT TO THIS SECTION: OR

"(2) CONTRACTING IN ACCORDANCE WITH SUCH REGULATIONS AS HE SHALL PRESCRIBE FOR SUCH INSURANCE, MEDICAL SERVICE, OR HEALTH PLANS AS HE DEEMS APPROPRIATE.

IN CASES IN WHICH VETERANS' ADMINISTRATION MEDICAL FACILITIES ARE PARTICULARLY EQUIPPED TO PROVIDE THE MOST EFFECTIVE CARE AND TREATMENT, THE ADMINISTRATOR IS ALSO AUTHORIZED TO CARRY OUT SUCH PURPOSES THROUGH THE USE OF SUCH FACILITIES NOT BEING UTILIZED FOR THE CARE OF ELIGIBLE VETERANS.

" 614. FITTING AND TRAINING IN USE OF PROSTHETIC APPLIANCES;

SEEING-EYE DOGS

"(A) ANY VETERAN WHO IS ENTITLED TO A PROSTHETIC APPLIANCE SHALL BE FURNISHED SUCH FITTING AND TRAINING, INCLUDING INSTITUTIONAL TRAINING, IN THE USE OF SUCH APPLIANCE AS MAY BE NECESSARY, WHETHER IN A VETERANS' ADMINISTRATION FACILITY OR OTHER TRAINING INSTITUTION, OR BY OUTPATIENT TREATMENT, INCLUDING SUCH SERVICE UNDER CONTRACT, //87 STAT. 181 87 STAT. 182// AND INCLUDING NECESSARY TRAVEL EXPENSES TO AND FROM HIS HOME TO SUCH HOSPITAL OR TRAINING INSTITUTION.

"(B) THE ADMINISTRATOR MAY PROVIDE SEEING-EYE OR GUIDE DOGS TRAINED FOR THE AID OF THE BLIND TO VETERANS WHO ARE ENTITLED TO DISABILITY COMPENSATION, AND HE MAY PAY ALL NECESSARY TRAVEL EXPENSES TO AND FROM THEIR HOMES AND INCURRED IN BECOMING ADJUSTED TO SUCH SEEING-EYE OR GUIDE DOGS. THE ADMINISTRATOR MAY ALSO PROVIDE SUCH VETERANS WITH MECHANICAL OR ELECTRONIC EQUIPMENT FOR AIDING THEM IN OVERCOMING THE HANDICAP OF BLINDNESS."

(C) THE TABLE OF SECTIONS AT THE BEGINNING OF CHAPTER 17 OF SUCH TITLE IS AMENDED BY STRIKING OUT "613. FITTING AND TRAINING IN USE OF PROSTHETIC APPLIANCES. "614. SEEING-EYE DOGS." AND INSERTING "613. MEDICAL CARE FOR SURVIVORS AND DEPENDENTS OF CERTAIN VETERANS. "614. FITTING AND TRAINING IN USE OF PROSTHETIC APPLIANCES; 572104360 SEEING-EYE 572104370 SEEING-EYE DOGS."

SEC. 104. (A) THE FIRST SENTENCE OF SUBSECTION (A) OF SECTION 620 OF TITLE 38, UNITED STATES CODE, //78 STAT. 500; 83 STAT. 167.// IS AMENDED BY REDESIGNATING CLAUSES (1) AND (2) AS CLAUSES (I) AND (II), RESPECTIVELY; AND BY AMENDING THAT PORTION PRECEDING SUCH CLAUSES TO READ AS FOLLOWS:

"(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE ADMINISTRATOR MAY TRANSFER--

"(1) ANY VETERAN WHO HAS BEEN FURNISHED CARE BY THE ADMINISTRATOR IN A HOSPITAL UNDER THE DIRECT AND EXCLUSIVE JURISDICTION OF THE ADMINISTRATOR, AND

"(2) ANY PERSON (A) WHO HAS BEEN FURNISHED CARE IN ANY HOSPITAL OF ANY OF THE ARMED FORCES, (B) WHO THE APPROPRIATE SECRETARY CONCERNED HAS DETERMINED HAS RECEIVED MAXIMUM HOSPITAL BENEFITS BUT REQUIRES A PROTRACTED PERIOD OF NURSING HOME CARE, AND (C) WHO UPON DISCHARGE THEREFROM WILL BECOME A VETERAN

TO ANY PUBLIC OR PRIVATE INSTITUTION NOT UNDER THE JURISDICTION OF THE ADMINISTRATOR WHICH FURNISHES NURSING HOME CARE, FOR CARE AT THE EXPENSE OF THE UNITED STATES, ONLY IF THE ADMINISTRATOR DETERMINES THAT--".

(B) THE SECOND SENTENCE OF SECTION 620(A) OF SUCH TITLE IS AMENDED BY STRIKING OUT THE DESIGNATIONS (A) AND (B) AND INSERTING IN LIEU THEREOF (I) AND (II). //78 STAT. 500; 83 STAT. 167//

(C) SECTION 620(B) OF SUCH TITLE IS AMENDED (1) BY ADDING "OR ADMITTED" AFTER "TRANSFERRED" AND (2) BY ADDING AT THE END THEREOF THE FOLLOWING: "THE STANDARDS PRESCRIBED AND ANY REPORT OF INSPECTION OF INSTITUTIONS FURNISHING CARE TO VETERANS UNDER THIS SECTION MADE BY OR FOR THE ADMINISTRATOR SHALL, TO THE EXTENT POSSIBLE, BE MADE AVAILABLE TO ALL FEDERAL, STATE, AND LOCAL AGENCIES CHARGED WITH THE RESPONSIBILITY OF

LICENSING OR OTHERWISE REGULATING OR INSPECTING SUCH INSTITUTIONS.".

(D) SECTION 620 OF SUCH TITLE IS FURTHER AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW SUBSECTION (D):

"(D) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE ADMINISTRATOR MAY AUTHORIZE FOR ANY VETERAN REQUIRING NURSING HOME CARE FOR A SERVICE-CONNECTED DISABILITY DIRECT ADMISSION FOR SUCH CARE AT THE EXPENSE OF THE UNITED STATES TO ANY PUBLIC OR PRIVATE INSTITUTION NOT UNDER THE JURISDICTION OF THE ADMINISTRATOR WHICH FURNISHES NURSING HOME CARE. //87 STAT. 182 87 STAT. 183// SUCH ADMISSION MAY BE AUTHORIZED UPON DETERMINATION OF NEED THEREFOR BY A PHYSICIAN EMPLOYED BY THE VETERANS' ADMINISTRATION OR, IN AREAS WHERE NO SUCH PHYSICIAN IS AVAILABLE, CARRYING OUT SUCH FUNCTION UNDER CONTRACT OR FEE ARRANGEMENT BASED ON AN EXAMINATION BY SUCH PHYSICIAN. THE AMOUNT WHICH MAY BE PAID FOR SUCH CARE AND THE LENGTH OF CARE AVAILABLE UNDER THIS SUBSECTION SHALL BE THE SAME AS AUTHORIZED UNDER SUBSECTION (A) OF THIS SECTION."

SEC. 105. (A) SECTION 626 OF TITLE 38, UNITED STATES CODE, IS AMENDED BY STRIKING OUT "FIRE" AND INSERTING IN LIEU THEREOF "FIRE, EARTHQUAKE, OR OTHER NATURAL DISASTER." //72 STAT. 1144.//

(B) THE CATCHLINE AT THE BEGINNING OF SECTION 626 OF SUCH TITLE IS AMENDED TO READ AS FOLLOWS:

" ~ 626. REIMBURSEMENT FOR LOSS OF PERSONAL EFFECTS BY NATURAL DISASTER."

SEC. 106. (A) SUBCHAPTER III OF CHAPTER 17 OF TITLE 38, UNITED STATES CODE, IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW SECTION: //72 STAT. 1143. 38 USC 621.//

" ~ 628. REIMBURSEMENT OF CERTAIN MEDICAL EXPENSES

"(A) THE ADMINISTRATOR MAY, UNDER SUCH REGULATIONS AS HE SHALL PRESCRIBE, REIMBURSE VETERANS ENTITLED TO HOSPITAL CARE OR MEDICAL SERVICES UNDER THIS CHAPTER FOR THE REASONABLE VALUE OF SUCH CARE OR SERVICES (INCLUDING NECESSARY TRAVEL), FOR WHICH SUCH VETERANS HAVE MADE PAYMENT, FROM SOURCES OTHER THAN THE VETERANS' ADMINISTRATION, WHERE--

"(1) SUCH CARE OR SERVICES WERE RENDERED IN A MEDICAL EMERGENCY OF SUCH NATURE THAT THEY WOULD HAVE BEEN HAZARDOUS TO LIFE OR HEALTH;

"(2) SUCH CARE OR SERVICES WERE RENDERED TO A VETERAN IN NEED THEREOF (A) FOR AN ADJUDICATED SERVICE-CONNECTED DISABILITY, (B) FOR A NON-SERVICE-CONNECTED DISABILITY ASSOCIATED WITH AND HELD TO BE AGGRAVATING A SERVICE-CONNECTED DISABILITY, (C) FOR ANY DISABILITY OF A VETERAN WHO HAS A TOTAL DISABILITY PERMANENT IN NATURE FROM A SERVICE-CONNECTED DISABILITY, OR (D) FOR ANY ILLNESS, INJURY, OR DENTAL CONDITION IN THE CASE OF A VETERAN WHO IS FOUND TO BE (I) IN NEED OF VOCATIONAL REHABILITATION UNDER CHAPTER 31 OF THIS TITLE AND FOR WHOM AN OBJECTIVE HAD BEEN SELECTED OR (II) PURSUING A COURSE OF VOCATIONAL REHABILITATION TRAINING AND IS MEDICALLY DETERMINED TO HAVE BEEN IN NEED OF CARE OR TREATMENT TO MAKE POSSIBLE HIS ENTRANCE INTO A COURSE OF TRAINING, //72 STAT. 1171; 79 STAT. 577. 38 USC 1501.// OR PREVENT INTERRUPTION OF A COURSE OF TRAINING, OR HASTEN THE RETURN OF A COURSE OF TRAINING WHICH WAS INTERRUPTED BECAUSE OF

SUCH ILLNESS, INJURY, OR DENTAL CONDITION; AND

"(3) VETERANS' ADMINISTRATION OR OTHER FEDERAL FACILITIES WERE NOT FEASIBLY AVAILABLE, AND AN ATTEMPT TO USE THEM BEFOREHAND WOULD NOT HAVE BEEN REASONABLE, SOUND, WISE, OR PRACTICAL.

"(B) IN ANY CASE WHERE REIMBURSEMENT WOULD BE IN ORDER UNDER SUBSECTION (A) OF THIS SECTION, THE ADMINISTRATOR MAY, IN LIEU OF REIMBURSING SUCH VETERAN, MAKE PAYMENT OF THE REASONABLE VALUE OF CARE OR SERVICES DIRECTLY--

"(1) TO THE HOSPITAL OR OTHER HEALTH FACILITY FURNISHING THE CARE OR SERVICES; OR //87 STAT. 183// //87 STAT. 184//

"(2) TO THE PERSON OR ORGANIZATION MAKING SUCH EXPENDITURE ON BEHALF OF SUCH VETERAN."

(B) THE TABLE OF SECTIONS AT THE BEGINNING OF SUCH CHAPTER IS AMENDED BY DELETING "626. REIMBURSEMENT FOR LOSS OF PERSONAL EFFECTS BY FIRE."

"627. PERSONS ELIGIBLE UNDER PRIOR LAW." AND INSERTING IN LIEU THEREOF

"626. REIMBURSEMENT FOR LOSS OF PERSONAL EFFECTS BY NATURAL DISASTER.

"627. PERSONS ELIGIBLE UNDER PRIOR LAW. P"628. REIMBURSEMENT OF CERTAIN MEDICAL EXPENSES."

SEC. 107. (A) CHAPTER 17 OF TITLE 38, UNITED STATES CODE, IS AMENDED BY STRIKING OUT SECTIONS 631 AND 632 IN THEIR ENTIRETY AND INSERTING IN LIEU THEREOF THE FOLLOWING: //72 STAT. 1145; 80 STAT. 859.//

" 631. ASSISTANCE TO THE REPUBLIC OF THE PHILIPPINES

"THE PRESIDENT IS AUTHORIZED TO ASSIST THE REPUBLIC OF THE PHILIPPINES IN PROVIDING MEDICAL CARE AND TREATMENT FOR COMMONWEALTH ARMY VETERANS AND NEW PHILIPPINE SCOUTS IN NEED OF SUCH CARE AND TREATMENT FOR SERVICE-CONNECTED DISABILITIES AND NON-SERVICE-CONNECTED DISABILITIES UNDER CERTAIN CONDITIONS.

" 632. CONTRACTS AND GRANTS TO PROVIDE HOSPITAL CARE, MEDICAL SERVICES AND NURSING HOME CARE

"(A) THE PRESIDENT, WITH THE CONCURRENCE OF THE REPUBLIC OF THE PHILIPPINES, MAY AUTHORIZE THE ADMINISTRATOR TO ENTER INTO A CONTRACT WITH THE VETERANS MEMORIAL HOSPITAL, WITH THE APPROVAL OF THE APPROPRIATE DEPARTMENT OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES, COVERING THE PERIOD BEGINNING ON JULY 1, 1973, AND ENDING ON JUNE 30, 1978, UNDER WHICH THE UNITED STATES--

"(1) WILL PAY FOR HOSPITAL CARE IN THE REPUBLIC OF THE PHILIPPINES, OR FOR MEDICAL SERVICES WHICH SHALL BE PROVIDED EITHER IN THE VETERANS MEMORIAL HOSPITAL, OR BY CONTRACT, OR OTHERWISE BY THE ADMINISTRATOR IN ACCORDANCE WITH THE CONDITIONS AND LIMITATIONS APPLICABLE GENERALLY TO BENEFICIARIES UNDER SECTION 612 OF THIS TITLE, FOR COMMONWEALTH ARMY VETERANS AND NEW PHILIPPINE SCOUTS DETERMINED BY THE ADMINISTRATOR TO BE IN NEED OF SUCH HOSPITAL CARE OR MEDICAL SERVICES FOR SERVICE-CONNECTED DISABILITIES; //ANTE, P. 180.//

"(2) WILL PAY FOR HOSPITAL CARE AT THE VETERANS MEMORIAL HOSPITAL FOR COMMONWEALTH ARMY VETERANS, AND FOR NEW PHILIPPINE SCOUTS IF THEY ENLISTED BEFORE JULY 4, 1946, DETERMINED BY THE ADMINISTRATOR TO NEED SUCH CARE FOR NON-SERVICE-CONNECTED DISABILITIES IF THEY ARE

UNABLE TO DEFRAY THE EXPENSES OF NECESSARY HOSPITAL CARE;
 "(3) MAY PROVIDE FOR THE PAYMENT OF TRAVEL EXPENSE PURSUANT TO SECTION III OF THIS TITLE FOR COMMONWEALTH ARMY VETERANS AND NEW PHILIPPINE SCOUTS IN CONNECTION WITH HOSPITAL CARE OR MEDICAL SERVICES FURNISHED THEM; //72 STAT. 1113; 80 STAT. 208. 38 USC 111.//

"(4) MAY PROVIDE FOR PAYMENTS FOR NURSING HOME CARE, ON THE SAME TERMS AND CONDITIONS AS SET FORTH IN SECTION 620(A) //ANTE, P. 182.// OF THIS TITLE, FOR ANY COMMONWEALTH ARMY VETERAN OR NEW PHILIPPINE SCOUT DETERMINED TO NEED SUCH CARE AT A PER DIEM RATE NOT TO EXCEED 50 PER CENTUM OF THE HOSPITAL PER DIEM RATE ESTABLISHED PURSUANT TO CLAUSE (6) OF THIS SUBSECTION: //87 STAT. 184// //87 STAT. 185//

"(5) MAY PROVIDE THAT PAYMENTS FOR HOSPITAL CARE AND FOR MEDICAL SERVICES PROVIDED TO COMMONWEALTH ARMY VETERANS AND NEW PHILIPPINE SCOUTS OR TO UNITED STATES VETERANS MAY CONSIST IN WHOLE OR IN PART OF AVAILABLE MEDICINES, MEDICAL SUPPLIES, AND EQUIPMENT FURNISHED BY THE ADMINISTRATOR TO THE VETERANS MEMORIAL HOSPITAL AT VALUATIONS THEREFOR AS DETERMINED BY THE ADMINISTRATOR, WHO MAY FURNISH THROUGH THE REVOLVING SUPPLY FUND, PURSUANT TO SECTION 5011 OF THIS TITLE, SUCH MEDICINES, MEDICAL SUPPLIES, AND EQUIPMENT AS NECESSARY FOR THIS PURPOSE AND TO USE THEREFOR, AS APPLICABLE, APPROPRIATIONS AVAILABLE FOR SUCH PAYMENTS; //72 STAT. 1253; 75 STAT. 675. 38 USC 5011.//

"(6) WILL PROVIDE FOR PAYMENTS FOR SUCH HOSPITAL CARE AT A PER DIEM RATE TO BE JOINTLY DETERMINED FOR EACH FISCAL YEAR BY THE TWO GOVERNMENTS TO BE FAIR AND REASONABLE; AND

"(7) MAY STOP PAYMENTS UNDER ANY SUCH CONTRACT UPON REASONABLE NOTICE AS STIPULATED BY THE CONTRACT IF THE REPUBLIC OF THE PHILIPPINES AND THE VETERANS MEMORIAL HOSPITAL FAIL TO MAINTAIN SUCH HOSPITAL IN A WELL-EQUIPPED AND EFFECTIVE OPERATING CONDITION, AS DETERMINED BY THE ADMINISTRATOR.

"(8) THE TOTAL OF THE PAYMENTS AUTHORIZED BY SUBSECTION (A) OF THIS SECTION SHALL NOT EXCEED \$2,000,000 FOR ANY ONE FISCAL YEAR ENDING BEFORE JULY 1, 1978, WHICH SHALL INCLUDE AN AMOUNT NOT TO EXCEED \$250,000 FOR ANY ONE SUCH FISCAL YEAR FOR THE PURPOSES OF CLAUSE (4) OF SUCH SUBSECTION.

"(C) THE CONTRACT AUTHORIZED BY SUBSECTION (A) OF THIS SECTION MAY PROVIDE FOR THE USE BY THE REPUBLIC OF THE PHILIPPINES OF BEDS, EQUIPMENT, AND OTHER FACILITIES OF THE VETERANS MEMORIAL HOSPITAL AT MANILA, NOT REQUIRED FOR HOSPITAL CARE OF COMMONWEALTH ARMY VETERANS OR NEW PHILIPPINE SCOUTS FOR SERVICE-CONNECTED DISABILITIES, FOR HOSPITAL CARE OF OTHER PERSONS IN THE DISCRETION OF THE REPUBLIC OF THE PHILIPPINES EXCEPT THAT (1) PRIORITY OF ADMISSION AND RETENTION IN SUCH HOSPITAL SHALL BE ACCORDED COMMONWEALTH ARMY VETERANS AND NEW PHILIPPINE SCOUTS NEEDING HOSPITAL CARE FOR SERVICE-CONNECTED DISABILITIES, AND (2) SUCH USE SHALL NOT PRECLUDE THE USE OF AVAILABLE FACILITIES IN SUCH HOSPITAL ON A CONTRACT BASIS FOR HOSPITAL CARE OR MEDICAL SERVICES FOR PERSONS ELIGIBLE THEREFOR FROM THE VETERANS' ADMINISTRATION.

"(D) TO FURTHER ASSURE THE EFFECTIVE CARE AND TREATMENT OF PATIENTS IN THE VETERANS MEMORIAL HOSPITAL, THERE IS AUTHORIZED TO BE APPROPRIATED FOR EACH FISCAL YEAR DURING THE FIVE YEARS BEGINNING JULY 1, 1973, AND ENDING JUNE 30, 1978--

"(1) THE SUM OF \$50,000 TO BE USED BY THE ADMINISTRATOR FOR MAKING GRANTS TO THE VETERANS MEMORIAL HOSPITAL FOR THE PURPOSE OF EDUCATION AND TRAINING OF HEALTH SERVICE PERSONNEL WHO ARE ASSIGNED TO SUCH HOSPITAL; AND

"(2) THE SUM OF \$50,000 TO BE USED BY THE ADMINISTRATOR FOR MAKING GRANTS TO THE VETERANS MEMORIAL HOSPITAL FOR THE PURPOSE OF ASSISTING THE REPUBLIC OF THE PHILIPPINES IN THE REPLACEMENT AND UPGRADING OF EQUIPMENT AND IN REHABILITATING THE PHYSICAL PLANT AND FACILITIES OF SUCH HOSPITAL. //87 STAT. 185// //87 STAT. 186// SUCH GRANTS SHALL BE MADE ON SUCH TERMS AND CONDITIONS AS PRESCRIBED BY THE ADMINISTRATOR, INCLUDING APPROVAL BY HIM OF ALL EDUCATION AND TRAINING PROGRAMS CONDUCTED BY THE HOSPITAL UNDER SUCH GRANTS. ANY APPROPRIATION MADE FOR CARRYING OUT THE PURPOSES OF CLAUSE (2) OF THIS SUBSECTION SHALL REMAIN AVAILABLE UNTIL EXPENDED."

(B) THE TABLE OF SECTIONS AT THE BEGINNING OF SUCH CHAPTER 17 IS AMENDED BY STRIKING OUT "631. GRANTS TO THE REPUBLIC OF THE PHILIPPINES.

"632. MODIFICATION OF AGREEMENT WITH THE REPUBLIC OF THE PHILIPPINES EFFECTUATING THE ACT OF JULY 1, 1948." AND INSERTING IN LIEU THEREOF "631. ASSISTANCE TO THE REPUBLIC OF THE PHILIPPINES. "632. CONTRACTS AND GRANTS TO PROVIDE HOSPITAL CARE, MEDICAL SERVICES

AND NURSING HOME CARE."

(C) NOTHING IN SUBSECTION (A) OF THIS SECTION SHALL BE DEEMED TO AFFECT IN ANY MANNER ANY RIGHT, CAUSE, OBLIGATION, CONTRACT (SPECIFICALLY INCLUDING THAT CONTRACT EXECUTED APRIL 25, 1967, BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE UNITED STATES RESULTING FROM PUBLIC LAW 89 - 612, //80 STAT. 859. 38 USC 622, 632, 634.// WHICH SHALL REMAIN IN FORCE AND EFFECT UNTIL MODIFIED OR SUPERSEDED BY AN AGREEMENT EXECUTED UNDER AUTHORITY OF THIS ACT), AUTHORIZATION OF APPROPRIATION, GRANT, FUNCTION, POWER, OR DUTY VESTED BY LAW OR OTHERWISE UNDER THE PROVISIONS OF SECTION 632 OF TITLE 38, UNITED STATES CODE, IN EFFECT ON THE DAY BEFORE THE DATE OF ENACTMENT OF THIS SECTION. //ANTE, P. 184.//

SEC. 108.(A) SECTION 624 OF TITLE 38, UNITED STATES CODE, IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW SUBSECTION: //72 STAT. 1144.//

"(D) THE ADMINISTRATOR MAY FURNISH NURSING HOME CARE, ON THE SAME TERMS AND CONDITIONS SET FORTH IN SECTION 620(A) //ANTE, P. 182.// OF THIS TITLE AND AT THE SAME RATE AS SPECIFIED IN SECTION 632(A)(4) //ANTE, P. 184.// OF THIS TITLE, TO ANY VETERAN WHO HAS BEEN FURNISHED HOSPITAL CARE IN THE PHILIPPINES PURSUANT TO THIS SECTION, BUT WHO REQUIRES A PROTRACTED PERIOD OF NURSING HOME CARE."

(B) THE CATCHLINE AT THE BEGINNING OF SECTION 624 OF SUCH TITLE IS AMENDED TO READ AS FOLLOWS:

" - 624. HOSPITAL CARE, MEDICAL SERVICES AND NURSING HOME CARE

ABRCAD."

SEC. 109.(A) CHAPTER 17 OF TITLE 38, UNITED STATES CODE, IS FURTHER AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW SUBCHAPTER: //72 STAT. 1141. 38 USC 601.//

"SUBCHAPTER VI--SICKLE CELL ANEMIA

" 651. SCREENING, COUNSELING, AND MEDICAL TREATMENT
"THE ADMINISTRATOR IS AUTHORIZED TO CARRY OUT A COMPREHENSIVE PROGRAM OF PROVIDING SICKLE CELL ANEMIA SCREENING, COUNSELING, TREATMENT, AND INFORMATION UNDER THE PROVISIONS OF THIS CHAPTER.

" 652. RESEARCH

"THE ADMINISTRATOR IS AUTHORIZED TO CARRY OUT RESEARCH AND RESEARCH TRAINING IN THE DIAGNOSIS, TREATMENT, AND CONTROL OF SICKLE CELL ANEMIA BASED UPON THE SCREENING EXAMINATIONS AND TREATMENT PROVIDED UNDER THIS SUBCHAPTER. //87 STAT. 187//

" 653. VOLUNTARY PARTICIPATION; CONFIDENTIALITY

"(A) THE PARTICIPATION BY ANY PERSON IN ANY PROGRAM OR PORTION THEREOF UNDER THIS SUBCHAPTER SHALL BE WHOLLY VOLUNTARY AND SHALL NOT BE A PREREQUISITE TO ELIGIBILITY FOR OR RECEIPT OF ANY OTHER SERVICE OR ASSISTANCE FROM, OR TO PARTICIPATION IN, ANY OTHER PROGRAM UNDER THIS TITLE.

"(B) THE ADMINISTRATOR SHALL PROMULGATE RULES AND REGULATIONS TO INSURE THAT ALL INFORMATION AND PATIENT RECORDS PREPARED OR OBTAINED UNDER THIS SUBCHAPTER SHALL BE HELD CONFIDENTIAL EXCEPT FOR (1) SUCH INFORMATION AS THE PATIENT (OR HIS GUARDIAN) REQUESTS IN WRITING TO BE RELEASED OR (2) STATISTICAL DATA COMPILED WITHOUT REFERENCE TO PATIENT NAMES OR OTHER IDENTIFYING CHARACTERISTICS.

" 654. REPORTS

"THE ADMINISTRATOR SHALL INCLUDE IN THE ANNUAL REPORT TO THE CONGRESS REQUIRED BY SECTION 214 OF THIS TITLE A COMPREHENSIVE REPORT ON THE ADMINISTRATION OF THIS SUBCHAPTER, INCLUDING SUCH RECOMMENDATIONS FOR ADDITIONAL LEGISLATION AS THE ADMINISTRATOR DEEMS NECESSARY." //72 STAT. 1115. 38 USC 214.//

(B) THE ANALYSIS AT THE BEGINNING OF SUCH CHAPTER IS AMENDED BY ADDING AT THE END THEREOF:

"SUBCHAPTER VI--SICKLE CELL ANEMIA

"651. SCREENING, COUNSELING, AND MEDICAL TREATMENT. "652. RESEARCH. **
"653. VOLUNTARY PARTICIPATION; CONFIDENTIALITY "654. REPORTS".

TITLE II--AMENDMENTS TO CHAPTER 73 OF TITLE
38, UNITED STATES CODE, RELATING TO THE
DEPARTMENT OF MEDICINE AND SURGERY

SEC. 201. SECTION 4101 OF TITLE 38, UNITED STATES CODE, IS AMENDED BY AMENDING SUBSECTION (B) TO READ AS FOLLOWS: //72 STAT. 1243; 80 STAT. 1368.//

"(B) IN ORDER TO CARRY OUT MORE EFFECTIVELY THE PRIMARY FUNCTION OF THE DEPARTMENT OF MEDICINE AND SURGERY TO PROVIDE A COMPLETE MEDICAL AND HOSPITAL SERVICE FOR THE MEDICAL CARE AND TREATMENT OF VETERANS AND IN ORDER TO ASSIST IN PROVIDING AN ADEQUATE SUPPLY OF HEALTH MANPOWER TO THE NATION, THE ADMINISTRATOR SHALL, TO THE EXTENT FEASIBLE WITHOUT

INTERFERING WITH THE MEDICAL CARE AND TREATMENT OF VETERANS, DEVELOP AND CARRY OUT A PROGRAM OF EDUCATION AND TRAINING OF SUCH HEALTH MANPOWER (INCLUDING THE DEVELOPING AND EVALUATING OF NEW HEALTH CAREERS, INTERDISCIPLINARY APPROACHES AND CAREER ADVANCEMENT OPPORTUNITIES), AND SHALL CARRY OUT A MAJOR PROGRAM FOR THE RECRUITMENT, TRAINING, AND EMPLOYMENT OF VETERANS WITH MEDICAL MILITARY OCCUPATION SPECIALTIES AS PHYSICIANS' ASSISTANTS, DENTISTS' ASSISTANTS, AND OTHER MEDICAL TECHNICIANS (INCLUDING ADVISING ALL SUCH QUALIFIED VETERANS AND SERVICEMEN ABOUT TO BE DISCHARGED OR RELEASED FROM ACTIVE DUTY OF SUCH EMPLOYMENT OPPORTUNITIES), ACTING IN COOPERATION WITH SUCH SCHOOLS OF MEDICINE, OSTEOPATHY, DENTISTRY, NURSING, PHARMACY, OPTOMETRY, PODIATRY, PUBLIC HEALTH, OR ALLIED HEALTH PROFESSIONS; OTHER INSTITUTIONS OF HIGHER LEARNING; MEDICAL CENTERS; ACADEMIC HEALTH CENTERS; HOSPITALS; AND SUCH OTHER PUBLIC OR NONPROFIT AGENCIES, INSTITUTIONS, OR ORGANIZATIONS AS THE ADMINISTRATOR DEEMS APPROPRIATE.

"(C)(1) WITHIN NINETY DAYS AFTER ENACTMENT OF THIS SUBSECTION, THE ADMINISTRATOR, IN CONSULTATION WITH THE CHIEF MEDICAL DIRECTOR, IS DIRECTED TO CONCLUDE NEGOTIATIONS FOR AN AGREEMENT WITH THE NATIONAL ACADEMY OF SCIENCES UNDER WHICH SUCH ACADEMY //87 STAT. 188// (UTILIZING ITS FULL RESOURCES AND EXPERTISE) WILL CONDUCT AN EXTENSIVE REVIEW AND APPRAISAL OF PERSONNEL AND OTHER RESOURCE REQUIREMENTS IN VETERANS' ADMINISTRATION HOSPITALS, CLINICS, AND OTHER MEDICAL FACILITIES TO DETERMINE A BASIS FOR THE OPTIMUM NUMBERS AND CATEGORIES OF SUCH PERSONNEL AND OTHER RESOURCES NEEDED TO INSURE THE PROVISION TO ELIGIBLE VETERANS OF HIGH QUALITY CARE IN ALL HOSPITAL, MEDICAL, DOMICILIARY, AND NURSING HOME FACILITIES. SUCH AGREEMENT SHALL PROVIDE THAT (A) AT THE EARLIEST FEASIBLE DATE INTERIM REPORTS AND THE FINAL REPORT WILL BE SUBMITTED BY THE NATIONAL ACADEMY OF SCIENCES TO THE ADMINISTRATOR, THE PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND (B) THE FINAL REPORT WILL BE SUBMITTED NO LATER THAN TWENTY-FOUR MONTHS AFTER THE DATE OF THE AGREEMENT EXCEPT THAT THE ADMINISTRATOR, IN CONSULTATION WITH THE CHIEF MEDICAL DIRECTOR AND AFTER CONSULTATION WITH THE HOUSE AND SENATE COMMITTEES ON VETERANS' AFFAIRS, MAY PERMIT AN EXTENSION UP TO TWELVE ADDITIONAL MONTHS.

"(2) WITHIN NINETY DAYS AFTER THE SUBMISSION OF THE FINAL REPORT DESCRIBED IN SUBSECTION (A) OF THIS SECTION, THE ADMINISTRATOR SHALL SUBMIT TO THE SENATE AND HOUSE COMMITTEES ON VETERANS' AFFAIRS A DETAILED REPORT OF HIS VIEWS ON THE NATIONAL ACADEMY OF SCIENCES' FINDINGS AND RECOMMENDATIONS SUBMITTED IN SUCH REPORT, INCLUDING (A) THE STEPS AND TIMETABLE THEREFOR (TO BE CARRIED OUT IN NOT LESS THAN THREE YEARS) HE PROPOSES TO TAKE TO IMPLEMENT SUCH FINDINGS AND RECOMMENDATIONS AND (B) ANY DISAGREEMENTS, AND THE REASONS THEREFOR, WITH RESPECT TO SUCH FINDINGS AND RECOMMENDATIONS.

"(3) THE ADMINISTRATOR SHALL COOPERATE FULLY WITH THE NATIONAL ACADEMY OF SCIENCES, AND MAKE AVAILABLE TO THE ACADEMY ALL SUCH STAFF, INFORMATION, RECORDS, AND OTHER ASSISTANCE, AND SHALL SET ASIDE FOR SUCH PURPOSES SUCH SUMS, AS ARE NECESSARY TO INSURE THE SUCCESS OF THE STUDY."

SEC. 202. SECTION 4103(A) OF TITLE 38, UNITED STATES CODE, IS

AMENDED-- //78 STAT. 409; 80 STAT. 1368.//

(1) BY AMENDING PARAGRAPH (4) TO READ AS FOLLOWS:

"(4) NOT TO EXCEED EIGHT ASSISTANT CHIEF MEDICAL DIRECTORS, WHO SHALL BE APPOINTED BY THE ADMINISTRATOR UPON THE RECOMMENDATIONS OF THE CHIEF MEDICAL DIRECTOR. NOT MORE THAN TWO ASSISTANT CHIEF MEDICAL DIRECTORS MAY BE INDIVIDUALS QUALIFIED IN THE ADMINISTRATION OF HEALTH SERVICES WHO ARE NOT DOCTORS OF MEDICINE, DENTAL SURGERY, OR DENTAL MEDICINE. ONE ASSISTANT CHIEF MEDICAL DIRECTOR SHALL BE A QUALIFIED DOCTOR OF DENTAL SURGERY OR DENTAL MEDICINE WHO SHALL BE DIRECTLY RESPONSIBLE TO THE CHIEF MEDICAL DIRECTOR FOR THE OPERATION OF THE DENTAL SERVICE."; AND

(2) BY AMENDING PARAGRAPH (7) TO READ AS FOLLOWS:

"(7) A DIRECTOR OF PHARMACY SERVICE, A DIRECTOR OF DIETETIC SERVICE, AND A DIRECTOR OF OPTOMETRY, APPOINTED BY THE ADMINISTRATOR.".

SEC. 203. SECTION 4107 OF TITLE 38, UNITED STATES CODE, IS AMENDED BY-- //81 STAT. 631; 84 STAT. 1092.//

(1) AMENDING SUBSECTIONS (A) AND (B) TO READ AS FOLLOWS:

"(A) THE PER ANNUM FULL-PAY SCALE OR RANGES FOR POSITIONS PROVIDED IN SECTION 4103 OF THIS TITLE, OTHER THAN CHIEF MEDICAL DIRECTOR AND DEPUTY CHIEF MEDICAL DIRECTOR, SHALL BE AS FOLLOWS:

"SECTION 4103 SCHEDULE

"ASSOCIATE DEPUTY CHIEF MEDICAL DIRECTOR, AT THE ANNUAL RATE PROVIDED IN SECTION 5316 OF TITLE 5 FOR POSITIONS IN LEVEL V OF THE EXECUTIVE SCHEDULE. //83 STAT. 864.// //87 STAT. 189.//

"ASSISTANT CHIEF MEDICAL DIRECTOR, \$41,734.

"MEDICAL DIRECTOR, \$36,103 MINIMUM TO \$40,915 MAXIMUM.

"DIRECTOR OF NURSING SERVICE, \$36,103 MINIMUM TO \$40,915 MAXIMUM.

"DIRECTOR OF CHAPLAIN SERVICE, \$31,203 MINIMUM TO \$39,523 MAXIMUM.

"DIRECTOR OF PHARMACY SERVICE, \$31,203 MINIMUM TO \$39,523 MAXIMUM.

"DIRECTOR OF DIETETIC SERVICE, \$31,203 MINIMUM TO \$39,523 MAXIMUM.

"DIRECTOR OF OPTOMETRY, \$31,203 MINIMUM TO \$39,523 MAXIMUM.

"(B)(1) THE GRADES AND PER ANNUM FULL-PAY RANGES FOR POSITIONS PROVIDED FOR IN PARAGRAPH (1) OF SECTION 4104 OF THIS TITLE SHALL BE AS FOLLOWS:

//80 STAT. 434. 5 USC 4104.//

"PHYSICIAN AND DENTIST SCHEDULE

"DIRECTOR GRADE, \$31,203 MINIMUM TO \$39,523 MAXIMUM.

"EXECUTIVE GRADE, \$28,996 MINIMUM TO \$37,699 MAXIMUM.

"CHIEF GRADE, \$26,898 MINIMUM TO \$34,971 MAXIMUM.

"SENIOR GRADE, \$23,088 MINIMUM TO \$30,018 MAXIMUM.

"INTERMEDIATE GRADE, \$19,700 MINIMUM TO \$25,613 MAXIMUM.

"FULL GRADE, \$16,682 MINIMUM TO \$21,686 MAXIMUM.

"ASSOCIATE GRADE, \$13,996 MINIMUM TO \$18,190 MAXIMUM.

"NURSE SCHEDULE

"DIRECTOR GRADE, \$26,898 MINIMUM TO \$34,981 MAXIMUM.

"ASSISTANT DIRECTOR GRADE, \$23,088 MINIMUM TO \$30,018 MAXIMUM.

"CHIEF GRADE, \$19,700 MINIMUM TO \$25,613 MAXIMUM.

"SENIOR GRADE, \$16,682 MINIMUM TO \$21,686 MAXIMUM.

"INTERMEDIATE GRADE, \$13,682 MINIMUM TO \$18,190 MAXIMUM.

"FULL GRADE, \$11,614 MINIMUM TO \$15,087 MAXIMUM.

"ASSOCIATE GRADE, \$10,012 MINIMUM TO \$13,018 MAXIMUM.

"JUNIOR GRADE, \$8,572 MINIMUM TO \$11,146 MAXIMUM.

"(2) NO PERSON MAY HOLD THE DIRECTOR GRADE IN THE 'PHYSICIAN AND DENTIST SCHEDULE' UNLESS HE IS SERVING AS A DIRECTOR OF A HOSPITAL, COMICILIARY, CENTER, OR OUTPATIENT CLINIC (INDEPENDENT). NO PERSON MAY HOLD THE EXECUTIVE GRADE UNLESS HE HOLDS THE POSITION OF CHIEF OF STAFF AT A HOSPITAL, CENTER, OR OUTPATIENT CLINIC (INDEPENDENT), OR COMPARABLE POSITION."; AND

(2) ADDING AT THE END THEREOF THE FOLLOWING NEW SUBSECTIONS:
 "(D) THE LIMITATIONS IN SECTION 5308 OF TITLE 5 SHALL APPLY TO PAY UNDER THIS SECTION. //84 STAT. 1951.//

"(E)(1) IN ADDITION TO THE BASIC COMPENSATION PROVIDED FOR NURSES IN SUBSECTION (B)(1) OF THIS SECTION, A NURSE SHALL RECEIVE ADDITIONAL COMPENSATION AS PROVIDED BY PARAGRAPHS (2) THROUGH (8) OF THIS SUBSECTION.

"(2) A NURSE PERFORMING SERVICE ON A TOUR OF DUTY, ANY PART OF WHICH IS WITHIN THE PERIOD COMMENCING AT 7 POSTMERIDIAN AND ENDING AT 6 ANTERMERIDIAN, SHALL RECEIVE ADDITIONAL COMPENSATION FOR EACH HOUR OF SERVICE ON SUCH TOUR AT A RATE EQUAL TO 10 PER CENTUM OF THE EMPLOYEE'S BASIC HOURLY RATE, IF AT LEAST FOUR HOURS OF SUCH TOUR FALL BETWEEN 6 POSTMERIDIAN AND 6 ANTERMERIDIAN. WHEN LESS THAN FOUR HOURS OF SUCH TOUR FALL BETWEEN 6 POSTMERIDIAN AND 6 ANTERMERIDIAN, THE NURSE SHALL BE PAID THE DIFFERENTIAL FOR EACH HOUR OF WORK PERFORMED BETWEEN THOSE HOURS.

"(3) A NURSE PERFORMING SERVICE ON A TOUR OF DUTY, ANY PART OF WHICH IS WITHIN THE PERIOD COMMENCING AT MIDNIGHT SATURDAY AND ENDING AT MIDNIGHT SUNDAY, SHALL RECEIVE ADDITIONAL COMPENSATION FOR EACH HOUR OF SERVICE ON SUCH TOUR AT A RATE EQUAL TO 25 PER CENTUM OF SUCH NURSE'S BASIC HOURLY RATE. //87 STAT. 190//

"(4) A NURSE PERFORMING SERVICE ON A HOLIDAY DESIGNATED BY FEDERAL STATUTE OR EXECUTIVE ORDER SHALL RECEIVE SUCH NURSE'S REGULAR RATE OF BASIC PAY, PLUS ADDITIONAL PAY AT A RATE EQUAL TO SUCH REGULAR RATE OF BASIC PAY, FOR THAT HOLIDAY WORK, INCLUDING OVERTIME WORK. ANY SERVICE REQUIRED TO BE PERFORMED BY A NURSE ON SUCH A DESIGNATED HOLIDAY SHALL BE DEEMED TO BE A MINIMUM OF TWO HOURS IN DURATION.

"(5) A NURSE PERFORMING OFFICIALLY ORDERED OR APPROVED HOURS OF SERVICE IN EXCESS OF FORTY HOURS IN AN ADMINISTRATIVE WORKWEEK, OR IN EXCESS OF EIGHT HOURS IN A DAY, SHALL RECEIVE OVERTIME PAY FOR EACH HOUR OF SUCH ADDITIONAL SERVICE: THE OVERTIME RATES SHALL BE ONE AND ONE-HALF TIMES SUCH NURSE'S BASIC HOURLY RATE, NOT TO EXCEED ONE AND ONE-HALF TIMES THE BASIC HOURLY RATE FOR THE MINIMUM RATE OF INTERMEDIATE GRADE OF THE NURSE SCHEDULE. FOR THE PURPOSES OF THIS PARAGRAPH, OVERTIME MUST BE OF AT LEAST FIFTEEN MINUTES DURATION IN A DAY TO BE CREDITABLE FOR OVERTIME PAY. COMPENSATORY TIME OFF IN LIEU OF PAY FOR SERVICE PERFORMED UNDER THE PROVISIONS OF THIS PARAGRAPH SHALL NOT BE PERMITTED. ANY EXCESS SERVICE PERFORMED UNDER THIS PARAGRAPH ON A DAY WHEN SERVICE WAS NOT SCHEDULED FOR SUCH NURSE, OR FOR WHICH SUCH NURSE IS REQUIRED TO RETURN TO HER PLACE OF EMPLOYMENT, SHALL BE DEEMED TO BE A MINIMUM OF TWO HOURS IN DURATION.

"(6) FOR THE PURPOSE OF COMPUTING THE ADDITIONAL COMPENSATION PROVIDED BY PARAGRAPH (2), (3), (4), OR (5) OF THIS SUBSECTION, A NURSE'S BASIC HOURLY RATE SHALL BE DERIVED BY DIVIDING SUCH NURSE'S ANNUAL RATE OF BASIC COMPENSATION BY TWO THOUSAND AND EIGHTY.

"(7) WHEN A NURSE IS ENTITLED TO TWO OR MORE FORMS OF ADDITIONAL PAY UNDER PARAGRAPH (2), (3), (4), OR (5) FOR THE SAME PERIOD OF DUTY, THE AMOUNTS OF SUCH ADDITIONAL PAY SHALL BE COMPUTED SEPARATELY ON THE BASIS OF SUCH NURSE'S BASIC HOURLY RATE OF PAY, EXCEPT THAT NO OVERTIME PAY AS PROVIDED IN PARAGRAPH (5) SHALL BE PAYABLE FOR OVERTIME SERVICE PERFORMED ON A HOLIDAY DESIGNATED BY FEDERAL STATUTE OR EXECUTIVE ORDER IN ADDITION TO PAY RECEIVED UNDER PARAGRAPH (4) FOR SUCH SERVICE.

"(8) A NURSE WHO IS OFFICIALLY SCHEDULED TO BE ON CALL OUTSIDE SUCH NURSE'S REGULAR HOURS SHALL BE COMPENSATED FOR EACH HOUR OF SUCH ON-CALL DUTY, EXCEPT FOR SUCH TIME AS SUCH NURSE MAY BE CALLED BACK TO WORK, AT A RATE EQUAL TO 10 PER CENTUM OF THE HOURLY RATE FOR EXCESS SERVICE AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION.

"(9) ANY ADDITIONAL COMPENSATION PAID PURSUANT TO THIS SUBSECTION SHALL NOT BE CONSIDERED AS BASIC COMPENSATION FOR THE PURPOSES OF SUBCHAPTER VI AND SECTION 5595 OF SUBCHAPTER IX OF CHAPTER 55, CHAPTER 81, 83, OR 87 OF TITLE 5, OR OTHER BENEFITS BASED ON BASIC COMPENSATION." //5 USC 5551, 5595, 8101, 8301, 8701.//

SEC. 204. (A) SECTION 4108 OF TITLE 38, UNITED STATES CODE, IS AMENDED TO READ AS FOLLOWS: //76 STAT. 860.//

" 4108. PERSONNEL ADMINISTRATION

"(A) NOTWITHSTANDING ANY LAW, EXECUTIVE ORDER, OR REGULATION, THE ADMINISTRATOR SHALL PRESCRIBE BY REGULATION THE HOURS AND CONDITIONS OF EMPLOYMENT AND LEAVES OF ABSENCE OF PHYSICIANS, DENTISTS, AND NURSES APPOINTED TO THE DEPARTMENT OF MEDICINE AND SURGERY, EXCEPT THAT THE HOURS OF EMPLOYMENT IN CARRYING OUT RESPONSIBILITIES UNDER THIS TITLE OF ANY PHYSICIAN, DENTIST (OTHER THAN AN INTERN OR RESIDENT APPOINTMENT PURSUANT TO SECTION 4114 OF THIS TITLE), //POST P. 192.// OR NURSE APPOINTED ON A FULL-TIME BASIS WHO ACCEPTS RESPONSIBILITIES FOR CARRYING OUT PROFESSIONAL SERVICES FOR REMUNERATION OTHER THAN THOSE ASSIGNED UNDER THIS TITLE, SHALL CONSIST OF NOT LESS THAN EIGHTY HOURS IN A BIWEEKLY PAY PERIOD (AS THAT TERM IS USED IN SECTION 5504 OF TITLE 5), AND NO SUCH PERSON MAY-- //80 STAT. 475.//

"(1) ASSUME RESPONSIBILITY FOR THE MEDICAL CARE OF ANY PATIENT OTHER THAN A PATIENT ADMITTED FOR TREATMENT AT A VETERANS' ADMINISTRATION FACILITY, EXCEPT IN THOSE CASES WHERE THE INDIVIDUAL, UPON REQUEST AND WITH THE APPROVAL OF THE CHIEF MEDICAL DIRECTOR, ASSUMES SUCH RESPONSIBILITIES TO ASSIST COMMUNITIES OR MEDICAL PRACTICE GROUPS TO MEET MEDICAL NEEDS WHICH WOULD NOT OTHERWISE BE AVAILABLE FOR A PERIOD NOT TO EXCEED ONE HUNDRED AND EIGHTY CALENDAR DAYS, WHICH MAY BE EXTENDED BY THE CHIEF MEDICAL DIRECTOR FOR ADDITIONAL PERIODS NOT TO EXCEED ONE HUNDRED AND EIGHTY CALENDAR DAYS EACH;

"(2) TEACH OR PROVIDE CONSULTATIVE SERVICES AT ANY AFFILIATED INSTITUTION IF SUCH TEACHING OR CONSULTATION WILL, BECAUSE OF ITS NATURE OR DURATION, CONFLICT WITH HIS RESPONSIBILITIES UNDER THIS TITLE;

"(3) ACCEPT PAYMENT UNDER ANY INSURANCE OR ASSISTANCE PROGRAM ESTABLISHED UNDER SUBCHAPTER XVIII, OR XIX OF CHAPTER 7 OF TITLE 42, OR UNDER CHAPTER 55 OF TITLE 10 FOR PROFESSIONAL SERVICES RENDERED BY HIM WHILE CARRYING OUT HIS RESPONSIBILITIES UNDER THIS TITLE; //42 USC 1395, 1396, 10 USC 1071.//

"(4) ACCEPT FROM ANY SOURCE, WITH RESPECT TO ANY TRAVEL PERFORMED BY HIM IN THE COURSE OF CARRYING OUT HIS RESPONSIBILITIES UNDER THIS TITLE, ANY PAYMENT OR PER DIEM FOR SUCH TRAVEL, OTHER THAN AS PROVIDED FOR IN SECTION 4111 OF TITLE 5; //80 STAT. 437.//

"(5) REQUEST OR PERMIT ANY INDIVIDUAL OR ORGANIZATION TO PAY, ON HIS BEHALF, FOR INSURANCE INSURING HIM AGAINST MALPRACTICE CLAIMS ARISING IN THE COURSE OF CARRYING OUT HIS RESPONSIBILITIES UNDER THIS TITLE OR FOR HIS DUES OR SIMILAR FEES FOR MEMBERSHIP IN MEDICAL OR DENTAL SOCIETIES OR RELATED PROFESSIONAL ASSOCIATIONS, EXCEPT WHERE SUCH PAYMENTS CONSTITUTE A PART OF HIS REMUNERATION FOR THE PERFORMANCE OF PROFESSIONAL RESPONSIBILITIES PERMITTED UNDER THIS SECTION, OTHER THAN THOSE CARRIED OUT UNDER THIS TITLE; AND

"(6) PERFORM, IN THE COURSE OF CARRYING OUT HIS RESPONSIBILITIES UNDER THIS TITLE, PROFESSIONAL SERVICES FOR THE PURPOSE OF GENERATING MONEY FOR ANY FUND OR ACCOUNT WHICH IS MAINTAINED BY AN AFFILIATED INSTITUTION FOR THE BENEFIT OF SUCH INSTITUTION, OR FOR HIS PERSONAL BENEFIT, OR BOTH, AND IN THE CASE OF ANY SUCH FUND OR ACCOUNT ESTABLISHED BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION--

"(A) THE AFFILIATED INSTITUTION SHALL SUBMIT SEMIANNUALLY AN ACCOUNTING TO THE ADMINISTRATOR AND TO THE COMPTROLLER GENERAL OF THE UNITED STATES WITH RESPECT TO SUCH FUND OR ACCOUNT, AND THEREAFTER SHALL MAINTAIN SUCH FUND OR ACCOUNT SUBJECT TO FULL PUBLIC DISCLOSURE AND AUDIT BY THE ADMINISTRATOR AND THE COMPTROLLER GENERAL FOR A PERIOD OF THREE YEARS OR FOR SUCH LONGER PERIOD AS THE ADMINISTRATOR SHALL PRESCRIBE, AND

"(B) NO PHYSICIAN, DENTIST, OR NURSE MAY RECEIVE, AFTER THE EFFECTIVE DATE OF THIS SUBSECTION, ANY CASH FROM AMOUNTS DEPOSITED IN SUCH FUND OR ACCOUNT DERIVED FROM SERVICES PERFORMED PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION.

"(B) AS USED IN THIS SECTION, THE TERM 'AFFILIATED INSTITUTION' MEANS ANY MEDICAL SCHOOL OR OTHER INSTITUTION OF HIGHER LEARNING WITH WHICH THE ADMINISTRATOR HAS A CONTRACT OR AGREEMENT PURSUANT TO SECTION 4112(B) OF THIS TITLE FOR THE TRAINING OR EDUCATION OF HEALTH MANPOWER.

"(C) AS USED IN THIS SECTION, THE TERM 'REMUNERATION' MEANS THE RECEIPT OF ANY AMOUNT OF MONETARY BENEFIT FROM ANY NON-VETERANS' ADMINISTRATION SOURCE IN PAYMENT FOR CARRYING OUT ANY PROFESSIONAL RESPONSIBILITIES."

(B) THE TABLE OF SECTIONS AT THE BEGINNING OF CHAPTER 73 OF SUCH TITLE IS AMENDED BY STRIKING OUT "4108. ADMINISTRATION." AND INSERTING IN LIEU THEREOF "4108. PERSONNEL ADMINISTRATION."

SEC. 205.(A) SECTION 4109 OF TITLE 38, UNITED STATES CODE, IS AMENDED BY STRIKING OUT "THE CIVIL SERVICE RETIREMENT ACT" AND INSERTING IN LIEU THEREOF "CHAPTER 83 OF TITLE 5". //72 STAT. 1246.//

(B) SUBSECTION (B) OF SECTION 4112 OF SUCH TITLE 38, IS AMENDED BY

STRIKING OUT "SERVICE PERSONNEL" IN THE FIRST SENTENCE IMMEDIATELY AFTER "HEALTH" AND BY INSERTING IN LIEU THEREOF "MANPOWER." //80 STAT. 1370.//
 SEC. 206. SECTION 4114 OF TITLE 38, UNITED STATES CODE, IS AMENDED AS FOLLOWS: //72 STAT. 1247; 76 STAT. 309.//

(1) BY STRIKING OUT THE WORDS "NINETY DAYS" IN THE LAST SENTENCE OF PARAGRAPH (3)(A) OF SUBSECTION (A) AND INSERTING IN LIEU THEREOF "ONE YEAR";

(2) BY INSERTING "(1)" IMMEDIATELY AFTER "(B)" AT THE BEGINNING OF SUBSECTION (B) OF SUCH SECTION AND BY ADDING AT THE END OF SUCH SUBSECTION THE FOLLOWING NEW PARAGRAPHS:

"(2) FOR THE PURPOSES OF THIS TITLE, THE TERM 'INTERN' SHALL INCLUDE AN INTERNSHIP OR THE EQUIVALENCY THEREOF, AS DETERMINED IN ACCORDANCE WITH REGULATIONS WHICH THE ADMINISTRATOR SHALL PRESCRIBE.

"(3) IN ORDER TO CARRY OUT MORE EFFICIENTLY THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION, THE ADMINISTRATOR MAY CONTRACT WITH ONE OR MORE HOSPITALS, MEDICAL SCHOOLS, OR MEDICAL INSTALLATIONS HAVING HOSPITAL FACILITIES AND PARTICIPATING WITH THE VETERANS' ADMINISTRATION IN THE TRAINING OF INTERNS OR RESIDENTS TO PROVIDE FOR THE CENTRAL ADMINISTRATION OF STIPEND PAYMENTS, PROVISION OF FRINGE BENEFITS, AND MAINTENANCE OF RECORDS FOR SUCH INTERNS AND RESIDENTS BY THE DESIGNATION OF ONE SUCH INSTITUTION TO SERVE AS A CENTRAL ADMINISTRATIVE AGENCY FOR THIS PURPOSE. THE ADMINISTRATOR MAY PAY TO SUCH DESIGNATED AGENCY, WITHOUT REGARD TO ANY OTHER LAW OR REGULATION GOVERNING THE EXPENDITURE OF GOVERNMENT MONEYS EITHER IN ADVANCE OR IN ARREARS, AN AMOUNT TO COVER THE COST FOR THE PERIOD SUCH INTERN OR RESIDENT SERVES IN A VETERANS' ADMINISTRATION HOSPITAL OF (A) STIPENDS FIXED BY THE ADMINISTRATOR PURSUANT TO PARAGRAPH (1) OF THIS SUBSECTION, (B) HOSPITALIZATION, MEDICAL CARE, AND LIFE INSURANCE, AND ANY OTHER EMPLOYEE BENEFITS AS ARE AGREED UPON BY THE PARTICIPATING INSTITUTIONS FOR THE PERIOD THAT SUCH INTERN OR RESIDENT SERVES IN A VETERANS' ADMINISTRATION HOSPITAL, (C) TAX ON EMPLOYERS PURSUANT TO CHAPTER 21 OF THE INTERNAL REVENUE CODE OF 1954, //26 USC 3101.// WHERE APPLICABLE, AND IN ADDITION, (D) AN AMOUNT TO COVER A PRO RATA SHARE OF THE COST OF EXPENSE OF SUCH CENTRAL ADMINISTRATIVE AGENCY. ANY AMOUNTS PAID BY THE ADMINISTRATOR TO SUCH CENTRAL ADMINISTRATIVE AGENCY TO COVER THE COST OF HOSPITALIZATION, MEDICAL CARE, OR LIFE INSURANCE OR OTHER EMPLOYEE BENEFITS SHALL BE IN LIEU OF ANY BENEFITS OF LIKE NATURE TO WHICH SUCH INTERN OR RESIDENT MAY BE ENTITLED UNDER THE PROVISIONS OF TITLE 5, AND THE ACCEPTANCE OF STIPENDS AND EMPLOYEE BENEFITS FROM THE DESIGNATED CENTRAL ADMINISTRATIVE AGENCY SHALL CONSTITUTE A WAIVER BY THE RECIPIENT OF ANY CLAIM HE MIGHT HAVE TO ANY PAYMENT OF STIPENDS OR EMPLOYEE BENEFITS TO WHICH HE MAY BE ENTITLED UNDER THIS TITLE OR TITLE 5. //5 USC 101 ET SEQ.// NOTWITHSTANDING THE FOREGOING, ANY PERIOD OF SERVICE OF ANY SUCH INTERN OR RESIDENT IN A VETERANS' ADMINISTRATION HOSPITAL SHALL BE DEEMED CREDITABLE SERVICE FOR THE PURPOSES OF SECTION 8332 OF TITLE 5. //80 STAT. 567.// THE AGREEMENT MAY FURTHER PROVIDE THAT THE DESIGNATED CENTRAL ADMINISTRATIVE AGENCY SHALL MAKE ALL APPROPRIATE DEDUCTIONS FROM THE STIPEND OF EACH INTERN AND RESIDENT FOR LOCAL, STATE, AND FEDERAL TAXES, MAINTAIN ALL RECORDS

PERTINENT THERETO AND MAKE PROPER DEPOSITS THEREOF, //87 STAT. 193// AND SHALL MAINTAIN ALL RECORDS PERTINENT TO THE LEAVE ACCRUED BY SUCH INTERN AND RESIDENT FOR THE PERIOD DURING WHICH HE SERVES IN A PARTICIPATING HOSPITAL, INCLUDING A VETERANS' ADMINISTRATION HOSPITAL. SUCH LEAVE MAY BE POOLED, AND THE INTERN OR RESIDENT MAY BE AFFORDED LEAVE BY THE HOSPITAL IN WHICH HE IS SERVING AT THE TIME THE LEAVE IS TO BE USED TO THE EXTENT OF HIS TOTAL ACCUMULATED LEAVE, WHETHER OR NOT EARNED AT THE HOSPITAL IN WHICH HE IS SERVING AT THE TIME THE LEAVE IS TO BE AFFORDED.";

AND
(3) BY ADDING AT THE END THEREOF THE FOLLOWING NEW SUBSECTION:
"(E) THE PROGRAM OF TRAINING PRESCRIBED BY THE ADMINISTRATOR IN ORDER TO QUALIFY A PERSON FOR THE POSITION OF FULL-TIME PHYSICIAN'S ASSISTANT OR DENTIST'S ASSISTANT SHALL BE CONSIDERED A FULL-TIME INSTITUTIONAL PROGRAM FOR PURPOSES OF CHAPTER 34 OF THIS TITLE. THE ADMINISTRATOR MAY CONSIDER TRAINING FOR SUCH A POSITION TO BE ON A LESS THAN FULL-TIME BASIS FOR PURPOSES OF SUCH CHAPTER WHEN THE COMBINED CLASSROOM (AND OTHER FORMAL INSTRUCTION) PORTION OF THE PROGRAM AND THE ON-THE-JOB TRAINING PORTION OF THE PROGRAM TOTAL LESS THAN 30 HOURS PER WEEK." //80 STAT. 12; 81 STAT. 186. 38 USC 1651.//

SEC. 207. SECTION 4116 OF TITLE 38, UNITED STATES CODE, IS AMENDED--

(1) BY AMENDING SUBSECTION (A) TO READ AS FOLLOWS: "(A) THE REMEDY-- //80 STAT. 307.//

"(1) AGAINST THE UNITED STATES PROVIDED BY SECTIONS 1346(B) AND 2672 OF TITLE 28, OR //62 STAT. 933. 80 STAT. 308.//

"(2) THROUGH PROCEEDINGS FOR COMPENSATION OR OTHER BENEFITS FROM THE UNITED STATES AS PROVIDED BY ANY OTHER LAW, WHERE THE AVAILABILITY OF SUCH BENEFITS PRECLUDES A REMEDY UNDER SECTION 1346(B) OR 2672 OF TITLE 28,

FOR DAMAGES FOR PERSONAL INJURY, INCLUDING DEATH, ALLEGEDLY ARISING FROM MALPRACTICE OR NEGLIGENCE OF A PHYSICIAN, DENTIST, NURSE, PHYSICIANS' ASSISTANT, DENTISTS' ASSISTANT, PHARMACIST, OR PARAMEDICAL (FOR EXAMPLE, MEDICAL AND DENTAL TECHNICIANS, NURSING ASSISTANTS, AND THERAPISTS) OR OTHER SUPPORTING PERSONNEL IN FURNISHING MEDICAL CARE OR TREATMENT WHILE IN THE EXERCISE OF HIS DUTIES IN OR FOR THE DEPARTMENT OF MEDICINE AND SURGERY SHALL HEREAFTER BE EXCLUSIVE OF ANY OTHER CIVIL ACTION OR PROCEEDING BY REASON OF THE SAME SUBJECT MATTER AGAINST SUCH PHYSICIAN, DENTIST, NURSE, PHYSICIANS' ASSISTANT, DENTISTS' ASSISTANT, PHARMACIST, OR PARAMEDICAL OR OTHER SUPPORTING PERSONNEL (OR HIS ESTATE) WHOSE ACT OR OMISSION GAVE RISE TO SUCH CLAIM.";

(2) BY STRIKING OUT THE LAST SENTENCE IN SUBSECTION (C) AND INSERTING IN LIEU THEREOF THE FOLLOWING: //79 STAT. 1156.// "AFTER REMOVAL THE UNITED STATES SHALL HAVE AVAILABLE ALL DEFENSES TO WHICH IT WOULD HAVE BEEN ENTITLED IF THE ACTION HAD ORIGINALLY BEEN COMMENCED AGAINST THE UNITED STATES. SHOULD A UNITED STATES DISTRICT COURT DETERMINE ON A HEARING ON A MOTION TO REMAND HELD BEFORE A TRIAL ON THE MERITS THAT THE EMPLOYEE WHOSE ACT OR OMISSION GAVE RISE TO THE SUIT WAS NOT ACTING WITHIN THE SCOPE OF HIS OFFICE OR EMPLOYMENT, THE CASE SHALL BE REMANDED TO THE STATE COURT."; AND

(3) BY ADDING AT THE END THEREOF THE FOLLOWING NEW SUBSECTION:
 "(E) THE ADMINISTRATOR MAY, TO THE EXTENT HE DEEMS APPROPRIATE, HOLD HARMLESS OR PROVIDE LIABILITY INSURANCE FOR ANY PERSON TO WHOM THE IMMUNITY PROVISIONS OF THIS SECTION APPLY (AS DESCRIBED IN SUBSECTION (A) OF THIS SECTION), FOR DAMAGE FOR PERSONAL INJURY OR DEATH, OR FOR PROPERTY DAMAGE, NEGLIGENTLY CAUSED BY SUCH PERSON WHILE FURNISHING MEDICAL CARE OR TREATMENT (INCLUDING THE CONDUCT OF CLINICAL STUDIES OR INVESTIGATIONS) IN THE EXERCISE OF HIS DUTIES IN OR FOR THE DEPARTMENT OF MEDICINE AND SURGERY, IF SUCH PERSON IS ASSIGNED TO A FOREIGN COUNTRY, DETAILED TO STATE OR POLITICAL DIVISION THEREOF, OR IS ACTING UNDER ANY OTHER CIRCUMSTANCES WHICH WOULD PRECLUDE THE REMEDIES OF AN INJURED THIRD PERSON AGAINST THE UNITED STATES, //87 STAT. 194// PROVIDED BY SECTIONS 1346(8) AND 2672 OF TITLE 28, FOR SUCH DAMAGE OR INJURY." //62 STAT. 633. 80 STAT. 308.//

SEC. 208. SECTION 4117 OF TITLE 38, UNITED STATES CODE, IS AMENDED TO READ AS FOLLOWS:

"THE ADMINISTRATOR MAY ENTER INTO CONTRACTS WITH MEDICAL SCHOOLS, CLINICS, AND ANY OTHER GROUP OR INDIVIDUAL CAPABLE OF FURNISHING SUCH SERVICES TO PROVIDE SCARCE MEDICAL SPECIALIST SERVICES AT VETERANS' ADMINISTRATION FACILITIES (INCLUDING, BUT NOT LIMITED TO, SERVICES OF PHYSICIANS, DENTISTS, NURSES, PHYSICIANS' ASSISTANTS, DENTISTS' ASSISTANTS, TECHNICIANS, AND OTHER MEDICAL SUPPORT PERSONNEL)". //80 STAT. 1372.//

TITLE III--AMENDMENTS TO CHAPTER 81 OF TITLE
 38, UNITED STATES CODE--ACQUISITION AND
 OPERATION OF HOSPITAL AND COMICILIARY
 FACILITIES: PROCUREMENT
 AND SUPPLY

SEC. 301.(A) SUBSECTION (A) OF SECTION 5001 OF TITLE 38, UNITED STATES CODE, IS AMENDED BY-- //72 STAT. 1251; 79 STAT. 1157.//

"(1) STRIKING OUT THE PERIOD AT THE END OF PARAGRAPH (2) AND INSERTING IN LIEU THEREOF A COMMA AND THE FOLLOWING: "AND THE ADMINISTRATOR SHALL STAFF AND MAINTAIN, IN SUCH A MANNER AS TO INSURE THE IMMEDIATE ACCEPTANCE AND TIMELY AND COMPLETE CARE OF PATIENTS, SUFFICIENT BEDS AND OTHER TREATMENT CAPACITIES TO ACCOMMODATE, AND PROVIDE SUCH CARE TO, ELIGIBLE VETERANS APPLYING FOR ADMISSION AND FOUND TO BE IN NEED OF HOSPITAL CARE OR MEDICAL SERVICES. THE ADMINISTRATOR SHALL MAINTAIN THE BED AND TREATMENT CAPACITIES OF ALL VETERANS' ADMINISTRATION MEDICAL FACILITIES SO AS TO INSURE THE ACCESSIBILITY AND AVAILABILITY OF SUCH BEDS AND TREATMENT CAPACITIES TO ELIGIBLE VETERANS IN ALL STATES AND TO MINIMIZE DELAYS IN ADMISSIONS AND IN THE PROVISION OF SUCH CARE AND OF SERVICES PURSUANT TO SECTION 612 OF THIS TITLE. THE CHIEF MEDICAL DIRECTOR SHALL PERIODICALLY ANALYZE AGENCYWIDE ADMISSION POLICIES AND THE RECORDS OF THOSE ELIGIBLE VETERANS WHO APPLY FOR HOSPITAL CARE AND MEDICAL SERVICES BUT ARE REJECTED OR NOT IMMEDIATELY ADMITTED OR PROVIDED SUCH CARE OR SERVICES, AND THE ADMINISTRATOR SHALL ANNUALLY ADVISE THE HOUSE AND SENATE COMMITTEES

ON VETERANS' AFFAIRS OF THE RESULTS OF SUCH ANALYSIS AND THE NUMBER OF ANY ADDITIONAL BEDS AND TREATMENT CAPACITIES AND THE APPROPRIATE STAFFING AND FUNDS THEREFOR FOUND NECESSARY TO MEET THE NEEDS OF SUCH VETERANS FOR SUCH NECESSARY CARE AND SERVICES." AND

(2) STRIKING OUT IN THE FIRST SENTENCE OF PARAGRAPH (3) "IS AUTHORIZED TO" AND INSERTING IN LIEU THEREOF "SHALL", AND BY STRIKING OUT "FOUR THOUSAND BEDS" AND INSERTING IN LIEU THEREOF "EIGHT THOUSAND BEDS IN THE FISCAL YEAR ENDING JUNE 30, 1974, AND IN EACH FISCAL YEAR THEREAFTER".

(B) SUBSECTION (B) OF SECTION 5001 OF SUCH TITLE IS AMENDED TO READ AS FOLLOWS:

"(B) HOSPITALS, DOMICILIARIES, AND OTHER MEDICAL FACILITIES PROVIDED BY THE ADMINISTRATOR (INCLUDING NURSING HOME FACILITIES FOR WHICH THE ADMINISTRATOR CONTRACTS UNDER SECTION 620 OF THIS TITLE) SHALL BE OF FIRE, //78 STAT. 500-// EARTHQUAKE, AND OTHER NATURAL DISASTER RESISTANT CONSTRUCTION IN ACCORDANCE WITH STANDARDS WHICH THE ADMINISTRATOR SHALL PRESCRIBE ON A STATE OR REGIONAL BASIS AFTER SURVEYING APPROPRIATE STATE AND LOCAL LAWS, ORDINANCES, AND BUILDING CODES AND CLIMATIC AND SEISMIC CONDITIONS PERTINENT TO EACH SUCH FACILITY. WHEN AN EXISTING PLANT IS PURCHASED, IT SHALL BE REMODELED TO COMPLY WITH THE REQUIREMENTS STATED IN THE FIRST SENTENCE OF THIS SUBSECTION. //87 STAT. 195// IN ORDER TO CARRY OUT THIS SUBSECTION, THE ADMINISTRATOR SHALL APPOINT AN ADVISORY COMMITTEE ON STRUCTURAL SAFETY OF VETERANS' ADMINISTRATION FACILITIES, ON WHICH SHALL SERVE AT LEAST ONE ARCHITECT AND ONE STRUCTURAL ENGINEER EXPERT IN FIRE, EARTHQUAKE, AND OTHER NATURAL DISASTER RESISTANCE WHO SHALL NOT BE EMPLOYEES OF THE FEDERAL GOVERNMENT, TO ADVISE HIM ON ALL MATTERS OF STRUCTURAL SAFETY IN THE CONSTRUCTION AND REMODELING OF VETERANS' ADMINISTRATION FACILITIES IN ACCORDANCE WITH THE REQUIREMENT OF THIS SUBSECTION, AND WHICH SHALL APPROVE REGULATIONS PRESCRIBED THEREUNDER. THE ASSOCIATE DEPUTY ADMINISTRATOR, THE CHIEF MEDICAL DIRECTOR, OR HIS DESIGNEE, AND THE VETERANS' ADMINISTRATION OFFICIAL CHARGED WITH THE RESPONSIBILITY FOR CONSTRUCTION SHALL BE EX OFFICIO MEMBERS OF SUCH COMMITTEE."

(C) SECTION 5001 OF SUCH TITLE IS FURTHER AMENDED BY ADDING THE FOLLOWING NEW SUBSECTION: //72 STAT. 1251; 79 STAT. 1157. 38 USC 5001.//

"(G) THE ADMINISTRATOR MAY MAKE CONTRIBUTIONS TO LOCAL AUTHORITIES TOWARD, OR FOR, THE CONSTRUCTION OF TRAFFIC CONTROLS, ROAD IMPROVEMENTS, OR OTHER DEVICES ADJACENT TO VETERANS' ADMINISTRATION MEDICAL FACILITIES WHEN DEEMED NECESSARY FOR SAFE INGRESS OR EGRESS."

SEC. 302. CHAPTER 81 OF TITLE 38, UNITED STATES CODE, IS AMENDED-- //72 STAT. 1251; 80 STAT. 1373.//

(1) BY ADDING AT THE END OF SUBCHAPTER 1 THE FOLLOWING NEW SECTION:

" 5007. PARTIAL RELINQUISHMENT OF LEGISLATIVE JURISDICTION
"THE ADMINISTRATOR, ON BEHALF OF THE UNITED STATES, MAY RELINQUISH TO THE STATE IN WHICH ANY LANDS OR INTERESTS THEREIN UNDER HIS SUPERVISION OR CONTROL ARE SITUATED, SUCH MEASURE OF LEGISLATIVE JURISDICTION OVER SUCH LANDS OR INTERESTS AS IS NECESSARY TO ESTABLISH CONCURRENT JURISDICTION

BETWEEN THE FEDERAL GOVERNMENT AND THE STATE CONCERNED. SUCH PARTIAL RELINQUISHMENT OF LEGISLATIVE JURISDICTION SHALL BE INITIATED BY FILING A NOTICE THEREOF WITH THE GOVERNOR OF THE STATE CONCERNED, OR IN SUCH OTHER MANNER AS MAY BE PRESCRIBED BY THE LAWS OF SUCH STATE, AND SHALL TAKE EFFECT UPON ACCEPTANCE BY SUCH STATE.";

(2) BY INSERTING IMMEDIATELY AFTER THE FIRST SENTENCE IN SUBSECTION (A) OF SECTION 5012 THEREOF THE FOLLOWING: "ANY LEASE MADE PURSUANT TO THIS SUBSECTION TO ANY PUBLIC OR NONPROFIT ORGANIZATION MAY BE MADE WITHOUT REGARD TO THE PROVISIONS OF SECTION 3709 OF THE REVISED STATUTES (41 U.S.C. 5). NOTWITHSTANDING SECTION 321 OF THE ACT ENTITLED 'AN ACT MAKING APPROPRIATIONS FOR THE LEGISLATIVE BRANCH OF THE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1933, AND FOR OTHER PURPOSES,' APPROVED JUNE 30, 1932 (40 U.S.C. 3038), //47 STAT. 412.// OR ANY OTHER PROVISION OF LAW, A LEASE MADE PURSUANT TO THIS SUBSECTION TO ANY PUBLIC OR NONPROFIT ORGANIZATION MAY PROVIDE FOR THE MAINTENANCE, PROTECTION, OR RESTORATION, BY THE LESSEE, OF THE PROPERTY LEASED, AS A PART OR ALL OF THE CONSIDERATION FOR THE LEASE. PRIOR TO THE EXECUTION OF ANY SUCH LEASE, THE ADMINISTRATOR SHALL GIVE APPROPRIATE PUBLIC NOTICE OF HIS INTENTION TO DO SO IN THE NEWSPAPER OF THE COMMUNITY IN WHICH THE LANDS OR BUILDINGS TO BE LEASED ARE LOCATED.";

(3) BY INSERTING IN THE TABLE OF SECTIONS AT THE BEGINNING OF SUCH CHAPTER

"5007. PARTIAL RELINQUISHMENT OF LEGISLATIVE JURISDICTION." IMMEDIATELY AFTER

"5006. PROPERTY FORMERLY OWNED BY THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.".

SEC. 303. SECTION 5053(A) OF TITLE 38, //80 STAT. 1374.// UNITED STATES CODE, IS AMENDED BY STRIKING OUT "OR MEDICAL SCHOOLS" AT THE BEGINNING OF THE MATERIAL CONTAINED IN PARENTHESES, AND BY INSERTING IMMEDIATELY AFTER THE CLOSE PARENTHESIS THE WORDS "OR MEDICAL SCHOOLS OR CLINICS". //87 STAT. 195// //87 STAT. 196//

TITLE IV--MISCELLANEOUS AMENDMENTS TO TITLE 38, UNITED STATES CODE

SEC. 401. SECTION 230(B) OF TITLE 38, UNITED STATES CODE, IS AMENDED BY STRIKING OUT "JULY 3, 1974" AND INSERTING IN LIEU THEREOF "JUNE 30, 1978". //84 STAT. 437.//

SEC. 402.(A) SECTION 234 OF TITLE 38, UNITED STATES CODE, IS AMENDED BY INSERTING IMMEDIATELY AFTER THE WORDS "TELEPHONES FOR" THE FOLLOWING: "NONMEDICAL DIRECTORS OF CENTERS, HOSPITALS, INDEPENDENT CLINICS, DOMICILIARIES, AND". //72 STAT. 1117.//

(B) THE TABLE OF SECTIONS AT THE BEGINNING OF CHAPTER 3 OF SUCH TITLE IS AMENDED BY STRIKING OUT "234. TELEPHONE SERVICE FOR MEDICAL OFFICERS." AND INSERTING IN LIEU THEREOF "234. TELEPHONE SERVICE FOR MEDICAL OFFICERS AND FACILITY DIRECTORS.".

(C) THE CATCHLINE AT THE BEGINNING OF SECTION 234 OF SUCH TITLE IS AMENDED BY INSERTING IMMEDIATELY AFTER THE WORD "OFFICERS" THE WORDS "AND FACILITY DIRECTORS".

SEC. 403.(A) SECTION 641 OF TITLE 38, UNITED STATES CODE, IS AMENDED BY-- //83 STAT. 836.//

(1) STRIKING OUT IN CLAUSE (1) "\$3.50" AND INSERTING IN LIEU THEREOF "\$4.50";

(2) STRIKING OUT IN CLAUSE (2) "\$5" AND INSERTING IN LIEU THEREOF "\$6";

(3) STRIKING OUT IN CLAUSE (3) "\$7.50" AND INSERTING IN LIEU THEREOF "\$10"; AND

(4) INSERTING IMMEDIATELY AFTER THE WORDS "VETERAN OF ANY WAR" THE FOLLOWING: "OR OF SERVICE AFTER JANUARY 31, 1955".

(B) SECTION 644(B) OF SUCH TITLE IS AMENDED BY STRIKING OUT "50 PER CENTUM" AND INSERTING IN LIEU THEREOF "65 PER CENTUM". //38 USC 644.//

(C) SECTION 5033(A) OF TITLE 38, UNITED STATES CODE, IS AMENDED BY STRIKING OUT "NINE" AND INSERTING IN LIEU THEREOF "FOURTEEN". //82 STAT. 448.//

(D) PARAGRAPH (1) OF SECTION 5034 OF TITLE 38, UNITED STATES CODE, IS AMENDED BY STRIKING OUT "ONE AND ONE-HALF BEDS" AND INSERTING IN LIEU THEREOF "TWO AND ONE-HALF BEDS." //79 STAT. 1157.//

(E) SUBSECTIONS (A)(1), (B)(2), AND (D) OF SECTION 5035 OF SUCH TITLE ARE AMENDED BY STRIKING OUT "50 PER CENTUM" WHEREVER IT APPEARS THEREIN AND INSERTING IN LIEU THEREOF "65 PER CENTUM". //78 STAT. 502.// //38 STAT. 5035.//

(F) SECTION 5036 OF SUCH TITLE IS AMENDED BY STRIKING OUT "50 PER CENTUM" AND INSERTING IN LIEU THEREOF "65 PER CENTUM". //38 STAT. 5036.// //87 STAT. 196.//

TITLE V--EFFECTIVE DATES

SEC. 501. THE PROVISIONS OF THIS ACT SHALL BECOME EFFECTIVE THE FIRST DAY OF THE FIRST CALENDAR MONTH FOLLOWING THE DATE OF ENACTMENT, EXCEPT THAT SECTIONS 105 AND 106 SHALL BE EFFECTIVE ON JANUARY 1, 1971; //ANTE, P. 183.// SECTION 107 SHALL BE EFFECTIVE JULY 1, 1973; //ANTE, P. 184.// AND SECTION 203 SHALL BECOME EFFECTIVE BEGINNING THE FIRST PAY PERIOD FOLLOWING THIRTY DAYS AFTER THE DATE OF ENACTMENT OF THIS ACT. //ANTE, P. 188.//

LEGISLATIVE HISTORY:

HOUSE REPORT NO. 93 - 368 ACCOMPANYING H. R. 9048 (COMM ON VETERANS' AFFAIRS).

SENATE REPORT NO. 93 - 54 (COMM. ON VETERANS' AFFAIRS). CONGRESSIONAL RECORD, VOL. 119 (1973):

MAR. 6, CONSIDERED AND PASSED SENATE. JULY 17, CONSIDERED AND PASSED HOUSE, AMENDED,

IN LIEU OF H. R. 8048. JULY 19, SENATE AGREED TO HOUSE AMENDMENT.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, VOL. 9, NO. 31: AUG. 2, PRESIDENTIAL STATEMENT.

ITEM 13

00104.87.001970

PUBLIC LAW 93 - 83; 87 STAT. 197

CRIME CONTROL ACT OF 1973.

93RD CONGRESS, H. R. 8152

AUGUST 6, 1973

AN ACT

TO AMEND TITLE I OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 TO IMPROVE LAW ENFORCEMENT AND CRIMINAL JUSTICE, AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, THAT THIS ACT MAY BE CITED AS THE "CRIME CONTROL ACT OF 1973".

SEC. 2. TITLE I OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 IS AMENDED TO READ AS FOLLOWS: //82 STAT. 197; 84 STAT. 1881. 42 USC 3701.//

"TITLE I--LAW ENFORCEMENT ASSISTANCE

"DECLARATION AND PURPOSE

"CONGRESS FINDS THAT THE HIGH INCIDENCE OF CRIME IN THE UNITED STATES THREATENS THE PEACE, SECURITY, AND GENERAL WELFARE OF THE NATION AND ITS CITIZENS. TO REDUCE AND PREVENT CRIME AND JUVENILE DELINQUENCY, AND TO INSURE THE GREATER SAFETY OF THE PEOPLE, LAW ENFORCEMENT AND CRIMINAL JUSTICE EFFORTS MUST BE BETTER COORDINATED, INTENSIFIED, AND MADE MORE EFFECTIVE AT ALL LEVELS OF GOVERNMENT.

"CONGRESS FINDS FURTHER THAT CRIME IS ESSENTIALLY A LOCAL PROBLEM THAT MUST BE DEALT WITH BY STATE AND LOCAL GOVERNMENTS IF IT IS TO BE CONTROLLED EFFECTIVELY.

"IT IS THEREFORE THE DECLARED POLICY OF THE CONGRESS TO ASSIST STATE AND LOCAL GOVERNMENTS IN STRENGTHENING AND IMPROVING LAW ENFORCEMENT AND CRIMINAL JUSTICE AT EVERY LEVEL BY NATIONAL ASSISTANCE. IT IS THE PURPOSE OF THIS TITLE TO (1) ENCOURAGE STATES AND UNITS OF GENERAL LOCAL GOVERNMENT TO DEVELOP AND ADOPT COMPREHENSIVE PLANS BASED UPON THEIR EVALUATION OF STATE AND LOCAL PROBLEMS OF LAW ENFORCEMENT AND CRIMINAL JUSTICE; (2) AUTHORIZE GRANTS TO STATES AND UNITS OF LOCAL GOVERNMENT IN ORDER TO IMPROVE AND STRENGTHEN LAW ENFORCEMENT AND CRIMINAL JUSTICE; AND (3) ENCOURAGE RESEARCH AND DEVELOPMENT DIRECTED TOWARD THE IMPROVEMENT OF LAW ENFORCEMENT AND CRIMINAL JUSTICE AND THE DEVELOPMENT OF NEW METHODS FOR THE PREVENTION AND REDUCTION OF CRIME AND THE DETECTION, APPREHENSION, AND REHABILITATION OF CRIMINALS.

"PART A--LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

"SEC. 101.(A) THERE IS HEREBY ESTABLISHED WITHIN THE DEPARTMENT OF JUSTICE, UNDER THE GENERAL AUTHORITY OF THE ATTORNEY GENERAL, A LAW ENFORCEMENT ASSISTANCE ADMINISTRATION (HEREINAFTER REFERRED TO IN THIS TITLE AS 'ADMINISTRATION') COMPOSED OF AN ADMINISTRATOR OF LAW ENFORCEMENT ASSISTANCE AND TWO DEPUTY ADMINISTRATORS OF LAW ENFORCEMENT ASSISTANCE, WHO SHALL BE APPOINTED BY THE PRESIDENT, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE.

"(B) THE ADMINISTRATOR SHALL BE THE HEAD OF THE AGENCY. ONE DEPUTY

ADMINISTRATOR SHALL BE DESIGNATED THE DEPUTY ADMINISTRATOR FOR POLICY DEVELOPMENT. THE SECOND DEPUTY ADMINISTRATOR SHALL BE DESIGNATED THE DEPUTY ADMINISTRATOR FOR ADMINISTRATION.

"PART B--PLANNING GRANTS

"SFC. 201. IT IS THE PURPOSE OF THIS PART TO ENCOURAGE STATES AND UNITS OF GENERAL LOCAL GOVERNMENT TO DEVELOP AND ADOPT COMPREHENSIVE LAW ENFORCEMENT AND CRIMINAL JUSTICE PLANS BASED ON THEIR EVALUATION OF STATE AND LOCAL PROBLEMS OF LAW ENFORCEMENT AND CRIMINAL JUSTICE.

"SEC. 202. //87 STAT. 198// THE ADMINISTRATION SHALL MAKE GRANTS TO THE STATES FOR THE ESTABLISHMENT AND OPERATION OF STATE LAW ENFORCEMENT AND CRIMINAL JUSTICE PLANNING AGENCIES (HEREINAFTER REFERRED TO IN THIS TITLE AS "STATE PLANNING AGENCIES") FOR THE PREPARATION, DEVELOPMENT, AND REVISION OF THE STATE PLAN REQUIRED UNDER SECTION 303 OF THIS TITLE. ANY STATE MAY MAKE APPLICATION TO THE ADMINISTRATION FOR SUCH GRANTS WITHIN SIX MONTHS OF THE DATE OF ENACTMENT OF THIS ACT.

"SEC. 203. (A) A GRANT MADE UNDER THIS PART TO A STATE SHALL BE UTILIZED BY THE STATE TO ESTABLISH AND MAINTAIN A STATE PLANNING AGENCY. SUCH AGENCY SHALL BE CREATED OR DESIGNATED BY THE CHIEF EXECUTIVE OF THE STATE AND SHALL BE SUBJECT TO HIS JURISDICTION. THE STATE PLANNING AGENCY AND ANY REGIONAL PLANNING UNITS WITHIN THE STATE SHALL, WITHIN THEIR RESPECTIVE JURISDICTIONS, BE REPRESENTATIVE OF THE LAW ENFORCEMENT AND CRIMINAL JUSTICE AGENCIES, UNITS OF GENERAL LOCAL GOVERNMENT, AND PUBLIC AGENCIES MAINTAINING PROGRAMS TO REDUCE AND CONTROL CRIME AND MAY INCLUDE REPRESENTATIVES OF CITIZEN, PROFESSIONAL, AND COMMUNITY ORGANIZATIONS. THE REGIONAL PLANNING UNITS WITHIN THE STATE SHALL BE COMPRISED OF A MAJORITY OF LOCAL ELECTED OFFICIALS.

"(B) THE STATE PLANNING AGENCY SHALL--

"(1) DEVELOP, IN ACCORDANCE WITH PART C, A COMPREHENSIVE STATEWIDE PLAN FOR THE IMPROVEMENT OF LAW ENFORCEMENT AND CRIMINAL JUSTICE THROUGHOUT THE STATE;

"(2) DEFINE, DEVELOP, AND CORRELATE PROGRAMS AND PROJECTS FOR THE STATE AND THE UNITS OF GENERAL LOCAL GOVERNMENT IN THE STATE OR COMBINATIONS OF STATES OR UNITS FOR IMPROVEMENT IN LAW ENFORCEMENT AND CRIMINAL JUSTICE; AND

"(3) ESTABLISH PRIORITIES FOR THE IMPROVEMENT IN LAW ENFORCEMENT AND CRIMINAL JUSTICE THROUGHOUT THE STATE.

"(C) THE STATE PLANNING AGENCY SHALL MAKE SUCH ARRANGEMENTS AS SUCH AGENCY DEEMS NECESSARY TO PROVIDE THAT AT LEAST 40 PER CENTU OF ALL FEDERAL FUNDS GRANTED TO SUCH AGENCY UNDER THIS PART FOR ANY FISCAL YEAR WILL BE AVAILABLE TO UNITS OF GENERAL LOCAL GOVERNMENT OR COMBINATIONS OF SUCH UNITS TO ENABLE SUCH UNITS AND COMBINATIONS OF SUCH UNITS TO PARTICIPATE IN THE FORMULATION OF THE COMPREHENSIVE STATE PLAN REQUIRED UNDER THIS PART. THE ADMINISTRATION MAY WAIVE THIS REQUIREMENT, IN WHOLE OR IN PART, UPON A FINDING THAT THE REQUIREMENT IS INAPPROPRIATE IN VIEW OF THE RESPECTIVE LAW ENFORCEMENT AND CRIMINAL JUSTICE PLANNING RESPONSIBILITIES EXERCISED BY THE STATE AND ITS UNITS OF GENERAL LOCAL GOVERNMENT AND THAT ADHERENCE TO THE REQUIREMENT WOULD NOT CONTRIBUTE TO THE EFFICIENT DEVELOPMENT OF THE STATE PLAN REQUIRED UNDER THIS PART. IN

ALLOCATING FUNDS UNDER THIS SUBSECTION, THE STATE PLANNING AGENCY SHALL ASSURE THAT MAJOR CITIES AND COUNTIES WITHIN THE STATE RECEIVE PLANNING FUNDS TO DEVELOP COMPREHENSIVE PLANS AND COORDINATE FUNCTIONS AT THE LOCAL LEVEL. ANY PORTION OF SUCH 40 PER CENTUM IN ANY STATE FOR ANY FISCAL YEAR NOT REQUIRED FOR THE PURPOSE SET FORTH IN THIS SUBSECTION SHALL BE AVAILABLE, FOR EXPENDITURE BY SUCH STATE AGENCY FROM TIME TO TIME ON DATES DURING SUCH YEAR AS THE ADMINISTRATION MAY FIX, FOR THE DEVELOPMENT BY IT OF THE STATE PLAN REQUIRED UNDER THIS PART.

"(D) THE STATE PLANNING AGENCY AND ANY OTHER PLANNING ORGANIZATION FOR THE PURPOSES OF THE TITLE SHALL HOLD EACH MEETING OPEN TO THE PUBLIC, GIVING PUBLIC NOTICE OF THE TIME AND PLACE OF SUCH MEETING, AND THE NATURE OF THE BUSINESS TO BE TRANSACTED, IF FINAL ACTION IS TAKEN AT THAT MEETING ON (A) THE STATE PLAN, OR (B) ANY APPLICATION FOR FUNDS UNDER THIS TITLE, THE STATE PLANNING AGENCY AND ANY OTHER PLANNING ORGANIZATION FOR THE PURPOSES OF THE TITLE SHALL PROVIDE FOR PUBLIC ACCESS TO ALL RECORDS RELATING TO ITS FUNCTIONS UNDER THIS ACT, EXCEPT SUCH RECORDS AS ARE REQUIRED TO BE KEPT CONFIDENTIAL BY ANY OTHER PROVISIONS OF LOCAL, STATE, OR FEDERAL LAW. //87 STAT. 199//

"SEC. 204. A FEDERAL GRANT AUTHORIZED UNDER THIS PART SHALL NOT EXCEED 90 PER CENTUM OF THE EXPENSES INCURRED BY THE STATE AND UNITS OF GENERAL LOCAL GOVERNMENT UNDER THIS PART, AND MAY BE UP TO 100 PER CENTUM OF THE EXPENSES INCURRED BY REGIONAL PLANNING UNITS UNDER THIS PART. THE NON-FEDERAL FUNDING OF SUCH EXPENSES, SHALL BE OF MONEY APPROPRIATED IN THE AGGREGATE BY THE STATE OR UNITS OF GENERAL LOCAL GOVERNMENT, EXCEPT THAT THE STATE SHALL PROVIDE IN THE AGGREGATE NOT LESS THAN ONE-HALF OF THE NON-FEDERAL FUNDING REQUIRED OF UNITS OF GENERAL LOCAL GOVERNMENT UNDER THIS PART.

"SEC. 205. FUNDS APPROPRIATED TO MAKE GRANTS UNDER THIS PART FOR A FISCAL YEAR SHALL BE ALLOCATED BY THE ADMINISTRATION AMONG THE STATES FOR USE THEREIN BY THE STATE PLANNING AGENCY OR UNITS OF GENERAL LOCAL GOVERNMENT, AS THE CASE MAY BE. THE ADMINISTRATION SHALL ALLOCATE \$200,000 TO EACH OF THE STATES; AND IT SHALL THEN ALLOCATE THE REMAINDER OF SUCH FUNDS AVAILABLE AMONG THE STATES ACCORDING TO THEIR RELATIVE POPULATIONS.

"PART C--GRANTS FOR LAW ENFORCEMENT PURPOSES

"SEC. 301.(A) IT IS THE PURPOSE OF THIS PART TO ENCOURAGE STATES AND UNITS OF GENERAL LOCAL GOVERNMENT TO CARRY OUT PROGRAMS AND PROJECTS TO IMPROVE AND STRENGTHEN LAW ENFORCEMENT AND CRIMINAL JUSTICE.

"(B) THE ADMINISTRATION IS AUTHORIZED TO MAKE GRANTS TO STATES HAVING COMPREHENSIVE STATE PLANS APPROVED BY IT UNDER THIS PART, FOR:

"(1) PUBLIC PROTECTION, INCLUDING THE DEVELOPMENT, DEMONSTRATION, EVALUATION, IMPLEMENTATION, AND PURCHASE OF METHODS, DEVICES, FACILITIES, AND EQUIPMENT DESIGNED TO IMPROVE AND STRENGTHEN LAW ENFORCEMENT AND CRIMINAL JUSTICE AND REDUCE CRIME IN PUBLIC AND PRIVATE PLACES.

"(2) THE RECRUITING OF LAW ENFORCEMENT AND CRIMINAL JUSTICE PERSONNEL AND THE TRAINING OF PERSONNEL IN LAW ENFORCEMENT AND CRIMINAL JUSTICE.

"(3) PUBLIC EDUCATION RELATING TO CRIME PREVENTION AND ENCOURAGING RESPECT FOR LAW AND ORDER, INCLUDING EDUCATION PROGRAMS IN SCHOOLS AND PROGRAMS TO IMPROVE PUBLIC UNDERSTANDING OF AND COOPERATION WITH LAW ENFORCEMENT AND CRIMINAL JUSTICE AGENCIES.

"(4) CONSTRUCTING BUILDINGS OR OTHER PHYSICAL FACILITIES WHICH WOULD FULFILL OR IMPLEMENT THE PURPOSE OF THIS SECTION, INCLUDING LOCAL CORRECTIONAL FACILITIES, CENTERS FOR THE TREATMENT OF NARCOTIC ADDICTS, AND TEMPORARY COURTROOM FACILITIES IN AREAS OF HIGH CRIME INCIDENCE.

"(5) THE ORGANIZATION, EDUCATION, AND TRAINING OF SPECIAL LAW ENFORCEMENT AND CRIMINAL JUSTICE UNITS TO COMBAT ORGANIZED CRIME, INCLUDING THE ESTABLISHMENT AND DEVELOPMENT OF STATE ORGANIZED CRIME PREVENTION COUNCILS, THE RECRUITING AND TRAINING OF SPECIAL INVESTIGATIVE AND PROSECUTING PERSONNEL, AND THE DEVELOPMENT OF SYSTEMS FOR COLLECTING, STORING, AND DISSEMINATING INFORMATION RELATING TO THE CONTROL OF ORGANIZED CRIME.

"(6) THE ORGANIZATION, EDUCATION, AND TRAINING OF REGULAR LAW ENFORCEMENT AND CRIMINAL JUSTICE OFFICERS, SPECIAL LAW ENFORCEMENT AND CRIMINAL JUSTICE UNITS, AND LAW ENFORCEMENT RESERVE UNITS FOR THE PREVENTION, DETECTION, AND CONTROL OF RIOTS AND OTHER VIOLENT CIVIL DISORDERS, INCLUDING THE ACQUISITION OF RIOT CONTROL EQUIPMENT.

"(7) THE RECRUITING, ORGANIZATION, TRAINING, AND EDUCATION OF COMMUNITY SERVICE OFFICERS TO SERVE WITH AND ASSIST LOCAL AND STATE LAW ENFORCEMENT AND CRIMINAL JUSTICE AGENCIES IN THE DISCHARGE OF THEIR DUTIES THROUGH SUCH ACTIVITIES AS RECRUITING; //87 STAT. 200// IMPROVEMENT OF POLICE-COMMUNITY PATROL ACTIVITIES; ENCOURAGEMENT OF NEIGHBORHOOD PARTICIPATION IN CRIME PREVENTION AND PUBLIC SAFETY EFFORTS; AND OTHER ACTIVITIES DESIGNED TO IMPROVE POLICE CAPABILITIES, PUBLIC SAFETY AND THE OBJECTIVES OF THIS SECTION: PROVIDED, THAT IN NO CASE SHALL A GRANT BE MADE UNDER THIS SUBCATEGORY WITHOUT THE APPROVAL OF THE LOCAL GOVERNMENT OR LOCAL LAW ENFORCEMENT AND CRIMINAL JUSTICE AGENCY.

"(8) THE ESTABLISHMENT OF A CRIMINAL JUSTICE COORDINATING COUNCIL FOR ANY UNIT OF GENERAL LOCAL GOVERNMENT OR ANY COMBINATION OF SUCH UNITS WITHIN THE STATE, HAVING A POPULATION OF TWO HUNDRED AND FIFTY THOUSAND OR MORE, TO ASSURE IMPROVED PLANNING AND COORDINATION OF ALL LAW ENFORCEMENT AND CRIMINAL JUSTICE ACTIVITIES.

"(9) THE DEVELOPMENT AND OPERATION OF COMMUNITY-BASED DELINQUENT PREVENTION AND CORRECTIONAL PROGRAMS, EMPHASIZING HALFWAY HOUSES AND OTHER COMMUNITY-BASED REHABILITATION CENTERS FOR INITIAL PRECONVICTION OR POST-CONVICTION REFERRAL OF OFFENDERS; EXPANDED PROBATIONARY PROGRAMS, INCLUDING PARAPROFESSIONAL AND VOLUNTEER PARTICIPATION; AND COMMUNITY SERVICE CENTERS FOR THE GUIDANCE AND SUPERVISION OF POTENTIAL REPEAT YOUTHFUL OFFENDERS.

"(10) THE ESTABLISHMENT OF INTERSTATE METROPOLITAN REGIONAL PLANNING UNITS TO PREPARE AND COORDINATE UNITS TO PREPARE AND COORDINATE PLANS OF STATE AND LOCAL GOVERNMENTS AND AGENCIES

CONCERNED WITH THE REGIONAL PLANNING FOR METROPOLITAN AREAS.

"(C) THE PORTION OF ANY FEDERAL GRANT MADE UNDER THIS SECTION FOR THE PURPOSES OF PARAGRAPH (4) SUBSECTION (B) OF THIS SECTION MAY BE UP TO 50 PER CENTUM OF THE COST OF THE PROGRAM OR PROJECT SPECIFIED IN THE APPLICATION FOR SUCH GRANT. THE PORTION OF ANY FEDERAL GRANT MADE UNDER THIS SECTION TO BE USED FOR ANY OTHER PURPOSE SET FORTH IN THIS SECTION MAY BE UP TO 90 PER CENTUM OF THE COST OF THE PROGRAM OR PROJECT SPECIFIED IN THE APPLICATION FOR SUCH GRANT. NO PART OF ANY GRANT MADE UNDER THIS SECTION FOR THE PURPOSE OF RENTING, LEASING, OR CONSTRUCTING BUILDINGS OR OTHER PHYSICAL FACILITIES SHALL BE USED FOR LAND ACQUISITION. IN THE CASE OF A GRANT UNDER THIS SECTION TO AN INDIAN TRIBE OR OTHER ABORIGINAL GROUP, IF THE ADMINISTRATION DETERMINES THAT THE TRIBE OR GROUP DOES NOT HAVE SUFFICIENT FUNDS AVAILABLE TO MEET THE LOCAL SHARE OF THE COST OF ANY PROGRAM OR PROJECT TO BE FUNDED UNDER THE GRANT, THE ADMINISTRATION MAY INCREASE THE FEDERAL SHARE OF THE COST THEREOF TO THE EXTENT IT DEEMS NECESSARY. THE NON-FEDERAL FUNDING OF THE COST OF ANY PROGRAM OR PROJECT TO BE FUNDED BY A GRANT UNDER THIS SECTION SHALL BE OF MONEY APPROPRIATED IN THE AGGREGATE, BY STATE OR INDIVIDUAL UNITS OF GOVERNMENT, FOR THE PURPOSE OF THE SHARED FUNDING OF SUCH PROGRAMS OR PROJECTS.

"(D) NOT MORE THAN ONE-THIRD OF ANY GRANT MADE UNDER THIS SECTION MAY BE EXPENDED FOR THE COMPENSATION OF POLICE AND OTHER REGULAR LAW ENFORCEMENT AND CRIMINAL JUSTICE PERSONNEL. THE AMOUNT OF ANY SUCH GRANT EXPENDED FOR THE COMPENSATION OF SUCH PERSONNEL SHALL NOT EXCEED THE AMOUNT OF STATE OR LOCAL FUNDS MADE AVAILABLE TO INCREASE SUCH COMPENSATION. THE LIMITATIONS CONTAINED IN THIS SUBSECTION SHALL NOT APPLY TO THE COMPENSATION OF PERSONNEL FOR TIME ENGAGED IN CONDUCTING OR UNDERGOING TRAINING PROGRAMS OR TO THE COMPENSATION OF PERSONNEL ENGAGED IN RESEARCH, DEVELOPMENT, DEMONSTRATION OR OTHER SHORT-TERM PROGRAMS.

SEC. 302. ANY STATE DESIRING TO PARTICIPATE IN THE GRANT PROGRAM UNDER THIS PART SHALL ESTABLISH A STATE PLANNING AGENCY AS DESCRIBED IN PART B OF THIS TITLE AND SHALL WITHIN SIX MONTHS AFTER APPROVAL OF A PLANNING GRANT UNDER PART B SUBMIT TO THE ADMINISTRATION THROUGH SUCH STATE PLANNING AGENCY A COMPREHENSIVE STATE PLAN DEVELOPED PURSUANT TO PART B OF THIS TITLE. //87 STAT. 201//

"SEC. 303.(A) THE ADMINISTRATION SHALL MAKE GRANTS UNDER THIS TITLE TO A STATE PLANNING AGENCY IF SUCH AGENCY HAS ON FILE WITH THE ADMINISTRATION AN APPROVED COMPREHENSIVE STATE PLAN (NOT MORE THAN ONE YEAR IN AGE) WHICH CONFORMS WITH THE PURPOSES AND REQUIREMENTS OF THIS TITLE. NO STATE PLAN SHALL BE APPROVED AS COMPREHENSIVE UNLESS THE ADMINISTRATION FINDS THAT THE PLAN PROVIDES FOR THE ALLOCATION OF ADEQUATE ASSISTANCE TO DEAL WITH LAW ENFORCEMENT AND CRIMINAL JUSTICE PROBLEMS IN AREAS CHARACTERIZED BY BOTH HIGH CRIME INCIDENCE AND HIGH LAW ENFORCEMENT AND CRIMINAL JUSTICE ACTIVITY. NO STATE PLAN SHALL BE APPROVED AS COMPREHENSIVE, UNLESS IT INCLUDES A COMPREHENSIVE PROGRAM, WHETHER OR NOT FUNDED UNDER THIS TITLE, FOR THE IMPROVEMENT OF JUVENILE JUSTICE. EACH SUCH PLAN SHALL--

"(1) PROVIDE FOR THE ADMINISTRATION OF SUCH GRANTS BY THE STATE PLANNING AGENCY;

"(2) PROVIDE THAT AT LEAST THE PER CENTUM OF FEDERAL ASSISTANCE

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GRANTED TO THE STATE PLANNING AGENCY UNDER THIS PART FOR ANY FISCAL YEAR WHICH CORRESPONDS TO THE PER CENTUM OF THE STATE AND LOCAL LAW ENFORCEMENT EXPENDITURES FUNDED AND EXPENDED IN THE IMMEDIATELY PRECEDING FISCAL YEAR BY UNITS OF GENERAL LOCAL GOVERNMENT WILL BE MADE AVAILABLE TO SUCH UNITS OR COMBINATIONS OF SUCH UNITS IN THE IMMEDIATELY FOLLOWING FISCAL YEAR FOR THE DEVELOPMENT AND IMPLEMENTATION OF PROGRAMS OR PROJECTS THE STATE WILL PROVIDE IN THE AGGREGATE NOT LESS THAN ONE-HALF OF THE NON-FEDERAL FUNDING. PER CENTUM DETERMINATIONS UNDER THIS PARAGRAPH FOR LAW ENFORCEMENT FUNDING AND EXPENDITURES FOR SUCH IMMEDIATELY PRECEDING FISCAL YEAR SHALL BE BASED UPON THE MOST ACCURATE AND COMPLETE DATA AVAILABLE FOR SUCH FISCAL YEAR OR FOR THE LAST FISCAL YEAR FOR WHICH SUCH DATA ARE AVAILABLE. THE ADMINISTRATION SHALL HAVE THE AUTHORITY TO APPROVE SUCH DETERMINATIONS AND TO REVIEW THE ACCURACY AND COMPLETENESS OF SUCH DATA;

"(3) ADEQUATELY TAKE INTO ACCOUNT THE NEEDS AND REQUESTS OF THE UNITS OF GENERAL LOCAL GOVERNMENT IN THE STATE AND ENCOURAGE LOCAL INITIATIVE IN THE DEVELOPMENT OF PROGRAMS AND PROJECTS FOR IMPROVEMENTS IN LAW ENFORCEMENT AND CRIMINAL JUSTICE AND PROVIDE FOR AN APPROPRIATELY BALANCED ALLOCATION OF FUNDS BETWEEN THE STATE AND THE UNITS OF GENERAL LOCAL GOVERNMENT IN THE STATE AND AMONG SUCH UNITS;

"(4) PROVIDE FOR PROCEDURES UNDER WHICH PLANS MAY BE SUBMITTED TO THE STATE PLANNING AGENCY FOR APPROVAL OR DISAPPROVAL, IN WHOLE OR IN PART, ANNUALLY FROM UNITS OF GENERAL LOCAL GOVERNMENT OR COMBINATIONS THEREOF HAVING A POPULATION OF AT LEAST TWO HUNDRED AND FIFTY THOUSAND PERSONS TO USE FUNDS RECEIVED UNDER THIS PART TO CARRY OUT A COMPREHENSIVE PLAN CONSISTENT WITH THE STATE COMPREHENSIVE PLAN FOR THE IMPROVEMENT OF LAW ENFORCEMENT AND CRIMINAL JUSTICE IN THE JURISDICTION COVERED BY THE PLAN;

"(5) INCORPORATE INNOVATIONS AND ADVANCED TECHNIQUES AND CONTAIN A COMPREHENSIVE OUTLINE OF PRIORITIES FOR THE IMPROVEMENT AND COORDINATION OF ALL ASPECTS OF LAW ENFORCEMENT AND CRIMINAL JUSTICE, DEALT WITH IN THE PLAN, INCLUDING DESCRIPTIONS OF: (A) GENERAL NEEDS AND PROBLEMS; 1987 STAT. 202// (B) EXISTING SYSTEMS; (C) AVAILABLE RESOURCES; (1) ORGANIZATIONAL SYSTEMS AND ADMINISTRATIVE MACHINERY FOR IMPLEMENTING THE PLAN; (E) THE DIRECTION, SCOPE, AND GENERAL TYPES OF IMPROVEMENTS TO BE MADE IN THE FUTURE; AND (F) TO THE EXTENT APPROPRIATE, THE RELATIONSHIP OF THE PLAN TO OTHER RELEVANT STATE OR LOCAL LAW ENFORCEMENT AND CRIMINAL JUSTICE, PLANS AND SYSTEMS;

"(6) PROVIDE FOR EFFECTIVE UTILIZATION OF EXISTING FACILITIES AND PERMIT AND ENCOURAGE UNITS OF GENERAL LOCAL GOVERNMENT TO COMBINE OR PROVIDE FOR COOPERATIVE ARRANGEMENTS WITH RESPECT TO SERVICES, FACILITIES, AND EQUIPMENT;

"(7) PROVIDE FOR RESEARCH AND DEVELOPMENT;

"(8) PROVIDE FOR APPROPRIATE REVIEW OF PROCEDURES OF ACTIONS TAKEN BY THE STATE PLANNING AGENCY DISAPPROVING AN APPLICATION FOR

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WHICH FUNDS ARE AVAILABLE OR TERMINATING OR REFUSING TO CONTINUE FINANCIAL ASSISTANCE TO UNITS OF GENERAL LOCAL GOVERNMENT OR COMBINATIONS OF SUCH UNITS;

"(9) DEMONSTRATE THE WILLINGNESS OF THE STATE AND UNITS OF GENERAL LOCAL GOVERNMENT TO ASSUME THE COSTS OF IMPROVEMENTS FUNDED UNDER THIS PART AFTER A REASONABLE PERIOD OF FEDERAL ASSISTANCE;

"(10) DEMONSTRATE THE WILLINGNESS OF THE STATE TO CONTRIBUTE TECHNICAL ASSISTANCE OR SERVICES FOR PROGRAMS AND PROJECTS CONTEMPLATED BY THE STATEWIDE COMPREHENSIVE PLAN AND THE PROGRAMS AND PROJECTS CONTEMPLATED BY UNITS OF GENERAL LOCAL GOVERNMENT OR COMBINATIONS OF SUCH UNITS;

"(11) SET FORTH POLICIES AND PROCEDURES DESIGNED TO ASSURE THAT FEDERAL FUNDS MADE AVAILABLE UNDER THIS TITLE WILL BE SO USED AS NOT TO SUPPLANT STATE OR LOCAL FUNDS, BUT TO INCREASE THE AMOUNTS OF SUCH FUNDS THAT WOULD IN THE ABSENCE OF SUCH FEDERAL FUNDS BE MADE AVAILABLE FOR LAW ENFORCEMENT AND CRIMINAL JUSTICE;

"(12) PROVIDE FOR SUCH FUND ACCOUNTING, AUDIT, MONITORING, AND EVALUATION PROCEDURES AS MAY BE NECESSARY TO ASSURE FISCAL CONTROL, PROPER MANAGEMENT, AND DISBURSEMENT OF FUNDS RECEIVED UNDER THIS TITLE;

"(13) PROVIDE FOR THE MAINTENANCE OF SUCH DATA AND INFORMATION, AND FOR THE SUBMISSION OF SUCH REPORTS IN SUCH FORM, AT SUCH TIMES, AND CONTAINING SUCH DATA AND INFORMATION AS THE NATIONAL INSTITUTE FOR LAW ENFORCEMENT AND CRIMINAL JUSTICE MAY REASONABLY REQUIRE TO EVALUATE PURSUANT TO SECTION 402(C) PROGRAMS AND PROJECTS CARRIED OUT UNDER THIS TITLE AND AS THE ADMINISTRATION MAY REASONABLY REQUIRE TO ADMINISTER OTHER PROVISIONS OF THIS TITLE;

"(14) PROVIDE FUNDING INCENTIVES TO THOSE UNITS OF GENERAL LOCAL GOVERNMENT THAT COORDINATE OR COMBINE LAW ENFORCEMENT AND CRIMINAL JUSTICE FUNCTIONS OR ACTIVITIES WITH OTHER SUCH UNITS WITHIN THE STATE FOR THE PURPOSE OF IMPROVING LAW ENFORCEMENT AND CRIMINAL JUSTICE; AND

"(15) PROVIDE FOR PROCEDURES THAT WILL INSURE THAT (A) ALL APPLICATIONS BY UNITS OF GENERAL LOCAL GOVERNMENT OR COMBINATIONS THEREOF TO THE STATE PLANNING AGENCY FOR ASSISTANCE SHALL BE APPROVED OR DISAPPROVED, IN WHOLE OR IN PART, NO LATER THAN NINETY DAYS AFTER RECEIPT BY THE STATE PLANNING AGENCY, (B) IF NOT DISAPPROVED (AND RETURNED WITH THE REASONS FOR SUCH DISAPPROVAL, INCLUDING THE REASONS FOR THE DISAPPROVAL OF EACH FAIRLY SEVERABLE PART OF SUCH APPLICATION WHICH IS DISAPPROVED) WITHIN NINETY DAYS OF SUCH APPLICATION, ANY PART OF SUCH APPLICATION WHICH IS NOT SO DISAPPROVED SHALL BE DEEMED APPROVED FOR THE PURPOSES OF THIS TITLE, //87 STAT. 203// AND THE STATE PLANNING AGENCY SHALL DISBURSE THE APPROVED FUNDS TO THE APPLICANT IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE ADMINISTRATION, (C) THE REASONS FOR DISAPPROVAL OF SUCH APPLICATION OR ANY PART THEREOF, IN ORDER TO BE EFFECTIVE FOR THE PURPOSES OF THIS SECTION, SHALL CONTAIN A DETAILED EXPLANATION OF THE REASONS FOR WHICH SUCH APPLICATION OR ANY PART

THEREOF WAS DISAPPROVED, OR AN EXPLANATION OF WHAT SUPPORTING MATERIAL IS NECESSARY FOR THE STATE PLANNING AGENCY TO EVALUATE SUCH APPLICATION, AND (D) DISAPPROVAL OF ANY APPLICATION OR PART THEREOF SHALL NOT PRECLUDE THE RESUBMISSION OF SUCH APPLICATION OR PART THEREOF TO THE STATE PLANNING AGENCY AT A LATER DATE. ANY PORTION OF THE PER CENTUM TO BE MADE AVAILABLE PURSUANT TO PARAGRAPH (2) OF THIS SECTION IN ANY STATE IN ANY FISCAL YEAR NOT REQUIRED FOR THE PURPOSES SET FORTH IN SUCH PARAGRAPH (2) SHALL BE AVAILABLE FOR EXPENDITURE BY SUCH STATE AGENCY FROM TIME TO TIME ON DATES DURING SUCH YEAR AS THE ADMINISTRATION MAY FIX, FOR THE DEVELOPMENT AND IMPLEMENTATION OF PROGRAMS AND PROJECTS FOR THE IMPROVEMENT OF LAW ENFORCEMENT AND CRIMINAL JUSTICE AND IN CONFORMITY WITH THE STATE PLAN.

"(B) NO APPROVAL SHALL BE GIVEN TO ANY STATE PLAN UNLESS AND UNTIL THE ADMINISTRATION FINDS THAT SUCH PLAN REFLECTS A DETERMINED EFFORT TO IMPROVE THE QUALITY OF LAW ENFORCEMENT AND CRIMINAL JUSTICE THROUGHOUT THE STATE. NO AWARD OF FUNDS WHICH ARE ALLOCATED TO THE STATES UNDER THIS TITLE ON THE BASIS OF POPULATION SHALL BE MADE WITH RESPECT TO A PROGRAM OR PROJECT OTHER THAN A PROGRAM OR PROJECT CONTAINED IN AN APPROVED PLAN.

"(C) NO PLAN SHALL BE APPROVED AS COMPREHENSIVE UNLESS IT ESTABLISHES STATEWIDE PRIORITIES FOR THE IMPROVEMENT AND COORDINATION OF ALL ASPECTS OF LAW ENFORCEMENT AND CRIMINAL JUSTICE, AND CONSIDERS THE RELATIONSHIPS OF ACTIVITIES CARRIED OUT UNDER THIS TITLE TO RELATED ACTIVITIES BEING CARRIED OUT UNDER OTHER FEDERAL PROGRAMS, THE GENERAL TYPES OF IMPROVEMENTS TO BE MADE IN THE FUTURE, THE EFFECTIVE UTILIZATION OF EXISTING FACILITIES, THE ENCOURAGEMENT OF COOPERATIVE ARRANGEMENTS BETWEEN UNITS OF GENERAL LOCAL GOVERNMENT, INNOVATIONS AND ADVANCED TECHNIQUES IN THE DESIGN OF INSTITUTIONS AND FACILITIES, AND ADVANCED PRACTICES IN THE RECRUITMENT, ORGANIZATION, TRAINING, AND EDUCATION OF LAW ENFORCEMENT AND CRIMINAL JUSTICE PERSONNEL. IT SHALL THOROUGHLY ADDRESS IMPROVED COURT AND CORRECTIONAL PROGRAMS AND PRACTICES THROUGHOUT THE STATE.

"SEC. 304. STATE PLANNING AGENCIES SHALL RECEIVE APPLICATIONS FOR FINANCIAL ASSISTANCE FROM UNITS OF GENERAL LOCAL GOVERNMENT AND COMBINATIONS OF SUCH UNITS. WHEN A STATE PLANNING AGENCY DETERMINES THAT SUCH AN APPLICATION IS IN ACCORDANCE WITH THE PURPOSES STATED IN SECTION 301 AND IS IN CONFORMANCE WITH ANY EXISTING STATEWIDE COMPREHENSIVE LAW ENFORCEMENT PLAN, THE STATE PLANNING AGENCY IS AUTHORIZED TO DISBURSE FUNDS TO THE APPLICANT.

"SEC. 305. WHERE A STATE HAS FAILED TO HAVE A COMPREHENSIVE STATE PLAN APPROVED UNDER THIS TITLE WITHIN THE PERIOD SPECIFIED BY THE ADMINISTRATION FOR SUCH PURPOSE, THE FUNDS ALLOCATED FOR SUCH STATE UNDER PARAGRAPH (1) OF SECTION 306(A) OF THIS TITLE SHALL BE AVAILABLE FOR REALLOCATION BY THE ADMINISTRATION UNDER PARAGRAPH (2) OF SECTION 306(A).

"SEC. 306.(A) THE FUNDS APPROPRIATED EACH FISCAL YEAR TO MAKE GRANTS UNDER THIS PART SHALL BE ALLOCATED BY THE ADMINISTRATION AS FOLLOWS:

"(1) EIGHTY-FIVE PER CENTUM OF SUCH FUNDS SHALL BE ALLOCATED AMONG THE STATES ACCORDING TO THEIR RESPECTIVE POPULATIONS FOR GRANTS TO STATE PLANNING AGENCIES.

"(2) FIFTEEN PER CENTUM OF SUCH FUNDS, //87 STAT. 204// PLUS ANY

ADDITIONAL AMOUNTS MADE AVAILABLE BY VIRTUE OF THE APPLICATION OF THE PROVISIONS OF SECTIONS 305 AND 509 OF THIS TITLE TO THE GRANT OF ANY STATE, MAY, IN THE DISCRETION OF THE ADMINISTRATION, BE ALLOCATED AMONG THE STATES FOR GRANTS TO STATE PLANNING AGENCIES, UNITS OF GENERAL LOCAL GOVERNMENT, COMBINATIONS OF SUCH UNITS OR PRIVATE NONPROFIT ORGANIZATIONS, ACCORDING TO THE CRITERIA AND ON THE TERMS AND CONDITIONS THE ADMINISTRATION DETERMINES CONSISTENT WITH THIS TITLE.

ANY GRANT MADE FROM FUNDS AVAILABLE UNDER PARAGRAPH (2) OF THIS SUBSECTION MAY BE UP TO 90 PER CENTUM OF THE COST OF THE PROGRAM OR PROJECT FOR WHICH SUCH GRANT IS MADE. NO PART OF ANY GRANT UNDER SUCH PARAGRAPH FOR THE PURPOSE OF RENTING, LEASING, OR CONSTRUCTING BUILDINGS OR OTHER PHYSICAL FACILITIES SHALL BE USED FOR LAND ACQUISITION. IN THE CASE OF A GRANT UNDER SUCH PARAGRAPH TO AN INDIAN TRIBE OR OTHER ABORIGINAL GROUP, IF THE ADMINISTRATION DETERMINES THAT THE TRIBE OR GROUP DOES NOT HAVE SUFFICIENT FUNDS AVAILABLE TO MEET THE LOCAL SHARE OF THE COSTS OF ANY PROGRAM OR PROJECT TO BE FUNDED UNDER THE GRANT, THE ADMINISTRATION MAY INCREASE THE FEDERAL SHARE OF THE COST THEREOF TO THE EXTENT IT DEEMS NECESSARY. THE LIMITATIONS ON THE EXPENDITURE OF PORTIONS OF GRANTS FOR THE COMPENSATION OF PERSONNEL IN SUBSECTION (C) OF SECTION 301 OF THIS TITLE SHALL APPLY TO A GRANT UNDER SUCH PARAGRAPH. THE NON-FEDERAL SHARE OF THE COST OF ANY PROGRAM OR PROJECT TO BE FUNDED UNDER THIS SECTION SHALL BE OF MONEY APPROPRIATED IN THE AGGREGATE BY THE STATE OR UNITS OF GENERAL LOCAL GOVERNMENT, OR PROVIDED IN THE AGGREGATE BY A PRIVATE NONPROFIT ORGANIZATION. THE ADMINISTRATION SHALL MAKE GRANTS IN ITS DISCRETION UNDER PARAGRAPH (2) OF THIS SUBSECTION IN SUCH A MANNER AS TO ACCORD FUNDING INCENTIVES TO THOSE STATES OR UNITS OF GENERAL

LOCAL GOVERNMENT THAT COORDINATE LAW ENFORCEMENT AND CRIMINAL JUSTICE FUNCTIONS AND ACTIVITIES WITH OTHER SUCH STATES OR UNITS OF GENERAL LOCAL GOVERNMENT THEREOF FOR THE PURPOSE OF IMPROVING LAW ENFORCEMENT AND CRIMINAL JUSTICE.

"(3) IF THE ADMINISTRATION DETERMINES, ON THE BASIS OF INFORMATION AVAILABLE TO IT DURING ANY FISCAL YEAR, THAT A PORTION OF THE FUNDS ALLOCATED TO A STATE FOR THAT FISCAL YEAR FOR GRANTS TO THE STATE PLANNING AGENCY OF THE STATE WILL NOT BE REQUIRED BY THE STATE, OR THAT THE STATE WILL BE UNABLE TO QUALIFY TO RECEIVE ANY PORTION OF THE FUNDS UNDER THE REQUIREMENTS OF THIS PART, THAT PORTION SHALL BE AVAILABLE FOR REALLOCATION TO OTHER STATES UNDER PARAGRAPH (1) OF SUBSECTION (A) OF THIS SECTION.

"SEC. 307. IN MAKING GRANTS UNDER THIS PART, THE ADMINISTRATION AND EACH STATE PLANNING AGENCY, AS THE CASE MAY BE, SHALL GIVE SPECIAL EMPHASIS, WHERE APPROPRIATE OR FEASIBLE, TO PROGRAMS AND PROJECTS DEALING WITH THE PREVENTION, DETECTION, AND CONTROL OF ORGANIZED CRIME AND OF RIOTS AND OTHER VIOLENT CIVIL DISORDERS.

"SEC. 308. EACH STATE PLAN SUBMITTED TO THE ADMINISTRATION FOR APPROVAL UNDER SECTION 302 SHALL BE EITHER APPROVED OR DISAPPROVED, IN WHOLE OR IN PART, BY THE ADMINISTRATION NO LATER THAN NINETY DAYS AFTER THE DATE OF SUBMISSION. IF NOT DISAPPROVED (AND RETURNED WITH THE REASONS

FOR SUCH DISAPPROVAL) WITHIN SUCH NINETY DAYS OF SUCH APPLICATION, SUCH PLAN SHALL BE DEEMED APPROVED FOR THE PURPOSES OF THIS TITLE. THE REASONS FOR DISAPPROVAL OF SUCH PLAN, IN ORDER TO BE EFFECTIVE FOR THE PURPOSES OF THIS SECTION, SHALL CONTAIN AN EXPLANATION OF WHICH REQUIREMENTS ENUMERATED IN SECTION 302(B) SUCH PLAN FAILS TO COMPLY WITH, OR AN EXPLANATION OF WHAT SUPPORTING MATERIAL IS NECESSARY FOR THE ADMINISTRATION TO EVALUATE SUCH PLAN. FOR THE PURPOSES OF THIS SECTION, THE TERM 'DATE OF SUBMISSION' MEANS THE DATE ON WHICH A STATE PLAN WHICH THE STATE HAS DESIGNATED AS THE FINAL STATE PLAN APPLICATION FOR THE APPROPRIATE FISCAL YEAR IS DELIVERED TO THE ADMINISTRATION.

"PART D--TRAINING, EDUCATION, RESEARCH,
DEMONSTRATION AND SPECIAL GRANTS.

"SEC. 401. //87 STAT. 205// IT IS THE PURPOSE OF THIS PART TO PROVIDE FOR AND ENCOURAGE TRAINING, EDUCATION, RESEARCH, AND DEVELOPMENT FOR THE PURPOSE OF IMPROVING LAW ENFORCEMENT AND CRIMINAL JUSTICE, AND DEVELOPING NEW METHODS FOR THE PREVENTION AND REDUCTION OF CRIME, AND THE DETECTION AND APPREHENSION OF CRIMINALS.

"SEC. 402. (A) THERE IS ESTABLISHED WITHIN THE DEPARTMENT OF JUSTICE A NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE (HEREAFTER REFERRED TO IN THIS PART AS 'INSTITUTE'). THE INSTITUTE SHALL BE UNDER THE GENERAL AUTHORITY OF THE ADMINISTRATION. THE CHIEF ADMINISTRATIVE OFFICER OF THE INSTITUTE SHALL BE A DIRECTOR APPOINTED BY THE ADMINISTRATOR. IT SHALL BE THE PURPOSE OF THE INSTITUTE TO ENCOURAGE RESEARCH AND DEVELOPMENT TO IMPROVE AND STRENGTHEN LAW ENFORCEMENT AND CRIMINAL JUSTICE, TO DISSEMINATE THE RESULTS OF SUCH EFFORTS TO STATE AND LOCAL GOVERNMENTS, AND TO ASSIST IN THE DEVELOPMENT AND SUPPORT OF PROGRAMS FOR THE TRAINING OF LAW ENFORCEMENT AND CRIMINAL JUSTICE PERSONNEL.

"(B) THE INSTITUTE IS AUTHORIZED--

"(1) TO MAKE GRANTS TO, OR ENTER INTO CONTRACTS WITH, PUBLIC AGENCIES, INSTITUTIONS OF HIGHER EDUCATION, OR PRIVATE ORGANIZATIONS TO CONDUCT RESEARCH, DEMONSTRATIONS, OR SPECIAL PROJECTS PERTAINING TO THE PURPOSES DESCRIBED IN THIS TITLE, INCLUDING THE DEVELOPMENT OF NEW OR IMPROVED APPROACHES, TECHNIQUES, SYSTEMS, EQUIPMENT, AND DEVICES TO IMPROVE AND STRENGTHEN LAW ENFORCEMENT AND CRIMINAL JUSTICE;

"(2) TO MAKE CONTINUING STUDIES AND UNDERTAKE PROGRAMS OF RESEARCH TO DEVELOP NEW OR IMPROVED APPROACHES, TECHNIQUES, SYSTEMS, EQUIPMENT, AND DEVICES TO IMPROVE AND STRENGTHEN LAW ENFORCEMENT AND CRIMINAL JUSTICE, INCLUDING, BUT NOT LIMITED TO, THE EFFECTIVENESS OF PROJECTS OR PROGRAMS CARRIED OUT UNDER THIS TITLE;

"(3) TO CARRY OUT PROGRAMS OF BEHAVIORAL RESEARCH DESIGNED TO PROVIDE MORE ACCURATE INFORMATION ON THE CAUSES OF CRIME AND THE EFFECTIVENESS OF VARIOUS MEANS OF PREVENTING CRIME, AND TO EVALUATE THE SUCCESS OF CORRECTIONAL PROCEDURES;

"(4) TO MAKE RECOMMENDATIONS FOR ACTION WHICH CAN BE TAKEN BY FEDERAL, STATE, AND LOCAL GOVERNMENTS AND BY PRIVATE PERSONS AND ORGANIZATIONS TO IMPROVE AND STRENGTHEN LAW ENFORCEMENT CRIMINAL

JUSTICE:

"(5) TO CARRY OUT PROGRAMS OF INSTRUCTIONAL ASSISTANCE CONSISTING OF RESEARCH FELLOWSHIPS FOR THE PROGRAMS PROVIDED UNDER THIS SECTION, AND SPECIAL WORKSHOPS FOR THE PRESENTATION AND DISSEMINATION OF INFORMATION RESULTING FROM RESEARCH, DEMONSTRATION, AND SPECIAL PROJECTS AUTHORIZED BY THIS TITLE; **

"(6) TO ASSIST IN CONDUCTING, AT THE REQUEST OF A STATE OR A UNIT OF GENERAL LOCAL GOVERNMENT OR A COMBINATION THEREOF, LOCAL OR REGIONAL TRAINING PROGRAMS FOR THE TRAINING OF STATE AND LOCAL LAW ENFORCEMENT AND CRIMINAL JUSTICE PERSONNEL, INCLUDING BUT NOT LIMITED TO THOSE ENGAGED IN THE INVESTIGATION OF CRIME AND APPREHENSION OF CRIMINALS, COMMUNITY RELATIONS, THE PROSECUTION OR DEFENSE OF THOSE CHARGED WITH CRIME, CORRECTIONS, REHABILITATION, PROBATION AND PAROLE OF OFFENDERS. SUCH TRAINING ACTIVITIES SHALL BE DESIGNED TO SUPPLEMENT AND IMPROVE RATHER THAN SUPPLANT THE TRAINING ACTIVITIES OF THE STATE AND UNITS OF GENERAL LOCAL GOVERNMENT AND SHALL NOT DUPLICATE THE TRAINING ACTIVITIES OF THE FEDERAL BUREAU OF INVESTIGATION UNDER SECTION 404 OF THIS TITLE. WHILE PARTICIPATING IN THE TRAINING PROGRAM OR TRAVELING IN CONNECTION WITH PARTICIPATION IN THE TRAINING PROGRAM, //87 STAT. 206// STATE AND LOCAL PERSONNEL SHALL BE ALLOWED TRAVEL EXPENSES AND A PER DIEM ALLOWANCE IN THE SAME MANNER AS PRESCRIBED UNDER SECTION 5703 (8) OF TITLE 5, UNITED STATES CODE, FOR PERSONS EMPLOYED INTERMITTENTLY IN THE GOVERNMENT SERVICE; //80 STAT. 499; 83 STAT. 190.//

"(7) TO CARRY OUT A PROGRAM OF COLLECTION AND DISSEMINATION OF INFORMATION OBTAINED BY THE INSTITUTE OR OTHER FEDERAL AGENCIES, PUBLIC AGENCIES INSTITUTIONS OF HIGHER EDUCATION, OR PRIVATE ORGANIZATIONS ENGAGED IN PROJECTS UNDER THIS TITLE, INCLUDING INFORMATION RELATING TO NEW OR IMPROVED APPROACHES, TECHNIQUES, SYSTEMS, EQUIPMENT, AND DEVICES TO IMPROVE AND STRENGTHEN LAW ENFORCEMENT; AND

"(8) TO ESTABLISH A RESEARCH CENTER TO CARRY OUT THE PROGRAMS DESCRIBED IN THIS SECTION. **

"(C) THE INSTITUTE SHALL SERVE AS A NATIONAL AND INTERNATIONAL CLEARINGHOUSE FOR THE EXCHANGE OF INFORMATION WITH RESPECT TO THE IMPROVEMENT OF LAW ENFORCEMENT AND CRIMINAL JUSTICE, INCLUDING BUT NOT LIMITED TO POLICE, COURTS, PROSECUTORS, PUBLIC DEFENDERS, AND CORRECTIONS.

"THE INSTITUTE SHALL UNDERTAKE, WHERE POSSIBLE TO EVALUATE THE VARIOUS PROGRAMS AND PROJECTS CARRIED OUT UNDER THIS TITLE TO DETERMINE THEIR IMPACT UPON THE QUALITY OF LAW ENFORCEMENT AND CRIMINAL JUSTICE AND THE EXTENT TO WHICH THEY HAVE MET OR FAILED TO MEET THE PURPOSES AND POLICIES OF THIS TITLE, AND SHALL DISSEMINATE SUCH INFORMATION TO STATE PLANNING AGENCIES AND, UPON REQUEST, TO UNITS OF GENERAL LOCAL GOVERNMENT.

"THE INSTITUTE SHALL, BEFORE THE END OF THE FISCAL YEAR ENDING JUNE 30, 1976, SURVEY EXISTING AND FUTURE PERSONNEL NEEDS OF THE NATION IN THE FIELD OF LAW ENFORCEMENT AND CRIMINAL JUSTICE AND THE ADEQUACY OF FEDERAL, STATE AND LOCAL PROGRAMS TO MEET SUCH NEEDS. SUCH SURVEY SHALL

SPECIFICALLY DETERMINE THE EFFECTIVENESS AND SUFFICIENCY OF THE TRAINING AND ACADEMIC ASSISTANCE PROGRAMS CARRIED OUT UNDER THIS TITLE AND RELATE SUCH PROGRAMS TO ACTUAL MANPOWER AND TRAINING REQUIREMENTS IN THE LAW ENFORCEMENT AND CRIMINAL JUSTICE FIELD. IN CARRYING OUT THE PROVISIONS OF THIS SECTION, THE DIRECTOR OF THE INSTITUTE SHALL CONSULT WITH AND MAKE MAXIMUM USE OF STATISTICAL AND OTHER RELATED INFORMATION OF THE DEPARTMENT OF LABOR, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, FEDERAL, STATE AND LOCAL CRIMINAL JUSTICE AGENCIES AND OTHER APPROPRIATE PUBLIC AND PRIVATE AGENCIES. THE ADMINISTRATION SHALL THEREAFTER, WITHIN A REASONABLE TIME DEVELOP AND ISSUE GUIDELINES, BASED UPON THE NEED PRIORITIES ESTABLISHED BY THE SURVEY, PURSUANT TO WHICH PROJECT GRANTS FOR TRAINING AND ACADEMIC ASSISTANCE PROGRAMS SHALL BE MADE.

"THE INSTITUTE SHALL REPORT ANNUALLY TO THE PRESIDENT, THE CONGRESS, THE STATE PLANNING AGENCIES, AND, UPON REQUEST, TO UNITS OF GENERAL LOCAL GOVERNMENT, ON THE RESEARCH AND DEVELOPMENT ACTIVITIES UNDER TAKEN PURSUANT TO PARAGRAPHS (1), (2), AND (3) OF SUBSECTION (B), AND SHALL DESCRIBE IN SUCH REPORT THE POTENTIAL BENEFITS OF SUCH ACTIVITIES OF LAW ENFORCEMENT AND CRIMINAL JUSTICE AND THE RESULTS OF THE EVALUATIONS MADE PURSUANT TO THE SECOND PARAGRAPH OF THIS SUBSECTION. SUCH REPORT SHALL ALSO DESCRIBE THE PROGRAMS OF INSTRUCTIONAL ASSISTANCE, THE SPECIAL WORKSHOPS, AND THE TRAINING PROGRAMS UNDERTAKEN PURSUANT TO PARAGRAPHS (5) AND (6) OF SUBSECTION (B).

"SEC. 403. A GRANT AUTHORIZED UNDER THIS PART MAY BE UP TO 100 PER CENTUM OF THE TOTAL COST OF EACH PROJECT FOR WHICH GRANT IS MADE. THE ADMINISTRATION OR THE INSTITUTE SHALL REQUIRE, WHENEVER FEASIBLE, AS A CONDITION OF APPROVAL OF A GRANT UNDER THIS PART, THAT THE RECIPIENT CONTRIBUTE MONEY, FACILITIES, OR SERVICES TO CARRY OUT THE PURPOSES FOR WHICH THE GRANT IS SOUGHT.

SEC. 404. (A) THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION IS AUTHORIZED TO-- //87 STAT. 207//

"(1) ESTABLISH AND CONDUCT TRAINING PROGRAMS AT THE FEDERAL BUREAU OF INVESTIGATION NATIONAL ACADEMY AT QUANTICO, VIRGINIA, TO PROVIDE, AT THE REQUEST OF A STATE OR UNIT OF LOCAL GOVERNMENT, TRAINING FOR STATE AND LOCAL LAW ENFORCEMENT AND CRIMINAL JUSTICE PERSONNEL;

"(2) DEVELOP NEW OR IMPROVED APPROACHES, TECHNIQUES, SYSTEMS, EQUIPMENT, AND DEVICES TO IMPROVE AND STRENGTHEN LAW ENFORCEMENT AND CRIMINAL JUSTICE;

"(3) ASSIST IN CONDUCTING, AT THE REQUEST OF A STATE OR UNIT OF LOCAL GOVERNMENT, LOCAL AND REGIONAL TRAINING PROGRAMS FOR THE TRAINING OF STATE AND LOCAL LAW ENFORCEMENT AND CRIMINAL JUSTICE PERSONNEL ENGAGED IN THE INVESTIGATION OF CRIME AND THE APPREHENSION OF CRIMINALS. SUCH TRAINING WILL BE PROVIDED ONLY FOR PERSONS ACTUALLY EMPLOYED AS STATE POLICE OR HIGHWAY PATROL, POLICE OF A UNIT OF LOCAL GOVERNMENT, SHERIFFS AND THEIR DEPUTIES, AND OTHER PERSONS AS THE STATE OR UNIT MAY NOMINATE FOR POLICE TRAINING WHILE SUCH PERSONS ARE ACTUALLY EMPLOYED AS OFFICERS OF SUCH STATE OR UNIT; AND

"(4) COOPERATE WITH THE INSTITUTE IN THE EXERCISE OF ITS RESPONSIBILITIES UNDER SECTION 402 (B) (6) OF THIS TITLE.

"(B) IN THE EXERCISE OF THE FUNCTIONS, POWERS, AND DUTIES ESTABLISHED UNDER THIS SECTION THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION SHALL BE UNDER THE GENERAL AUTHORITY OF THE ATTORNEY GENERAL.

"SEC. 405.(A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE LAW ENFORCEMENT ASSISTANCE ACT OF 1965 (79 STAT. 828) IS REPEALED: PROVIDED, THAT-- //18 USC PREC. 3001 NOTE.//

"(1) THE ADMINISTRATION, OR THE ATTORNEY GENERAL UNTIL SUCH TIME AS THE MEMBERS OF THE ADMINISTRATION ARE APPOINTED, IS AUTHORIZED TO OBLIGATE FUNDS FOR THE CONTINUATION OF PROJECTS APPROVED UNDER THE LAW ENFORCEMENT ASSISTANCE ACT OF 1965 PRIOR TO THE DATE OF ENACTMENT OF THIS ACT TO THE EXTENT THAT SUCH APPROVAL PROVIDED FOR CONTINUATION.

"(2) ANY FUNDS OBLIGATED UNDER SUBSECTION (1) OF THIS SECTION AND ALL ACTIVITIES NECESSARY OR APPROPRIATE FOR THE REVIEW UNDER SUBSECTION (3) OF THIS SECTION MAY BE CARRIED OUT WITH FUNDS PREVIOUSLY APPROPRIATED AND FUNDS APPROPRIATED PRUSUANT TO THIS TITLE.

"(3) IMMEDIATELY UPON ESTABLISHMENT OF THE ADMINISTRATION, IT SHALL BE ITS DUTY TO STUDY, REVIEW, AND EVALUATE PROJECTS AND PROGRAMS FUNDED UNDER THE LAW ENFORCEMENT ASSISTANCE ACT OF 1965. CONTINUATION OF PROJECTS AND PROGRAMS UNDER SUBSECTIONS (1) AND (2) OF THIS SECTICN SHALL BE IN THE DISCRETION OF THE ADMINISTRATION.

"SEC. 406. (A) PURSUANT TO THE PROVISIONS OF SUBSECTIONS (B) AND (C) OF THIS SECTION, THE ADMINISTRATION IS AUTHORIZED, AFTER APPROPRIATE CONSULTATION WITH THE COMMISSIONER OF EDUCATION, TO CARRY OUT PROGRAMS OF ACADEMIC EDUCATIONAL ASSISTANCE TO IMPROVE AND STRENGTHEN LAW ENFORCEMENT AND CRIMINAL JUSTICE.

"(B) THE ADMINISTRATION IS AUTHORIZED TO ENTER INTO CONTRACTS TO MAKE, AND MAKE PAYMENTS TO INSTITUTIONS OF HIGHER EDUCATION FOR LOANS, NOT EXCEEDING \$2,200 PER ACADEMIC YEAR TO ANY PERSON, TO PERSONS ENROLLED ON A FULL-TIME BASIS IN UNDERGRADUATE OR GRADUATE PROGRAMS APPROVED BY THE ADMINISTRATION AND LEADING TO DEGREES OR CERTIFICATES IN AREAS DIRECTLY RELATED TO LAW ENFORCEMENT AND CRIMINAL JUSTICE OR SUITABLE FOR PERSONS EMPLOYED IN LAW ENFORCEMENT AND CRIMINAL JUSTICE, WITH SPECIAL CONSIDERATION TO POLICE OR CORRECTIONAL PERSONNEL OF STATES OR UNITS OF GENERAL LOCAL GOVERNMENT ON ACADEMIC LEAVE TO EARN SUCH DEGRESS OR CERTIFICATES. //87 STAT. 208// LOANS TO PERSONS ASSISTED UNDER THIS SUBSECTION SHALL BE MADE ON SUCH TERMS AND CONDITIONS AS THE ADMINISTRATION AND THE INSTITUTION OFFERING SUCH PROGRAMS MAY DETERMINE, EXCEPT THAT THE TOTAL AMOUNT OF ANY SUCH LOAN, PLUS INTEREST, SHALL BE CANCELED FOR SERVICE AS A FULL-TIME OFFICER OR EMPLOYEE OF A LAW ENFORCEMENT AND CRIMINAL JUSTICE AGENCY AT THE RATE OF 25 PER CENTUM OF THE TOTAL AMOUNT OF SUCH LOANS PLUS INTEREST FOR EACH COMPLETE YEAR OF SUCH SERVICE OR ITS EQUIVALENT OF SUCH SERVICE, AS DETERMINED UNDER REGULATIONS OF THE ADMINISTRATION.

"(C) THE ADMINISTRATION IS AUTHORIZED TO ENTER INTO CONTRACTS TO MAKE,

AND MAKE, PAYMENTS TO INSTITUTIONS OF HIGHER EDUCATION FOR TUITION, BOOKS AND FEES, NOT EXCEEDING \$250 PER ACADEMIC QUARTER OR \$400 PER SEMESTER FOR ANY PERSON, FOR OFFICERS OF ANY PUBLICLY FUNDED LAW ENFORCEMENT AGENCY ENROLLED ON A FULL-TIME OR PART-TIME BASIS IN COURSES INCLUDED IN AN UNDERGRADUATE OR GRADUATE PROGRAM WHICH IS APPROVED BY THE ADMINISTRATION AND WHICH LEADS TO A DEGREE OR CERTIFICATE IN AN AREA RELATED TO LAW ENFORCEMENT AND CRIMINAL JUSTICE OR AN AREA SUITABLE FOR PERSONS EMPLOYED IN LAW ENFORCEMENT AND CRIMINAL JUSTICE. ASSISTANCE UNDER THIS SUBSECTION MAY BE GRANTED ONLY ON BEHALF OF ANY APPLICANT WHO ENTERS INTO AN AGREEMENT TO REMAIN IN THE SERVICE OF A LAW ENFORCEMENT AND CRIMINAL JUSTICE AGENCY EMPLOYING SUCH APPLICANT FOR A PERIOD OF TWO YEARS FOLLOWING COMPLETION OF ANY COURSE FOR WHICH PAYMENTS ARE PROVIDED UNDER THIS SUBSECTION, AND IN THE EVENT SUCH SERVICE IS NOT COMPLETED, TO REPAY THE FULL AMOUNT OF SUCH PAYMENTS ON SUCH TERMS AND IN SUCH MANNER AS THE ADMINISTRATION MAY PRESCRIBE.

"(D) FULL-TIME TEACHERS OR PERSONS PREPARING FOR CAREERS AS FULL-TIME TEACHERS OF COURSES RELATED TO LAW ENFORCEMENT AND CRIMINAL JUSTICE OR SUITABLE FOR PERSONS EMPLOYED IN LAW ENFORCEMENT, IN INSTITUTIONS OF HIGHER EDUCATION WHICH ARE ELIGIBLE TO RECEIVE FUNDS UNDER THIS SECTION, SHALL BE ELIGIBLE TO RECEIVE ASSISTANCE UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION AS DETERMINED UNDER REGULATIONS OF THE ADMINISTRATION.

"(E) THE ADMINISTRATION IS AUTHORIZED TO MAKE GRANTS TO OR ENTER INTO CONTRACTS WITH INSTITUTIONS OF HIGHER EDUCATION, OR COMBINATIONS OF SUCH INSTITUTIONS, TO ASSIST THEM IN PLANNING, DEVELOPING, STRENGTHENING, IMPROVING, OR CARRYING OUT PROGRAMS OR PROJECTS FOR THE DEVELOPMENT OR DEMONSTRATION OF IMPROVED METHODS OF LAW ENFORCEMENT AND CRIMINAL JUSTICE EDUCATION, INCLUDING--

"(1) PLANNING FOR THE DEVELOPMENT OR EXPANSION OF UNDERGRADUATE OR GRADUATE PROGRAMS IN LAW ENFORCEMENT AND CRIMINAL JUSTICE;

"(2) EDUCATION AND TRAINING OF FACULTY MEMBERS;

"(3) STRENGTHENING THE LAW ENFORCEMENT AND CRIMINAL JUSTICE ASPECTS OF COURSES LEADING TO AN UNDERGRADUATE, GRADUATE, OR PROFESSIONAL DEGREE; AND

"(4) RESEARCH INTO, AND DEVELOPMENT OF, METHODS OF EDUCATING STUDENTS OR FACULTY, INCLUDING THE PREPARATION OF TEACHING MATERIALS AND THE PLANNING OF CURRICULUMS. **

THE AMOUNT OF A GRANT OR CONTRACT MAY BE UP TO 75 PER CENTUM OF THE TOTAL COST OF PROGRAMS AND PROJECTS FOR WHICH A GRANT OR CONTRACT IS MADE.

"(F) THE ADMINISTRATION IS AUTHORIZED TO ENTER INTO CONTRACTS TO MAKE, AND MAKE, PAYMENTS TO INSTITUTIONS OF HIGHER EDUCATION FOR GRANTS NOT EXCEEDING \$65 PER WEEK TO PERSONS ENROLLED ON A FULL-TIME BASIS IN UNDERGRADUATE OR GRADUATE DEGREE PROGRAMS WHO ARE ACCEPTED FOR AND SERVE IN FULL-TIME INTERSHIPS IN LAW ENFORCEMENT AND CRIMINAL JUSTICE AGENCIES FOR NOT LESS THAN EIGHT WEEKS DURING ANY SUMMER RECESS OR FOR ANY ENTIRE QUARTER OR SEMESTER ON LEAVE FROM THE DEGREE PROGRAM. //87 STAT. 209//

"SEC. 407. (A) THE ADMINISTRATION IS AUTHORIZED TO ESTABLISH AND SUPPORT A TRAINING PROGRAM FOR PROSECUTING ATTORNEYS FROM STATE AND LOCAL OFFICERS ENGAGED IN THE PROSECUTION OF ORGANIZED CRIME. THE PROGRAM SHALL

BE DESIGNED TO DEVELOP NEW OR IMPROVED APPROACHES, TECHNIQUES, SYSTEMS, MANUALS, AND DEVICES TO STRENGTHEN PROSECUTIVE CAPABILITIES AGAINST ORGANIZED CRIME.

"(B) WHILE PARTICIPATING IN THE TRAINING PROGRAM OR TRAVELING IN CONNECTION WITH PARTICIPATION IN THE TRAINING PROGRAM, STATE AND LOCAL PERSONNEL SHALL BE ALLOWED TRAVEL EXPENSES AND A PER DIEM ALLOWANCE IN THE SAME MANNER AS PRESCRIBED UNDER SECTION 5703(B) OF TITLE 5, UNITED STATES CODE, FOR PERSONS EMPLOYED INTERMITTENTLY IN THE GOVERNMENT SERVICE. //80 STAT. 499.//

"(C) THE COST OF TRAINING STATE AND LOCAL PERSONNEL UNDER THIS SECTION SHALL BE PROVIDED OUT OF FUNDS APPROPRIATED TO THE ADMINISTRATION FOR THE PURPOSE OF SUCH TRAINING.

"PART E--GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

"SEC. 451. IT IS THE PURPOSE OF THIS PART TO ENCOURAGE STATES AND UNITS OF GENERAL LOCAL GOVERNMENT TO DEVELOP AND IMPLEMENT PROGRAMS AND PROJECTS FOR THE CONSTRUCTION, ACQUISITION, AND RENOVATION OF CORRECTIONAL INSTITUTIONS AND FACILITIES, AND FOR THE IMPROVEMENT OF CORRECTIONAL PROGRAMS AND PRACTICES.

"SEC. 452. A STATE DESIRING TO RECEIVE A GRANT UNDER THIS PART FOR ANY FISCAL YEAR SHALL, CONSISTENT WITH THE BASIS CRITERIA WHICH THE ADMINISTRATION ESTABLISHES UNDER SECTION 454 OF THIS TITLE, INCORPORATE ITS APPLICATION FOR SUCH GRANT IN THE COMPREHENSIVE STATE PLAN SUBMITTED TO THE ADMINISTRATION FOR THAT FISCAL YEAR IN ACCORDANCE WITH SECTION 302 OF THIS TITLE.

"SEC. 453. THE ADMINISTRATION IS AUTHORIZED TO MAKE A GRANT UNDER THIS PART TO A STATE PLANNING AGENCY IF THE APPLICATION INCORPORATED IN THE COMPREHENSIVE STATE PLAN--

"(1) SETS FORTH A COMPREHENSIVE STATEWIDE PROGRAM FOR THE CONSTRUCTION, ACQUISITION, OR RENOVATION OF CORRECTIONAL INSTITUTIONS AND FACILITIES IN THE STATE AND THE IMPROVEMENT OF CORRECTIONAL PROGRAMS AND PRACTICES THROUGHOUT THE STATE;

"(2) PROVIDES SATISFACTORY ASSURANCES THAT THE CONTROL OF THE FUNDS AND TITLE TO PROPERTY DERIVED THEREFROM SHALL BE IN A PUBLIC AGENCY FOR THE USES AND PURPOSES PROVIDED IN THIS PART AND THAT A PUBLIC AGENCY WILL ADMINISTER THOSE FUNDS AND THAT PROPERTY;

"(3) PROVIDES SATISFACTORY ASSURANCES THAT THE AVAILABILITY OF FUNDS UNDER THIS PART SHALL NOT REDUCE THE AMOUNT OF FUNDS UNDER PART C OF THIS TITLE WHICH A STATE WOULD, IN THE ABSENCE OF FUNDS UNDER THIS PART, ALLOCATE FOR PURPOSES OF THIS PART;

"(4) PROVIDES SATISFACTORY EMPHASIS ON THE DEVELOPMENT AND OPERATION OF COMMUNITY-BASED CORRECTIONAL FACILITIES AND PROGRAMS, INCLUDING DIAGNOSTIC SERVICES, HALFWAY HOUSES, PROBATION, AND OTHER SUPERVISORY RELEASE PROGRAMS FOR PREADJUDICATION AND POSTADJUDICATION REFERRAL OF DELINQUENTS, YOUTHFUL OFFENDERS, AND FIRST OFFENDERS AND COMMUNITY-ORIENTED PROGRAMS FOR THE SUPERVISION OF PAROLEES;

"(5) PROVIDES FOR ADVANCED TECHNIQUES IN THE DESIGN OF

INSTITUTIONS AND FACILITIES:

"(6) PROVIDES, WHERE FEASIBLE AND DESIRABLE, FOR THE SHARING OF CORRECTIONAL INSTITUTIONS AND FACILITIES ON A REGIONAL BASIS;

"(7) PROVIDES SATISFACTORY ASSURANCES THAT THE PERSONNEL STANDARDS AND PROGRAMS OF THE INSTITUTIONS AND FACILITIES WILL REFLECT ADVANCED PROGRAMS. //87 STAT. 210//

"(8) PROVIDES SATISFACTORY ASSURANCES THAT THE STATE IS ENGAGING IN PROJECTS AND PROGRAMS TO IMPROVE THE RECRUITING, ORGANIZATION, TRAINING, AND EDUCATION OF PERSONNEL EMPLOYED IN CORRECTIONAL ACTIVITIES, INCLUDING THOSE OF PROBATION, PAROLE, AND REHABILITATION;

"(9) PROVIDES NECESSARY ARRANGEMENTS FOR THE DEVELOPMENT AND OPERATION OF NARCOTIC AND ALCOHOLISM TREATMENT PROGRAMS IN CORRECTIONAL INSTITUTIONS AND FACILITIES AND IN CONNECTION WITH PROBATION OR OTHER SUPERVISORY RELEASE PROGRAMS FOR ALL PERSONS, INCARCERATED OR ON PAROLE, WHO ARE DRUG ADDICTS, DRUG ABUSERS, ALCOHOLICS, OR ALCOHOL ABUSERS;

"(10) COMPLIES WITH THE SAME REQUIREMENTS ESTABLISHED FOR COMPREHENSIVE STATE PLANS UNDER PARAGRAPHS (1), (3), (5), (6), (8), (9), (10), (11), (12), (13), (14), AND (15) OF SECTION 303(A) OF THIS TITLE;

"(11) PROVIDES FOR ACCURATE AND COMPLETE MONITORING OF THE PROGRESS AND IMPROVEMENT OF THE CORRECTIONAL SYSTEM. SUCH MONITORING SHALL INCLUDE RATE OF PRISONER REHABILITATION AND RATES OF RECIDIVISM IN COMPARISON WITH PREVIOUS PERFORMANCE OF OTHER STATE AND LOCAL PRISON SYSTEMS NOT INCLUDED IN THIS PROGRAM; AND

"(12) PROVIDES THAT STATE AND LOCAL GOVERNMENTS SHALL SUBMIT SUCH ANNUAL REPORTS AS THE ADMINISTRATOR MAY REQUIRE.

"SEC. 454. THE ADMINISTRATION SHALL, AFTER CONSULTATION WITH THE FEDERAL BUREAU OF PRISONS, BY REGULATION PRESCRIBE BASIC CRITERIA FOR APPLICANTS AND GRANTEEES UNDER THIS PART.

"IN ADDITION, THE ADMINISTRATION SHALL ISSUE GUIDELINES FOR DRUG TREATMENT PROGRAMS IN STATE AND LOCAL PRISONS AND FOR THOSE TO WHICH PERSONS ON PAROLE ARE ASSIGNED. THE ADMINISTRATOR SHALL COORDINATE OR ASSURE COORDINATION OF THE DEVELOPMENT OF SUCH GUIDELINES WITH THE SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION.

"SEC. 455. (A) THE FUNDS APPROPRIATED EACH FISCAL YEAR TO MAKE GRANTS UNDER THIS PART SHALL BE ALLOCATED BY THE ADMINISTRATION AS FOLLOWS:

"(1) FIFTY PER CENTUM OF THE FUNDS SHALL BE AVAILABLE FOR GRANTS TO STATE PLANNING AGENCIES.

"(2) THE REMAINING 50 PER CENTUM OF THE FUNDS MAY BE MADE AVAILABLE, AS THE ADMINISTRATION MAY DETERMINE, TO STATE PLANNING AGENCIES, UNITS OF GENERAL LOCAL GOVERNMENT, OR COMBINATIONS OF SUCH UNITS, ACCORDING TO THE CRITERIA AND ON THE TERMS AND CONDITIONS THE ADMINISTRATION DETERMINES CONSISTENT WITH THIS PART. ANY GRANT MADE FROM FUNDS AVAILABLE UNDER THIS PART MAY BE UP TO 90 PER CENTUM OF THE COST OF THE PROGRAM OR PROJECT FOR WHICH SUCH GRANT IS MADE. THE NON-FEDERAL FUNDING OF THE COST OF ANY PROGRAM OR PROJECT TO BE FUNDED

BY A GRANT UNDER THIS SECTION SHALL BE OF MONEY APPROPRIATED IN THE AGGREGATE BY THE STATE OR UNITS OF GENERAL LOCAL GOVERNMENT. NO FUNDS AWARDED UNDER THIS PART MAY BE USED FOR LAND ACQUISITION.

"(B) IF THE ADMINISTRATION DETERMINES, ON THE BASIS OF INFORMATION AVAILABLE TO IT DURING ANY FISCAL YEAR, THAT A PORTION OF THE FUNDS GRANTED TO AN APPLICANT FOR THAT FISCAL YEAR WILL NOT BE REQUIRED BY THE APPLICANT OR WILL BECOME AVAILABLE BY VIRTUE OF THE APPLICATION OF THE PROVISIONS OF SECTION 509 OF THIS TITLE, THAT PORTION SHALL BE AVAILABLE FOR REALLOCATION UNDER PARAGRAPH (2) OF SUBSECTION (A) OF THIS SECTION.

"PART F--ADMINISTRATIVE PROVISIONS

"SEC. 501. //87 STAT. 211// THE ADMINISTRATION IS AUTHORIZED, AFTER APPROPRIATE CONSULTATION WITH REPRESENTATIVES OF STATES AND UNITS OF GENERAL LOCAL GOVERNMENT, TO ESTABLISH SUCH RULES, REGULATIONS, AND PROCEDURES AS ARE NECESSARY TO THE EXERCISE OF ITS FUNCTIONS, AND ARE CONSISTENT WITH THE STATED PURPOSE OF THIS TITLE.

"SEC. 502. THE ADMINISTRATION MAY DELEGATE TO ANY OFFICER OR OFFICIAL OF THE ADMINISTRATION, OR, WITH THE APPROVAL OF THE ATTORNEY GENERAL, TO ANY OFFICER OF THE DEPARTMENT OF JUSTICE SUCH FUNCTIONS AS IT DEEMS APPROPRIATE.

"SEC. 503. THE FUNCTIONS, POWERS, AND DUTIES SPECIFIED IN THIS TITLE TO BE CARRIED OUT BY THE ADMINISTRATION SHALL NOT BE TRANSFERRED ELSEWHERE IN THE DEPARTMENT OF JUSTICE UNLESS SPECIFICALLY HEREAFTER AUTHORIZED BY THE CONGRESS.

"SEC. 504. IN CARRYING OUT ITS FUNCTIONS, THE ADMINISTRATION, OR UPON AUTHORIZATION OF THE ADMINISTRATION, ANY MEMBER THEREOF OR ANY HEARING EXAMINER ASSIGNED TO OR EMPLOYED BY THE ADMINISTRATION, SHALL HAVE THE POWER TO HOLD HEARINGS, SIGN AND ISSUE SUBPENAS, ADMINISTER OATHS, EXAMINE WITNESSES, AND RECEIVE EVIDENCE AT ANY PLACE IN THE UNITED STATES IT MAY DESIGNATE.

"SEC. 505. SECTION 5314 OF TITLE 5, UNITED STATES CODE, IS AMENDED BY ADDING AT THE END THEREOF-- //80 STAT. 460; 86 STAT. 1211.//

"(55) ADMINISTRATOR OF LAW ENFORCEMENT ASSISTANCE."

"SEC. 506. TITLE 5, UNITED STATES CODE, IS AMENDED AS FOLLOWS: "(A) SECTION 5315 (90) IS AMENDED BY DELETING 'ASSOCIATE ADMINISTRATOR OF LAW ENFORCEMENT ASSISTANCE (2)' AND INSERTING IN LIEU THEREOF 'DEPUTY ADMINISTRATOR FOR POLICY DEVELOPMENT OF THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION'. //82 STAT. 205, 1312; 86 STAT. 1418.//

"(B) SECTION 5316 OF TITLE 5, UNITED STATES CODE, IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING; //ANTE, P. 78.//

"(133) DEPUTY ADMINISTRATOR FOR ADMINISTRATION OF THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION."

"(C) SECTION 5108(C) (10) IS AMENDED BY DELETING THE WORD 'TWENTY' AND INSERTING IN LIEU THEREOF THE WORD 'TWENTY-TWO'. //84 STAT. 1889.//

"SEC. 507. SUBJECT TO THE CIVIL SERVICE AND CLASSIFICATION LAWS, THE ADMINISTRATION IS AUTHORIZED TO SELECT, APPOINT, EMPLOY, AND FIX COMPENSATION OF SUCH OFFICERS AND EMPLOYEES, INCLUDING HEARING EXAMINERS, AS SHALL BE NECESSARY TO CARRY OUT ITS POWER AND DUTIES UNDER THIS TITLE.

"SEC. 508. ADMINISTRATION IS AUTHORIZED, ON A REIMBURSABLE BASIS WHEN

APPROPRIATE, TO USE THE AVAILABLE SERVICES, EQUIPMENT, PERSONNEL, AND FACILITIES OF THE DEPARTMENT OF JUSTICE AND OF OTHER CIVILIAN OR MILITARY AGENCIES AND INSTRUMENTALITIES OF THE FEDERAL GOVERNMENT (NOT INCLUDING THE CENTRAL INTELLIGENCE AGENCY), AND TO COOPERATE WITH THE DEPARTMENT OF JUSTICE AND SUCH OTHER AGENCIES AND INSTRUMENTALITIES IN THE ESTABLISHMENT AND USE OF SERVICES, EQUIPMENT, PERSONNEL, AND FACILITIES OF THE ADMINISTRATION. THE ADMINISTRATION IS FURTHER AUTHORIZED TO CONFER WITH AND AVAIL ITSELF OF THE COOPERATION, SERVICES, RECORDS, AND FACILITIES OF STATE, MUNICIPAL, OR OTHER LOCAL AGENCIES, AND TO RECEIVE AND UTILIZE, FOR THE PURPOSES OF THIS TITLE, PROPERTY DONATED OR TRANSFERRED FOR THE PURPOSES OF TESTING BY ANY OTHER FEDERAL AGENCIES, STATES, UNITS OF GENERAL LOCAL GOVERNMENT, PUBLIC OR PRIVATE AGENCIES OR ORGANIZATIONS, INSTITUTIONS OF HIGHER EDUCATION, OR INDIVIDUALS.

"SEC. 509. WHENEVER THE ADMINISTRATION, AFTER REASONABLE NOTICE AND OPPORTUNITY FOR HEARING TO AN APPLICANT OR A GRANTEE UNDER THIS TITLE, FINDS THAT, WITH RESPECT TO ANY PAYMENTS MADE OR TO BE MADE UNDER THIS TITLE, THERE IS A SUBSTANTIAL FAILURE TO COMPLY WITH--

"(A) THE PROVISIONS OF THIS TITLE: //87 STAT. 212//

"(B) REGULATIONS PROMULGATED BY THE ADMINISTRATION UNDER THIS TITLE; OR

"(C) A PLAN OR APPLICATION SUBMITTED IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE;

THE ADMINISTRATION SHALL NOTIFY SUCH APPLICANT OR GRANTEE THAT FURTHER PAYMENTS SHALL NOT BE MADE (OR IN ITS DISCRETION THAT FURTHER PAYMENTS SHALL NOT BE MADE FOR ACTIVITIES IN WHICH THERE IS SUCH FAILURE), UNTIL THERE IS NO LONGER SUCH FAILURE.

"SEC. 510. (A) IN CARRYING OUT THE FUNCTIONS VESTED BY THIS TITLE IN THE ADMINISTRATION, THE DETERMINATIONS, FINDINGS, AND CONCLUSIONS OF THE ADMINISTRATION SHALL BE FINAL AND CONCLUSIVE UPON ALL APPLICANTS, EXCEPT AS HEREAFTER PROVIDED.

"(B) IF THE APPLICATION HAS BEEN REJECTED OR AN APPLICANT HAS BEEN DENIED A GRANT OR HAS HAD A GRANT, OR ANY PORTION OF A GRANT, DISCONTINUED, OR HAS BEEN GIVEN A GRANT IN A LESSER AMOUNT THAN SUCH APPLICANT BELIEVES APPROPRIATE UNDER THE PROVISIONS OF THIS TITLE, THE ADMINISTRATION SHALL NOTIFY THE APPLICANT OR GRANTEE OF ITS ACTION AND SET FORTH THE REASON FOR THE ACTION TAKEN. WHENEVER AN APPLICANT OR GRANTEE REQUESTS A HEARING ON ACTION TAKEN BY THE ADMINISTRATION ON AN APPLICATION OR A GRANT, THE ADMINISTRATION, OR ANY AUTHORIZED OFFICER THEREOF, IS AUTHORIZED AND DIRECTED TO HOLD SUCH HEARINGS OR INVESTIGATIONS AT SUCH TIMES AND PLACES AS THE ADMINISTRATION DEEMS NECESSARY, FOLLOWING APPROPRIATE AND ADEQUATE NOTICE TO SUCH APPLICANT; AND THE FINDINGS OF FACT AND DETERMINATIONS MADE BY THE ADMINISTRATION WITH RESPECT THERETO SHALL BE FINAL AND CONCLUSIVE, EXCEPT AS OTHERWISE PROVIDED HEREIN.

"(C) IF SUCH APPLICANT IS STILL DISSATISFIED WITH THE FINDINGS AND DETERMINATIONS OF THE ADMINISTRATION, FOLLOWING THE NOTICE AND HEARING PROVIDED FOR IN SUBSECTION (B) OF THIS SECTION, A REQUEST MAY BE MADE FOR REHEARING, UNDER SUCH REGULATIONS AND PROCEDURES AS THE ADMINISTRATION MAY ESTABLISH, AND SUCH APPLICANT SHALL BE AFFORDED AN OPPORTUNITY TO PRESENT

SUCH ADDITIONAL INFORMATION AS MAY BE DEEMED APPROPRIATE AND PERTINENT TO THE MATTER INVOLVED. THE FINDINGS AND DETERMINATIONS OF THE ADMINISTRATION, FOLLOWING SUCH REHEARING, SHALL BE FINAL AND CONCLUSIVE UPON ALL PARTIES CONCERNED, EXCEPT AS HEREAFTER PROVIDED.

"SEC. 511. (A) IF ANY APPLICANT OR GRANTEE IS DISSATISFIED WITH THE ADMINISTRATION'S FINAL ACTION WITH RESPECT TO THE APPROVAL OF ITS APPLICATION OR PLAN SUBMITTED UNDER THIS TITLE, OR ANY APPLICANT OR GRANTEE IS DISSATISFIED WITH THE ADMINISTRATION'S FINAL ACTION UNDER SECTION 509 OR SECTION 510, SUCH APPLICANT OR GRANTEE MAY, WITHIN SIXTY DAYS AFTER NOTICE OF SUCH ACTION, FILE WITH THE UNITED STATES COURT OF APPEALS FOR THE CIRCUIT IN WHICH SUCH APPLICANT OR GRANTEE IS LOCATED A PETITION FOR REVIEW OF THAT ACTION. A COPY OF THE PETITION SHALL BE FORTHWITH TRANSMITTED BY THE CLERK OF THE COURT TO THE ADMINISTRATION. THE ADMINISTRATION SHALL THEREUPON FILE IN THE COURT THE RECORD OF THE PROCEEDINGS ON WHICH THE ACTION OF THE ADMINISTRATION WAS BASED, AS PROVIDED IN SECTION 2112 OF TITLE 28, UNITED STATES CODE. //72 STAT. 941; 80 STAT. 1323.//

"(B) THE DETERMINATIONS AND THE FINDINGS OF FACT BY THE ADMINISTRATION, IF SUPPORTED BY SUBSTANTIAL EVIDENCE, SHALL BE CONCLUSIVE; BUT THE COURT, FOR GOOD CAUSE SHOWN, MAY REMAND THE CASE TO THE ADMINISTRATION TO TAKE FURTHER EVIDENCE. THE ADMINISTRATION MAY THEREUPON MAKE NEW OR MODIFIED FINDINGS OF FACT AND MAY MODIFY ITS PREVIOUS ACTION, AND SHALL FILE IN THE COURT THE RECORD OF THE FURTHER PROCEEDINGS. SUCH NEW OR MODIFIED FINDINGS OF FACT OR DETERMINATIONS SHALL LIKEWISE BE CONCLUSIVE IF SUPPORTED BY SUBSTANTIAL EVIDENCE.

"(C) UPON THE FILING OF SUCH PETITION, //87 STAT. 213// THE COURT SHALL HAVE JURISDICTION TO AFFIRM THE ACTION OF THE ADMINISTRATION OR TO SET IT ASIDE, IN WHOLE OR IN PART. THE JUDGMENT OF THE COURT SHALL BE SUBJECT TO REVIEW BY THE SUPREME COURT OF THE UNITED STATES UPON CERTIORARI OR CERTIFICATION AS PROVIDED IN SECTION 1254 OF TITLE 28, UNITED STATES CODE. //62 STAT. 928.//

"SEC. 512. UNLESS OTHERWISE SPECIFIED IN THIS TITLE, THE ADMINISTRATION SHALL CARRY OUT THE PROGRAMS PROVIDED FOR IN THIS TITLE DURING THE FISCAL YEAR ENDING JUNE 30, 1974, AND THE TWO SUCCEEDING FISCAL YEARS.

"SEC. 513. TO INSURE THAT ALL FEDERAL ASSISTANCE TO STATE AND LOCAL PROGRAMS UNDER THIS TITLE IS CARRIED OUT IN A COORDINATED MANNER, THE ADMINISTRATION IS AUTHORIZED TO REQUEST ANY FEDERAL DEPARTMENT OR AGENCY TO SUPPLY SUCH STATISTICS, DATA, PROGRAM REPORTS, AND OTHER MATERIAL AS THE ADMINISTRATION DEEMS NECESSARY TO CARRY OUT ITS FUNCTIONS UNDER THIS TITLE. EACH SUCH DEPARTMENT OR AGENCY IS AUTHORIZED TO COOPERATE WITH THE ADMINISTRATION AND, TO THE EXTENT PERMITTED BY LAW, TO FURNISH SUCH MATERIALS TO THE ADMINISTRATION. ANY FEDERAL DEPARTMENT OR AGENCY ENGAGED IN ADMINISTERING PROGRAMS RELATED TO THIS TITLE SHALL, TO THE MAXIMUM EXTENT PRACTICABLE CONSULT WITH AND SEEK ADVICE FROM THE ADMINISTRATION TO INSURE FULLY COORDINATED EFFORTS, AND THE ADMINISTRATION SHALL UNDERTAKE TO COORDINATE SUCH EFFORTS.

"SEC. 514. THE ADMINISTRATION MAY ARRANGE WITH AND REIMBURSE THE HEADS

OF OTHER FEDERAL DEPARTMENTS AND AGENCIES FOR THE PERFORMANCE OF ANY OF ITS FUNCTIONS UNDER THIS TITLE.

"SEC. 515. THE ADMINISTRATION IS AUTHORIZED--

"(A) TO CONDUCT EVALUATION STUDIES OF THE PROGRAMS AND ACTIVITIES ASSISTED UNDER THIS TITLE;

"(B) TO COLLECT, EVALUATE, PUBLISH, AND DISSEMINATE STATISTICS AND OTHER INFORMATION ON THE CONDITION AND PROGRESS OF LAW ENFORCEMENT WITHIN AND WITHOUT THE UNITED STATES; AND

"(C) TO COOPERATE WITH AND RENDER TECHNICAL ASSISTANCE TO STATES, UNITS OF GENERAL LOCAL GOVERNMENT, COMBINATIONS OF SUCH STATES OR UNITS, OR OTHER PUBLIC OR PRIVATE AGENCIES, ORGANIZATIONS, INSTITUTIONS, OR INTERNATIONAL AGENCIES IN MATTERS RELATING TO LAW ENFORCEMENT AND CRIMINAL JUSTICE.

FUNDS APPROPRIATED FOR THE PURPOSES OF THIS SECTION MAY BE EXPANDED BY GRANT OR CONTRACT, AS THE ADMINISTRATION MAY DETERMINE TO BE APPROPRIATE.

"SEC. 516. (A) PAYMENTS UNDER THIS TITLE MAY BE MADE IN INSTALLMENTS, AND IN ADVANCE OR BY WAY OF REIMBURSEMENT, AS MAY BE DETERMINED BY THE ADMINISTRATION, AND MAY BE USED TO PAY THE TRANSPORTATION AND SUBSISTENCE EXPENSES OF PERSONS ATTENDING CONFERENCES OR OTHER ASSEMBLAGES NOTWITHSTANDING THE PROVISIONS OF THE JOINT RESOLUTION ENTITLED 'JOINT RESOLUTION TO PROHIBIT EXPENDITURE OF ANY MONEYS FOR HOUSING, FEEDING, OR TRANSPORTING CONVENTIONS OR MEETINGS', APPROVED FEBRUARY 2, 1935 (31 U.S.C. SEC. 551). //49 STAT. 19.//

"(B) NOT MORE THAN 12 PER CENTUM OF THE SUMS APPROPRIATED FOR ANY FISCAL YEAR TO CARRY OUT THE PROVISIONS OF THIS TITLE MAY BE USED WITHIN ANY ONE STATE EXCEPT THAT THIS LIMITATION SHALL NOT APPLY TO GRANTS MADE PURSUANT TO PART D. //ANTE, P. 205.//

"SEC. 517. (A) THE ADMINISTRATION MAY PROCURE THE SERVICES OF EXPERTS AND CONSULTANTS IN ACCORDANCE WITH SECTION 3109 OF TITLE 5, //80 STAT. 416.// UNITED STATES CODE, AT RATES OF COMPENSATION FOR INDIVIDUALS NOT TO EXCEED THE DAILY EQUIVALENT OF THE RATE AUTHORIZED FOR GS-18 BY SECTION 5332 OF TITLE 5, UNITED STATES CODE. //5 USC 5332 NOTE.//

"(B) THE ADMINISTRATION IS AUTHORIZED TO APPOINT, WITHOUT REGARD TO THE CIVIL SERVICE LAWS, TECHNICAL OR OTHER ADVISORY COMMITTEES TO ADVISE THE ADMINISTRATION WITH RESPECT TO THE ADMINISTRATION OF THIS TITLE AS IT DEEMS NECESSARY. MEMBERS OF THOSE COMMITTEES NOT OTHERWISE IN THE EMPLOY OF THE UNITED STATES, //87 STAT. 214.// WHILE ENGAGED IN ADVISING THE ADMINISTRATION OR ATTENDING MEETINGS OF THE COMMITTEES, SHALL BE COMPENSATED AT RATES TO BE FIXED BY THE ADMINISTRATION BUT NOT TO EXCEED THE DAILY EQUIVALENT OF THE RATE AUTHORIZED FOR GS-18 BY SECTION 5332 OF TITLE 5 OF THE UNITED STATES CODE AND WHILE AWAY FROM HOME OR REGULAR PLACE OF BUSINESS THEY MAY BE ALLOWED TRAVEL EXPENSES, INCLUDING PER DIEM IN LIEU OF SUBSISTENCE, AS AUTHORIZED BY SECTION 5703 OF SUCH TITLE 5 FOR PERSONS IN THE GOVERNMENT SERVICE EMPLOYED INTERMITTENTLY. //5 USC 5332 NOTE. 80 STAT. 499; 83 STAT. 190.//

"SEC. 518. (A) NOTHING CONTAINED IN THIS TITLE OR ANY OTHER ACT SHALL BE CONSTRUED TO AUTHORIZE ANY DEPARTMENT, AGENCY, OFFICER, OR EMPLOYEE OF THE UNITED STATES TO EXERCISE ANY DIRECTION, SUPERVISION, OR CONTROL OVER

ANY POLICE FORCE OR ANY OTHER LAW ENFORCEMENT AND CRIMINAL JUSTICE AGENCY OF ANY STATE OR ANY POLITICAL SUBDIVISION THEREOF.

"(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW NOTHING CONTAINED IN THIS TITLE SHALL BE CONSTRUED TO AUTHORIZE THE ADMINISTRATION (1) TO REQUIRE, OR CONDITION THE AVAILABILITY OR AMOUNT OF A GRANT UPON, THE ADOPTION BY AN APPLICANT OR GRANTEE UNDER THIS TITLE OF A PERCENTAGE RATIO, QUOTA SYSTEM, OR OTHER PROGRAM TO ACHIEVE RACIAL BALANCE OR TO ELIMINATE RACIAL IMBALANCE IN ANY LAW ENFORCEMENT AGENCY, OR (2) TO DENY OR DISCONTINUE A GRANT BECAUSE OF THE REFUSAL OF AN APPLICANT OR GRANTEE UNDER THIS TITLE TO ADOPT SUCH A RATIO, SYSTEM, OR OTHER PROGRAM.

"(C)(1) NO PERSON IN ANY STATE SHALL ON THE GROUND OF RACE, COLOR, NATIONAL ORIGIN, OR SEX BE EXCLUDED FROM PARTICIPATION IN, BE DENIED THE BENEFITS OF, OR BE SUBJECTED TO DISCRIMINATION UNDER ANY PROGRAM OR ACTIVITY FUNDED IN WHOLE OR IN PART WITH FUNDS MADE AVAILABLE UNDER THIS TITLE.

"(2) WHENEVER THE ADMINISTRATION DETERMINES THAT A STATE GOVERNMENT OR ANY UNIT OF GENERAL LOCAL GOVERNMENT HAS FAILED TO COMPLY WITH SUBSECTION (C)(1) OR AN APPLICABLE REGULATION, IT SHALL NOTIFY THE CHIEF EXECUTIVE OF THE STATE OF THE NONCOMPLIANCE AND SHALL REQUEST THE CHIEF EXECUTIVE TO SECURE COMPLIANCE. IF WITHIN A REASONABLE TIME AFTER SUCH NOTIFICATION

THE CHIEF EXECUTIVE FAILS OR REFUSES TO SECURE COMPLIANCE, THE ADMINISTRATION SHALL EXERCISE THE POWERS AND FUNCTIONS PROVIDED IN SECTION 509 OF THIS TITLE, AND IS AUTHORIZED CONCURRENTLY WITH SUCH EXERCISE--

"(A) TO INSTITUTE AN APPROPRIATE CIVIL ACTION;

"(B) TO EXERCISE THE POWERS AND FUNCTIONS PURSUANT TO TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 (42 U.S.C. 2000d); OR //78 STAT. 252.//

"(C) TO TAKE SUCH OTHER ACTION AS MAY BE PROVIDED BY LAW.

"(3) WHENEVER THE ATTORNEY GENERAL HAS REASON TO BELIEVE THAT A STATE GOVERNMENT OR UNIT OF LOCAL GOVERNMENT IS ENGAGED IN A PATTERN OR PRACTICE IN VIOLATION OF THE PROVISIONS OF THIS SECTION, THE ATTORNEY GENERAL MAY BRING A CIVIL ACTION IN ANY APPROPRIATE UNITED STATES DISTRICT COURT FOR SUCH RELIEF AS MAY BE APPROPRIATE, INCLUDING INJUNCTIVE RELIEF.

"SEC. 519. ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE ADMINISTRATION SHALL REPORT TO THE PRESIDENT AND TO THE CONGRESS ON ACTIVITIES PURSUANT TO THE PROVISIONS OF THIS TITLE DURING THE PRECEDING FISCAL YEAR.

"SEC. 520. THERE ARE AUTHORIZED TO BE APPROPRIATED SUCH SUMS AS ARE NECESSARY FOR THE PURPOSES OF EACH PART OF THIS TITLE, BUT SUCH SUMS IN THE AGGREGATE SHALL NOT EXCEED \$1,000,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, \$1,000,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, AND \$1,250,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1976. FUNDS APPROPRIATED FOR ANY FISCAL YEAR MAY REMAIN AVAILABLE FOR OBLIGATION UNTIL EXPENDED. BEGINNING IN THE FISCAL YEAR ENDING JUNE 30, 1972, AND IN EACH FISCAL YEAR THEREAFTER THERE SHALL BE ALLOCATED FOR THE PURPOSES OF PART E AN AMOUNT EQUAL TO NOT LESS THAN 20 PER CENTUM OF THE AMOUNT ALLOCATED FOR THE PURPOSES OF PART C. //87 STAT. 215// //ANTE. P. 209.// //ANTE, P. 199.//

"SEC. 521. (A) EACH RECIPIENT OF ASSISTANCE UNDER THIS ACT SHALL KEEP

SUCH RECORDS AS THE ADMINISTRATION SHALL PRESCRIBE, INCLUDING RECORDS WHICH FULLY DISCLOSE THE AMOUNT AND DISPOSITION BY SUCH RECIPIENT OF THE PROCEEDS OF SUCH ASSISTANCE, THE TOTAL COST OF THE PROJECT OR UNDERTAKING IN CONNECTION WITH WHICH SUCH ASSISTANCE IS GIVEN OR USED, AND THE AMOUNT OF THAT PORTION OF THE COST OF THE PROJECT OR UNDERTAKING SUPPLIED BY OTHER SOURCES, AND SUCH OTHER RECORDS AS WILL FACILITATE AN EFFECTIVE AUDIT.

"(B) THE ADMINISTRATION OR ANY OF ITS DULY AUTHORIZED REPRESENTATIVES, SHALL HAVE ACCESS FOR PURPOSE OF AUDIT AND EXAMINATIONS TO ANY BOOKS, DOCUMENTS, PAPERS, AND RECORDS OF THE RECIPIENTS THAT ARE PERTINENT TO THE GRANTS RECEIVED UNDER THIS TITLE.

"(C) THE COMPTROLLER GENERAL OF THE UNITED STATES, OR ANY OF HIS DULY AUTHORIZED REPRESENTATIVES, SHALL, UNTIL THE EXPIRATION OF THREE YEARS AFTER THE COMPLETION OF THE PROGRAM OR PROJECT WITH WHICH THE ASSISTANCE IS USED, HAVE ACCESS FOR THE PURPOSE OF AUDIT AND EXAMINATION TO ANY BOOKS, DOCUMENTS, PAPERS AND RECORDS OF RECIPIENTS OF FEDERAL ASSISTANCE UNDER THIS TITLE WHICH IN THE OPINION OF THE COMPTROLLER GENERAL MAY BE RELATED OR PERTINENT TO THE GRANTS, CONTRACTS, SUBCONTRACTS, SUBGRANTS, OR OTHER ARRANGEMENTS REFERRED TO UNDER THIS TITLE.

"(D) THE PROVISIONS OF THIS SECTION SHALL APPLY TO ALL RECIPIENTS OF ASSISTANCE UNDER THIS ACT, WHETHER BY DIRECT GRANT OR CONTRACT FROM THE ADMINISTRATION OR BY SUBGRANT OR SUBCONTRACT FROM PRIMARY GRANTEEES OR CONTRACTORS OF THE ADMINISTRATION.

"SEC. 522. SECTION 204(A) OF THE DEMONSTRATION CITIES AND METROPOLITAN DEVELOPMENT ACT OF 1966 IS AMENDED BY INSERTING 'LAW ENFORCEMENT FACILITIES,' IMMEDIATELY AFTER 'TRANSPORTATION FACILITIES,'. //80 STAT. 1262; 82 STAT. 208. 42 USC 3334.//

"SEC. 523. ANY FUNDS MADE AVAILABLE UNDER PARTS B, C, AND E PRIOR TO JULY 1, 1973, WHICH ARE NOT OBLIGATED BY A STATE OR UNIT OF GENERAL LOCAL GOVERNMENT MAY BE USED TO PROVIDE UP TO 90 PERCENT OF THE COST OF ANY PROGRAM OR PROJECT. THE NON-FEDERAL SHARE OF THE COST OF ANY SUCH PROGRAM OR PROJECT SHALL BE OF MONEY APPROPRIATED IN THE AGGREGATE BY THE STATE OR UNITS OF GENERAL LOCAL GOVERNMENT.

"SEC. 524. (A) EXCEPT AS PROVIDED BY FEDERAL LAW OTHER THAN THIS TITLE, NO OFFICER OR EMPLOYEE OF THE FEDERAL GOVERNMENT, NOR ANY RECIPIENT OF ASSISTANCE UNDER THE PROVISIONS OF THIS TITLE SHALL USE OR REVEAL ANY RESEARCH OR STATISTICAL INFORMATION FURNISHED UNDER THIS TITLE BY ANY PERSON AND IDENTIFIABLE TO ANY SPECIFIC PRIVATE PERSON FOR ANY PURPOSE OTHER THAN THE PURPOSE FOR WHICH IT WAS OBTAINED IN ACCORDANCE WITH THIS TITLE. COPIES OF SUCH INFORMATION SHALL BE IMMUNE FROM LEGAL PROCESS, AND SHALL NOT, WITHOUT THE CONSENT OF THE PERSON FURNISHING SUCH INFORMATION, BE ADMITTED AS EVIDENCE OR USED FOR ANY PURPOSE IN ANY ACTION, SUIT, OR OTHER JUDICIAL OR ADMINISTRATIVE PROCEEDINGS.

"(B) ALL CRIMINAL HISTORY INFORMATION COLLECTED, STORED, OR DISSEMINATED THROUGH SUPPORT UNDER THIS TITLE SHALL CONTAIN, TO THE MAXIMUM EXTENT FEASIBLE, DISPOSITION AS WELL AS ARREST DATA WHERE ARREST DATA IS INCLUDED THEREIN. THE COLLECTION, STORAGE, AND DISSEMINATION OF SUCH INFORMATION SHALL TAKE PLACE UNDER PROCEDURES REASONABLY DESIGNED TO

INSURE THAT ALL SUCH INFORMATION IS KEPT CURRENT THEREIN; THE ADMINISTRATION SHALL ASSURE THAT THE SECURITY AND PRIVACY OF ALL INFORMATION IS ADEQUATELY PROVIDED FOR AND THAT INFORMATION SHALL ONLY BE USED FOR LAW ENFORCEMENT AND CRIMINAL JUSTICE AND OTHER LAWFUL PURPOSES. IN ADDITION, AN INDIVIDUAL WHO BELIEVES THAT CRIMINAL HISTORY INFORMATION CONCERNING HIM CONTAINED IN AN AUTOMATED SYSTEM IS INACCURATE, INCOMPLETE, //87 STAT. 216// OR MAINTAINED IN VIOLATION OF THIS TITLE, SHALL, UPON SATISFACTORY VERIFICATION OF HIS IDENTITY, BE ENTITLED TO REVIEW SUCH INFORMATION AND TO OBTAIN A COPY OF IT FOR THE PURPOSE OF CHALLENGE OR CORRECTION.

"(C) ANY PERSON VIOLATING THE PROVISIONS OF THIS SECTION, OR OF ANY RULE, REGULATION, OR ORDER ISSUED THEREUNDER, SHALL BE FINED NOT TO EXCEED \$10,000, IN ADDITION TO ANY OTHER PENALTY IMPOSED BY LAW.

"SEC. 525. THE LAST TWO SENTENCES OF SECTION 203(N) OF THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949 ARE AMENDED TO READ AS FOLLOWS: //75 STAT. 213. 40 USC 484.// 'IN ADDITION, UNDER SUCH COOPERATIVE AGREEMENTS AND SUBJECT TO SUCH OTHER CONDITIONS AS MAY BE IMPOSED BY THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE, OR THE DIRECTOR, OFFICE OF CIVIL AND DEFENSE MOBILIZATION, OR THE ADMINISTRATOR, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, SURPLUS PROPERTY WHICH THE ADMINISTRATOR MAY APPROVE FOR DONATION FOR USE IN ANY STATE FOR PURPOSES OF LAW ENFORCEMENT PROGRAMS, EDUCATION, PUBLIC HEALTH, OR CIVIL DEFENSE, OR FOR RESEARCH FOR ANY SUCH PURPOSES, PURSUANT TO SUBSECTION (J)(3) OR (J)(4), MAY WITH THE APPROVAL OF THE ADMINISTRATOR BE MADE AVAILABLE TO THE STATE AGENCY AFTER A DETERMINATION BY THE SECRETARY OR THE DIRECTOR OR THE ADMINISTRATOR, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION THAT SUCH PROPERTY IS NECESSARY TO, OR WOULD FACILITATE, THE EFFECTIVE OPERATION OF THE STATE AGENCY IN PERFORMING ITS FUNCTIONS IN CONNECTION WITH SUCH PROGRAM. UPON A DETERMINATION BY THE SECRETARY OR THE DIRECTOR OR ADMINISTRATOR, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, THAT SUCH ACTION IS NECESSARY TO, OR WOULD FACILITATE, THE EFFECTIVE USE OF SUCH SURPLUS PROPERTY MADE AVAILABLE UNDER THE TERMS OF A COOPERATIVE AGREEMENT, TITLE THERETO MAY WITH THE APPROVAL OF THE ADMINISTRATOR BE VESTED IN THE STATE AGENCY.'

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"PART G--DEFINITIONS

"SEC. 601. AS USED IN THIS TITLE--

"(A) 'LAW ENFORCEMENT AND CRIMINAL JUSTICE' MEANS ANY ACTIVITY PERTAINING TO CRIME PREVENTION, CONTROL OR REDUCTION OR THE ENFORCEMENT OF THE CRIMINAL LAW, INCLUDING, BUT NOT LIMITED TO POLICE EFFORTS TO PREVENT, CONTROL, OR REDUCE CRIME OR TO APPREHEND CRIMINALS, ACTIVITIES OF COURTS HAVING CRIMINAL JURISDICTION AND RELATED AGENCIES (INCLUDING PROSECUTORIAL AND DEFENDER SERVICES), ACTIVITIES OF CORRECTIONS, PROBATION, OR PAROLE AUTHORITIES, AND PROGRAMS RELATING TO THE PREVENTION, CONTROL, OR REDUCTION OF JUVENILE DELINQUENCY OR NARCOTIC ADDICTION.

"(B) 'ORGANIZED CRIME' MEANS THE UNLAWFUL ACTIVITIES OF THE MEMBERS OF A HIGHLY ORGANIZED, DISCIPLINED ASSOCIATION ENGAGED IN SUPPLYING ILLEGAL GOODS AND SERVICES, INCLUDING BUT NOT LIMITED TO GAMBLING, PROSTITUTION, LOAN SHARKING, NARCOTICS, LABOR RACKETEERING, AND OTHER UNLAWFUL

ACTIVITIES OF MEMBERS OF SUCH ORGANIZATIONS.

"(C) 'STATE' MEANS ANY STATE OF THE UNITED STATES, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO, AND ANY TERRITORY OR POSSESSION OF THE UNITED STATES.

"(D) 'UNIT OF GENERAL LOCAL GOVERNMENT' MEANS ANY CITY, COUNTY, TOWNSHIP, TOWN, BOROUGH, PARISH, VILLAGE, OR OTHER GENERAL PURPOSE POLITICAL SUBDIVISION OF A STATE, AN INDIAN TRIBE WHICH PERFORMS LAW ENFORCEMENT FUNCTIONS AS DETERMINED BY THE SECRETARY OF THE INTERIOR, OR, FOR THE PURPOSE OF ASSISTANCE ELIGIBILITY, ANY AGENCY OF THE DISTRICT OF COLUMBIA GOVERNMENT OR THE UNITED STATES GOVERNMENT PERFORMING LAW ENFORCEMENT FUNCTIONS IN AND FOR THE DISTRICT OF COLUMBIA AND FUNDS APPROPRIATED BY THE CONGRESS FOR THE ACTIVITIES OF SUCH AGENCIES MAY BE USED TO PROVIDE THE NON-FEDERAL SHARE OF THE COST OF PROGRAMS OR PROJECTS FUNDED UNDER THIS TITLE: PROVIDED, HOWEVER, THAT SUCH ASSISTANCE ELIGIBILITY OF ANY AGENCY OF THE UNITED STATES GOVERNMENT SHALL BE FOR THE SOLE PURPOSE OF FACILITATING THE TRANSFER OF CRIMINAL JURISDICTION FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA TO THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA PURSUANT TO THE DISTRICT OF COLUMBIA COURT REFORM AND CRIMINAL PROCEDURE ACT OF 1970. //87 STAT. 217// //D.C. CODE PREC. 11-101 NOTE.//

"(E) 'COMBINATION' AS APPLIED TO STATES OR UNITS OF GENERAL LOCAL GOVERNMENT MEANS ANY GROUPING OR JOINING TOGETHER OF SUCH STATES OR UNITS FOR THE PURPOSE OF PREPARING, DEVELOPING, OR IMPLEMENTING A LAW ENFORCEMENT PLAN.

"(F) 'CONSTRUCTION' MEANS THE ERECTION, ACQUISITION, EXPANSION, OR REPAIR (BUT NOT INCLUDING MINOR REMODELING OR MINOR REPAIRS) OF NEW OR EXISTING BUILDINGS OR OTHER PHYSICAL FACILITIES, AND THE ACQUISITION OR INSTALLATION OF INITIAL EQUIPMENT THEREFOR.

"(G) 'STATE ORGANIZED CRIME PREVENTION COUNCIL' MEANS A COUNCIL COMPOSED OF NOT MORE THAN SEVEN PERSONS ESTABLISHED PURSUANT TO STATE LAW OR ESTABLISHED BY THE CHIEF EXECUTIVE OF THE STATE FOR THE PURPOSE OF THIS TITLE, OR AN EXISTING AGENCY SO DESIGNATED, WHICH COUNCIL SHALL BE BROADLY REPRESENTATIVE OF LAW ENFORCEMENT OFFICIALS WITHIN SUCH STATE AND WHOSE MEMBERS BY VIRTUE OF THEIR TRAINING OR EXPERIENCE SHALL BE KNOWLEDGEABLE IN THE PREVENTION AND CONTROL OF ORGANIZED CRIME.

"(H) 'METROPOLITAN AREA' MEANS A STANDARD METROPOLITAN STATISTICAL AREA AS ESTABLISHED BY THE BUREAU OF THE BUDGET, SUBJECT, HOWEVER, TO SUCH MODIFICATIONS AND EXTENSIONS AS THE ADMINISTRATION MAY DETERMINE TO BE APPROPRIATE.

"(I) 'PUBLIC AGENCY' MEANS ANY STATE, UNIT OF LOCAL GOVERNMENT, COMBINATION OF SUCH STATES OR UNITS, OR ANY DEPARTMENT, AGENCY, OR INSTRUMENTALITY OF ANY OF THE FOREGOING.

"(J) 'INSTITUTION OF HIGHER EDUCATION' MEANS ANY SUCH INSTITUTION AS DEFINED BY SECTION 1201(A) OF THE HIGHER EDUCATION ACT OF 1965 (20 U.S.C. 1141(A)), SUBJECT, HOWEVER, TO SUCH MODIFICATIONS AND EXTENSIONS AS THE ADMINISTRATION MAY DETERMINE TO BE APPROPRIATE. //79 STAT. 1270; 82 STAT. 1042.//

"(K) 'COMMUNITY SERVICE OFFICER' MEANS ANY CITIZEN WITH THE CAPACITY,

MOTIVATION, INTEGRITY, AND STABILITY TO ASSIST IN OR PERFORM POLICE WORK BUT WHO MAY NOT MEET ORDINARY STANDARDS FOR EMPLOYMENT AS A REGULAR POLICE OFFICER SELECTED FROM THE IMMEDIATE LOCALITY OF THE POLICE DEPARTMENT OF WHICH HE IS TO BE A PART AND MEETING SUCH OTHER QUALIFICATIONS PROMULGATED IN REGULATIONS PURSUANT TO SECTION 01 AS THE ADMINISTRATION MAY DETERMINE TO BE APPROPRIATE TO FURTHER THE PURPOSES OF SECTION 301(B) (7) AND THIS ACT.

"(L) THE TERM 'CORRECTIONAL INSTITUTION OR FACILITY' MEANS ANY PLACE FOR THE CONFINEMENT OR REHABILITATION OF JUVENILE OFFENDERS OR INDIVIDUALS CHARGED WITH OR CONVICTED OF CRIMINAL OFFENSES.

"(M) THE TERM 'COMPREHENSIVE' MEANS THAT THE PLAN MUST BE A TOTAL AND INTEGRATED ANALYSIS OF THE PROBLEMS REGARDING THE LAW ENFORCEMENT AND CRIMINAL JUSTICE SYSTEM WITHIN THE STATE; GOALS, PRIORITIES, AND STANDARDS MUST BE ESTABLISHED IN THE PLAN AND THE PLAN MUST ADDRESS METHODS, ORGANIZATION, AND OPERATION PERFORMANCE, PHYSICAL AND HUMAN RESOURCES NECESSARY TO ACCOMPLISH CRIME PREVENTION, IDENTIFICATION DETECTION, AND APPREHENSION OF SUSPECTS; ADJUDICATION; CUSTODIAL TREATMENT OF SUSPECTS AND OFFENDERS, AND INSTITUTIONAL AND NONINSTITUTIONAL REHABILITATIVE MEASURES.

"(N) THE TERM 'TREATMENT' INCLUDES BUT IS NOT LIMITED TO, MEDICAL, EDUCATIONAL, SOCIAL, PSYCHOLOGICAL, AND VOCATIONAL SERVICES, CORRECTIVE AND PREVENTIVE GUIDANCE AND TRAINING, AND OTHER REHABILITATIVE SERVICES DESIGNED TO PROTECT THE PUBLIC AND BENEFIT THE ADDICT OR OTHER USER BY ELIMINATING HIS DEPENDENCE ON ADDICTING OR OTHER DRUGS OR BY CONTROLLING HIS DEPENDENCE, AND HIS SUSCEPTIBILITY TO ADDICTION OR USE. //87 STAT. 217// 87 STAT. 218//

"(O) 'CRIMINAL HISTORY INFORMATION' INCLUDES RECORDS AND RELATED DATA, CONTAINED IN AN AUTOMATED CRIMINAL JUSTICE INFORMATIONAL SYSTEM, COMPILED BY LAW ENFORCEMENT AGENCIES FOR PURPOSES OF IDENTIFYING CRIMINAL OFFENDERS AND ALLEGED OFFENDERS AND MAINTAINING AS TO SUCH PERSONS SUMMARIES OF ARRESTS, THE NATURE AND DISPOSITION OF CRIMINAL CHARGES, SENTENCING, CONFINEMENT, REHABILITATION AND RELEASE.

"PART H--CRIMINAL PENALTIES

"SEC. 651. WHOEVER EMBEZZLES, WILLFULLY MISAPPLIES, STEALS, OR OBTAINS BY FRAUD OR ENDEAVORS TO EMBEZZLE, WILLFULLY MISAPPLY, STEAL OR OBTAIN BY FRAUD ANY FUNDS, ASSETS, OR PROPERTY WHICH ARE THE SUBJECT OF A GRANT OR CONTRACT OR OTHER FORM OF ASSISTANCE PURSUANT TO THIS TITLE, WHETHER RECEIVED DIRECTLY OR INDIRECTLY FROM THE ADMINISTRATION, OR WHOEVER RECEIVES, CONCEALS, OR RETAINS SUCH FUNDS, ASSETS, OR PROPERTY WITH INTENT TO CONVERT SUCH FUNDS, ASSETS, OR PROPERTY TO HIS USE OR GAIN, KNOWING SUCH FUNDS, ASSETS, OR PROPERTY HAVE BEEN EMBEZZLED, WILLFULLY MISAPPLIED, STOLEN, OR OBTAINED BY FRAUD, SHALL BE FINED NOT MORE THAN \$10,000 OR IMPRISONED FOR NOT MORE THAN FIVE YEARS, OR BOTH.

"SEC. 652. WHOEVER KNOWINGLY AND WILLFULLY FALSIFIES, CONCEALS, OR COVERS UP BY TRICK, SCHEME, OR DEVICE, ANY MATERIAL FACT IN ANY APPLICATION FOR ASSISTANCE SUBMITTED PURSUANT TO THIS TITLE OR IN ANY RECORDS REQUIRED TO BE MAINTAINED PURSUANT TO THIS TITLE SHALL BE SUBJECT TO PROSECUTION UNDER THE PROVISIONS OF SECTION 1001 OF TITLE 18, UNITED

STATES CODE. //62 STAT. 749.//

"SEC. 653. ANY LAW ENFORCEMENT AND CRIMINAL JUSTICE PROGRAM OR PROJECT UNDERWRITTEN, IN WHOLE OR IN PART, BY ANY GRANT, OR CONTRACT OR OTHER FORM OF ASSISTANCE PURSUANT TO THIS TITLE, WHETHER RECEIVED DIRECTLY OR INDIRECTLY FROM THE ADMINISTRATION, SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 371 OF TITLE 18, UNITED STATES CODE. //62 STAT. 701.//

"PART I--ATTORNEY GENERAL'S BIENNIAL REPORT
OF FEDERAL LAW ENFORCEMENT AND CRIMINAL JUSTICE
ACTIVITIES

SEC. 670. THE ATTORNEY GENERAL, IN CONSULTATION WITH THE APPROPRIATE OFFICIALS IN THE AGENCIES INVOLVED, WITHIN 90 DAYS OF THE END OF EACH SECOND FISCAL YEAR SHALL SUBMIT TO THE PRESIDENT AND TO THE CONGRESS A REPORT OF FEDERAL LAW ENFORCEMENT AND CRIMINAL JUSTICE ASSISTANCE ACTIVITIES, SETTING FORTH THE PROGRAMS CONDUCTED, EXPENDITURES MADE, RESULTS ACHIEVED, PLANS DEVELOPED, AND PROBLEMS DISCOVERED IN THE OPERATIONS AND COORDINATION OF THE VARIOUS FEDERAL ASSISTANCE PROGRAMS RELATING TO CRIME PREVENTION AND CONTROL, INCLUDING, BUT NOT LIMITED TO, THE JUVENILE DELINQUENCY PREVENTION AND CONTROL ACT OF 1968, //42 USC 3801 NOTE.// THE NARCOTICS ADDICT REHABILITATION ACT 1968, THE GUN CONTROL ACT 1968, THE CRIMINAL JUSTICE ACT OF 1964, TITLE XI OF THE ORGANIZED CRIME CONTROL ACT OF 1970 (RELATING TO THE REGULATION OF EXPLOSIVES), AND TITLE III OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 (RELATING TO WIRETAPPING AND ELECTRONIC SURVEILLANCE)." //18 USC 921 NOTE, 3006A NOTE, 841, 251) NOTE.//

"SEC. 3. //87 STAT. 218// THE AMENDMENTS MADE BY THIS ACT SHALL TAKE EFFECT ON AND AFTER JULY 1, 1973, EXCEPT THAT THE OFFICES AND SALARIES MODIFIED UNDER SECTIONS 101, 505, AND 506 OF TITLE I OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 AS AMENDED BY THIS ACT SHALL BE MODIFIED PROSPECTIVELY ONLY, EFFECTIVE ON AND AFTER THE DATE OF THE ENACTMENT OF THIS ACT.

LEGISLATIVE HISTORY:

HOUSE REPORTS: NO. 93 - 249 (COMM. ON THE JUDICIARY) AND NO. 93 - 401 (COMM. OF CONFERENCE).

SENATE REPORT NO. 93 - 349 (COMM. OF CONFERENCE).

CONGRESSIONAL RECORD, VOL. 119 (1973):

JUNE 14, 18, CONSIDERED AND PASSED HOUSE. JUNE 28, CONSIDERED AND PASSED SENATE, AMENDED, IN

LIEU OF S. 1930. AUG. 2, HOUSE AND SENATE AGREED TO CONFERENCE REPORT.

ITEM 14

00104.87.002210

PUBLIC LAW 93 - 86; 87 STAT. 221

AGRICULTURE AND CONSUMER PROTECTION ACT OF 1973.

93RD CONGRESS, S. 1888

AUGUST 10, 1973

AN ACT

TO EXTEND AND AMEND THE AGRICULTURAL ACT OF 1970 FOR THE PURPOSE OF ASSURING CONSUMERS OF PLENTIFUL SUPPLIES OF FOOD AND FIBER AT REASONABLE PRICES.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, THAT THE AGRICULTURE ACT OF 1970 IS AMENDED AS FOLLOWS: //84 STAT. 1358. 7 USC 1305//

(1) TITLE I IS AMENDED TO READ AS FOLLOWS:

"TITLE I--PAYMENTS LIMITATION

"SEC. 101. NOTWITHSTANDING ANY OTHER PROVISION OF LAW--

"(1) THE TOTAL AMOUNT OF PAYMENTS WHICH A PERSON SHALL BE ENTITLED TO RECEIVE UNDER ONE OR MORE OF THE ANNUAL PROGRAMS ESTABLISHED BY TITLES IV, V, AND VI OF THIS ACT FOR THE 1974 THROUGH 1977 CROPS OF THE COMMODITIES SHALL NOT EXCEED \$20,000.

"(2) THE TERM 'PAYMENTS' AS USED IN THIS SECTION SHALL NOT INCLUDE LOANS OR PURCHASES, OF ANY PART OF ANY PAYMENT WHICH IS DETERMINED BY THE SECRETARY TO REPRESENT COMPENSATION FOR RESOURCE ADJUSTMENT OR PUBLIC ACCESS FOR RECREATION.

"(3) IF THE SECRETARY DETERMINES THAT THE TOTAL AMOUNT OF PAYMENTS WHICH WILL BE EARNED BY ANY PERSON UNDER THE PROGRAM IN EFFECT FOR ANY CROP WILL BE REDUCED UNDER THIS SECTION, THE SET-ASIDE ACAPAGE FOR THE FARM OR FARMS ON WHICH SUCH PERSON WILL BE SHARING IN PAYMENTS EARNED UNDER SUCH PROGRAM SHALL BE REDUCED TO SUCH EXTENT AND IN SUCH MANNER AS THE SECRETARY DETERMINES WILL BE FAIR AND REASONABLE IN RELATION TO THE AMOUNT OF THE PAYMENT REDUCTION.

"(4) THE SECRETARY SHALL ISSUE REGULATIONS DEFINING THE TERM 'PERSON' AND PRESCRIBING SUCH RULES AS HE DETERMINES NECESSARY TO ASSURE A FAIR AND REASONABLE APPLICATION OF SUCH LIMITATION: //87 STAT. 222// PROVIDED, THAT THE PROVISIONS OF THIS ACT WHICH LIMIT PAYMENTS TO ANY PERSON SHALL NOT BE APPLICABLE TO LANDS OWNED BY STATES, POLITICAL SUBDIVISIONS, OR AGENCIES THEREOF, SO LONG AS SUCH LANDS ARE FARMED PRIMARILY IN THE DIRECT FURTHERANCE OF A PUBLIC FUNCTION, AS DETERMINED BY THE SECRETARY. THE RULES FOR DETERMINING WHETHER CORPORATIONS AND THEIR STOCKHOLDERS MAY BE CONSIDERED AS SEPARATE PERSONS SHALL BE IN ACCORDANCE WITH THE REGULATIONS ISSUED BY THE SECRETARY ON DECEMBER 18, 1970."

DAILY PROGRAM

MILK MARKETING ORDERS

"(2) SECTION 201 IS AMENDED BY-- //7 USC 608C NOTE//

(A) AMENDING SECTION 201(E) BY STRIKING OUT "1973" AND INSERTING

"1977", AND BY STRIKING OUT "1976" AND INSERTING "1980", AND

(B) ADDING AT THE END THEREOF THE FOLLOWING:

"(F) THE AGRICULTURAL ADJUSTMENT ACT AS REENACTED AND AMENDED BY THE

AGRICULTURAL MARKETING AGREEMENT ACT OF 1937, AS AMENDED, IS FURTHER AMENDED BY:

"(1) STRIKING THE PERIOD AT THE END OF SUBSECTION 83(17) //49 STAT. 761. 7 USC 608C.// AND ADDING IN LIEU THEREOF THE FOLLOWING: "PROVIDED FURTHER, THAT IF ONE-THIRD OR MORE OF THE PRODUCERS AS DEFINED IN A MILK ORDER APPLY IN WRITING FOR A HEARING ON A PROPOSED AMENDMENT OF SUCH ORDER, THE SECRETARY SHALL CALL SUCH A HEARING IF THE PROPOSED AMENDMENT IS ONE THAT MAY LEGALLY BE MADE TO SUCH ORDER. SUBSECTION (12) OF THIS SECTION SHALL NOT BE CONSTRUED TO PERMIT ANY COOPERATIVE TO ACT FOR ITS MEMBERS IN AN APPLICATION FOR A HEARING UNDER THE FOREGOING PROVISIO AND NOTHING IN SUCH PROVISIO SHALL BE CONSTRUED TO PRECLUDE THE SECRETARY FROM CALLING AN AMENDMENT HEARING AS PROVIDED IN SUBSECTION (3) OF THIS SECTION. THE SECRETARY SHALL NOT BE REQUIRED TO CALL A HEARING ON ANY PROPOSED AMENDMENT TO AN ORDER IN RESPONSE TO AN APPLICATION FOR A HEARING ON SUCH PROPOSED AMENDMENT IF THE APPLICATION REQUESTING THE HEARING IS RECEIVED BY THE SECRETARY WITHIN NINETY DAYS AFTER THE DATE ON WHICH THE SECRETARY HAS ANNOUNCED HIS DECISION ON A PREVIOUSLY PROPOSED AMENDMENT TO SUCH ORDER AND THE TWO PROPOSED AMENDMENTS ARE ESSENTIALLY THE SAME."

"(2) INSERTING AFTER THE PHRASE 'PURE AND WHOLESOME MILK' IN SECTION 80(18) //50 STAT. 247.// THE PHRASE 'TO MEET CURRENT NEEDS AND FURTHER TO ASSURE A LEVEL OF FARM INCOME ADEQUATE TO MAINTAIN PRODUCTIVE CAPACITY SUFFICIENT TO MEET ANTICIPATED FUTURE NEEDS'."

"MILK PRICE SUPPORT, BUTTERFAT PRICE SUPPORT SUSPENSION (3) SECTION 202 IS AMENDED BY-- //84 STAT. 1361. 7 USC 1446 AND NOTE.//

(A) STRIKING THE INTRODUCTORY CLAUSE WHICH PRECEDES SECTION (A):

(B) EFFECTIVE APRIL 1, 1974, INSERTING IN SUBSECTION (B) BEFORE THE PERIOD AT THE END OF THE FIRST SENTENCE IN THE QUOTATION THE FOLLOWING: //87 STAT. 222// //87 STAT. 223// "OF PURE AND WHOLESOME MILK TO MEET CURRENT NEEDS, REFLECT CHANGES IN THE COST OF PRODUCTION, AND ASSURE A LEVEL OF FARM INCOME ADEQUATE TO MAINTAIN PRODUCTIVE CAPACITY SUFFICIENT TO MEET ANTICIPATED FUTURE NEEDS"; AND

(C) INSERTING IN SUBSECTION (B) AFTER THE FIRST SENTENCE IN THE QUOTATION THE FOLLOWING: "NOTWITHSTANDING THE FOREGOING, EFFECTIVE FOR THE PERIOD BEGINNING WITH THE DATE OF ENACTMENT OF THE AGRICULTURE AND CONSUMER PROTECTION ACT OF 1973 AND ENDING ON MARCH 31, 1975, THE PRICE OF MILK SHALL BE SUPPORTED AT NOT LESS THAN 80 PER CENTUM OF THE FARM PRICE THEREFOR."

TRANSFER OF DAIRY PRODUCTS TO THE MILITARY
AND TO VETERANS HOSPITALS

(4) SECTION 203 IS AMENDED BY STRIKING OUT "1973" AND INSERTING "1977".
//7 USC 1446A.//

DAIRY INDEMNITY PROGRAM

(5) SECTION 204 IS AMENDED BY-- //7 USC 4501.//

(A) STRIKING OUT "1973" AND INSERTING "1977"; AND

(B) STRIKING SUBSECTION (B) AND SUBSTITUTING THEREFOR THE

FOLLOWING: //84 STAT. 1362. 7 USC 450J.//

"(B) SECTION 1 OF SAID ACT IS AMENDED TO READ AS FOLLOWS:

"SECTION 1. THE SECRETARY OF AGRICULTURE IS AUTHORIZED TO MAKE INDEMNITY PAYMENTS FOR MILK OR COWS PRODUCING SUCH MILK AT A FAIR MARKET VALUE, TO DAIRY FARMERS WHO HAVE BEEN DIRECTED SINCE JANUARY 1, 1964 (BUT ONLY SINCE THE DATE OF ENACTMENT OF THE AGRICULTURE AND CONSUMER PROTECTION ACT OF 1973 IN THE CASE OF INDEMNITY PAYMENTS NOT AUTHORIZED PRIOR TO SUCH DATE OF ENACTMENT), TO REMOVE THEIR MILK, AND TO MAKE INDEMNITY PAYMENTS FOR DAIRY PRODUCTS AT FAIR MARKET VALUE TO MANUFACTURERS OF DAIRY PRODUCTS WHO HAVE BEEN DIRECTED SINCE THE DATE OF ENACTMENT OF THE AGRICULTURAL ACT OF 1970 TO REMOVE THEIR DAIRY PRODUCTS FROM COMMERCIAL MARKETS BECAUSE OF RESIDUES OF CHEMICALS REGISTERED AND APPROVED FOR USE BY THE FEDERAL GOVERNMENT AT THE TIME OF SUCH USE. //84 STAT. 1358. 7 USC 1305 NOTE.// ANY INDEMNITY PAYMENT TO ANY FARMER SHALL CONTINUE UNTIL HE HAS BEEN REINSTATED AND IS AGAIN ALLOWED TO DISPOSE OF HIS MILK ON COMMERCIAL MARKETS."

DAIRY IMPORT STUDY

(6) TITLE II IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING: //84 STAT. 1359.//

"SEC. 205. THE SECRETARY OF AGRICULTURE IS AUTHORIZED AND DIRECTED TO CARRY OUT A COMPREHENSIVE STUDY TO DETERMINE THE EFFECT UPON DOMESTIC DAIRY PRODUCERS, HANDLERS, AND PROCESSORS AND UPON CONSUMERS OF INCREASES IN THE LEVEL OF IMPORTS, IF ANY, OF DAIRY PRODUCTS AND REPORT HIS FINDINGS, TOGETHER WITH ANY RECOMMENDATIONS HE MAY HAVE WITH RESPECT TO IMPORT QUOTAS OR OTHER MATTERS, TO THE CONGRESS OF THE UNITED STATES NO LATER THAN JANUARY 1, 1975. FOR THE PURPOSES OF THIS SECTION DAIRY PRODUCTS INCLUDE (1) ALL FORMS OF MILK AND DAIRY PRODUCTS, BUTTERFAT, MILK SOLIDS-NOT-FAT, AND ANY COMBINATION OR MIXTURE THEREOF; //87 STAT. 223// //87 STAT. 224// (2) ANY ARTICLE, COMPOUND, OR MIXTURE CONTAINING 5 PER CENTUM OR MORE OF BUTTERFAT, OR MILK SOLIDS-NOT-FAT, OR ANY COMBINATIONS OF THE TWO; AND (3) LACTOSE, AND OTHER DERIVATIVES OF MILK, BUTTERFAT, OR MILK SOLIDS-NOT-FAT, IF IMPORTED COMMERCIALY FOR ANY FOOD USE. DAIRY PRODUCTS DO NOT INCLUDE (1) CASEIN, CASEINATES, INDUSTRIAL CASEIN, INDUSTRIAL CASEINATES, OR ANY OTHER INDUSTRIAL PRODUCTS, NOT TO BE USED IN ANY FORM FOR ANY FOOD USE, OR AN INGREDIENT OF FOOD; OR (2) ARTICLES NOT NORMALLY CONSIDERED TO BE DAIRY PRODUCTS, SUCH AS CANDY, BAKERY GOODS, AND OTHER SIMILAR ARTICLES."

"PRODUCERS HANDLERS

"SEC. 206. THE LEGAL STATUS OF PRODUCER HANDLERS OF MILK UNDER THE PROVISIONS OF THE AGRICULTURAL ADJUSTMENT ACT, AS REFINACTED AND AMENDED BY THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937, AS AMENDED, SHALL BE THE SAME SUBSEQUENT TO THE ADOPTION OF THE AMENDMENTS MADE BY THE AGRICULTURE ACT OF 1973 AS IT WAS PRIOR THERETO." //48 STAT. 31; 50 STAT. 246. 7 USC 601 NOTE.//

WOOL PROGRAM

(7) SECTION 301 IS AMENDED BY-- //84 STAT. 1362. 7 USC 1782.//

(A) STRIKING OUT "1973" EACH PLACE IT OCCURS AND INSERTING "1977", AND BY STRIKING OUT THE WORD "THREE" EACH PLACE IT OCCURS;

AND

(B) ADDING AT THE END THEREOF THE FOLLOWING:

"(6) STRIKE OUT THE FIRST SENTENCE OF SECTION 708 AND INSERT THE FOLLOWING: //68 STAT. 912. 7 USC 1787.// 'THE SECRETARY OF AGRICULTURE IS AUTHORIZED TO ENTER INTO AGREEMENTS WITH, OR TO APPROVE AGREEMENTS ENTERED INTO BETWEEN, MARKETING COOPERATIVES, TRADE ASSOCIATIONS, OR OTHERS ENGAGED OR WHOSE MEMBERS ARE ENGAGED IN THE HANDLING OF WOOL, MOHAIR, SHEEP, OR GOATS OR THE PRODUCTS THEREOF FOR THE PURPOSE OF DEVELOPING AND CONDUCTING ON A NATIONAL, STATE, OR REGIONAL BASIS ADVERTISING AND SALES PROMOTION PROGRAMS AND PROGRAMS FOR THE DEVELOPMENT AND DISSEMINATION OF INFORMATION ON PRODUCT QUALITY, PRODUCTION MANAGEMENT, AND MARKETING IMPROVEMENT, FOR WOOL, MOHAIR, SHEEP, OR GOATS OR THE PRODUCTS THEREOF. ADVERTISING AND SALES PROMOTION PROGRAMS MAY BE CONDUCTED OUTSIDE OF THE UNITED STATES FOR THE PURPOSE OF MAINTAINING AND EXPANDING FOREIGN MARKETS AND USES FOR MOHAIR OR GOATS OR THE PRODUCTS THEREOF PRODUCED IN THE UNITED STATES.'"

WHEAT PROGRAM

WHEAT PRODUCTION INCENTIVES

(B) EFFECTIVE BEGINNING WITH THE 1974 CROP SECTION 401 IS AMENDED BY STRIKING OUT "1971, 1972, AND 1973" AND INSERTING "1971 THROUGH 1977" AND SECTION 107 OF THE AGRICULTURAL ACT OF 1949, AS IT APPEARS THEREIN IS AMENDED BY-- //84 STAT. 1362. 7 USC 1445A AND NOTE.//

(A) AMENDING SECTION 107(A) TO READ AS FOLLOWS: //84 STAT. 1362. 7 USC 1445A.// //87 STAT. 225//

"(A) LOANS AND PURCHASES ON EACH CROP OF WHEAT SHALL BE MADE AVAILABLE AT SUCH LEVEL AS THE SECRETARY DETERMINES APPROPRIATE, TAKING INTO CONSIDERATION COMPETITIVE WORLD PRICES OF WHEAT, THE FEEDING VALUE OF WHEAT IN RELATION TO FEED GRAINS, AND THE LEVEL AT WHICH PRICE SUPPORT IS MADE AVAILABLE FOR FEED GRAINS: PROVIDED, THAT IN NO EVENT SHALL SUCH LEVEL BE IN EXCESS OF THE PARITY PRICE FOR WHEAT OR LESS THAN \$1.37 PER BUSHEL."

(B) SUBSTITUTING THE WORD "PAYMENTS" FOR THE WORD "CERTIFICATES" IN SECTION 107(B);

(C) STRIKING THE QUOTATION MARK AT THE END OF SECTION 107(B);

AND

(D) ADDING AT THE END OF THE SECTION THE FOLLOWING:

"(C) PAYMENTS SHALL BE MADE FOR EACH CROP OF WHEAT TO THE PRODUCERS ON EACH FARM IN AN AMOUNT DETERMINED BY MULTIPLYING (1) THE AMOUNT BY WHICH THE HIGHER OF--

"(1) THE NATIONAL WEIGHTED AVERAGE MARKET PRICE RECEIVED BY FARMERS DURING THE FIRST FIVE MONTHS OF THE MARKETING YEAR FOR SUCH CROP, AS DETERMINED BY THE SECRETARY, OR

"(2) THE LOAN LEVEL DETERMINED UNDER SUBSECTION (A) FOR SUCH CROP IS LESS THAN THE ESTABLISHED PRICE OF \$2.05 PER BUSHEL IN THE CASE OF THE 1974 AND 1975 CROPS, \$2.05 PER BUSHEL ADJUSTED TO REFLECT ANY CHANGE DURING THE CALENDAR YEAR 1975 IN THE INDEX OF PRICES PAID BY FARMERS FOR PRODUCTION ITEMS, INTEREST, TAXES, AND WAGE RATES IN THE CASE OF THE 1976 CROP, AND THE ESTABLISHED PRICE FOR THE 1976 CROP ADJUSTED TO REFLECT ANY

CHANGE DURING THE CALENDAR YEAR 1976 IN SUCH INDEX IN THE CASE OF THE 1977 CROP, TIMES IN EACH CASE (II) THE ALLOTMENT FOR THE FARM FOR SUCH CROP, TIMES (III) THE PROJECTED YIELD ESTABLISHED FOR THE FARM WITH SUCH ADJUSTMENTS AS THE SECRETARY DETERMINES NECESSARY TO PROVIDE A FAIR AND EQUITABLE YIELD: PROVIDED, THAT ANY INCREASE THAT WOULD OTHERWISE BE MADE IN THE ESTABLISHED PRICE TO REFLECT A CHANGE IN THE INDEX OF PRICES PAID BY FARMERS SHALL BE ADJUSTED TO REFLECT ANY CHANGE IN (I) THE NATIONAL AVERAGE YIELD PER ACRE OF WHEAT FOR THE THREE CALENDAR YEARS PRECEDING THE YEAR FOR WHICH THE DETERMINATION IS MADE, OVER (II) THE NATIONAL AVERAGE YIELD PER ACRE OF WHEAT FOR THE THREE CALENDAR YEARS PRECEDING THE YEAR PREVIOUS TO THE ONE FOR WHICH THE DETERMINATION IS MADE. IF THE SECRETARY DETERMINES THAT THE PRODUCERS ARE PREVENTED FROM PLANTING, ANY PORTION OF THE FARM ACREAGE ALLOTMENT TO WHEAT OR OTHER NONCONSERVING CROP, BECAUSE OF DROUGHT, FLOOD, OR OTHER NATURAL DISASTER OR CONDITION BEYOND THE CONTROL OF THE PRODUCER, THE RATE OF PAYMENT ON SUCH PORTION SHALL BE THE LARGER OF (A) THE FOREGOING RATE, OR (B) ONE-THIRD OF THE ESTABLISHED PRICE. IF THE SECRETARY DETERMINES THAT, BECAUSE OF SUCH A DISASTER OR CONDITION, THE TOTAL QUANTITY OF WHEAT (OR OTHER NONCONSERVING CROP PLANTED INSTEAD OF WHEAT) WHICH THE PRODUCERS ARE ABLE TO HARVEST ON ANY FARM IS LESS THAN $66 \frac{2}{3}$ PERCENT OF THE FARM ACREAGE ALLOTMENT TIMES THE PROJECTED YIELD OF WHEAT (OR OTHER NONCONSERVING CROP PLANTED INSTEAD OF WHEAT) FOR THE FARM, THE RATE OF PAYMENT FOR THE DEFICIENCY IN PRODUCTION BELOW 100 PERCENT SHALL BE THE LARGER OF (A) THE FOREGOING RATE, OR (B) ONE-THIRD OF THE ESTABLISHED PRICE. THE SECRETARY SHALL PROVIDE FOR THE SHARING OF PAYMENTS MADE UNDER THIS SUBSECTION FOR ANY FARM AMONG THE PRODUCERS ON THE FARM ON A FAIR AND EQUITABLE BASIS."

TERMINATION OF WHEAT CERTIFICATE PROGRAM,

FARM ACREAGE ALLOTMENTS

(9) SECTION 402 IS AMENDED BY INSERTING "(A)" AFTER THE SECTION DESIGNATION AND ADDING THE FOLLOWING AT THE END OF THE SECTION: //7 USC 1379B AND NOTE, 1379C AND NOTE.//

"(B)(A) SECTION 379B OF THE AGRICULTURE ADJUSTMENT ACT OF 1938 //84 STAT. 1363. 7 USC 1379B.// (WHICH PROVIDES FOR A WHEAT MARKETING CERTIFICATE PROGRAM) SHALL NOT BE APPLICABLE TO THE 1974 THROUGH 1977 CROPS OF WHEAT, EXCEPT AS PROVIDED IN PARAGRAPHS (B) AND (C) OF THIS SUBSECTION. //87 STAT. 226//

"(B) SECTION 375B(C) OF THE AGRICULTURAL ADJUSTMENT ACT OF 1938, AS AMENDED BY SUBSECTION (A) OF THIS SECTION (WHICH PROVIDES FOR A SET-ASIDE PROGRAM), SHALL BE EFFECTIVE WITH RESPECT TO THE 1974 THROUGH 1977 CROPS OF WHEAT WITH THE FOLLOWING CHANGES:

"(I) THE PHRASE 'PAYMENTS AUTHORIZED BY SECTION 107(C) OF THE AGRICULTURAL ACT OF 1949' //ANTE, P. 225.// SHALL BE SUBSTITUTED FOR THE WORD 'CERTIFICATES' AND THE PHRASES 'CERTIFICATES AUTHORIZED IN SUBSECTION (B)' AND 'MARKETING CERTIFICATES' EACH PLACE THEY OCCUR.

"(II) THE WORD 'DOMESTIC' SHALL BE STRICKEN EACH PLACE IT OCCURS.

"(III) THE SECOND SENTENCE OF SECTION 379B(C)(1) IS AMENDED TO READ AS FOLLOWS: 'IF A SET-ASIDE OF CROPLAND IS IN EFFECT UNDER THIS SUBSECTION (C), THEN AS A CONDITION OF ELIGIBILITY FOR LOANS,

PURCHASES, AND PAYMENTS AUTHORIZED BY SECTION 107(C) OF THE AGRICULTURAL ACT OF 1949, THE PRODUCERS ON A FARM MUST SET ASIDE AND DEVOTE TO APPROVED CONSERVATION USES IN ACREAGE OF CROPLAND EQUAL TO (I) SUCH PERCENTAGE OF THE WHEAT ALLOTMENT FOR THE FARM AS MAY BE SPECIFIED BY THE SECRETARY AND WILL BE ESTIMATED BY THE SECRETARY TO RESULT IN A SET-ASIDE NOT IN EXCESS OF THIRTEEN AND THREE-TENTHS MILLION ACRES IN THE CASE OF THE 1971 CROP; PLUS, IF REQUIRED BY THE SECRETARY, (II) THE ACREAGE OF CROPLAND ON THE FARM DEVOTED IN PRECEDING YEARS TO SOIL CONSERVING USES, AS DETERMINED BY THE SECRETARY."

"(IV) 'THE THIRD SENTENCE IN 3798(C) (1) IS AMENDED TO READ AS FOLLOWS: 'THE SECRETARY IS AUTHORIZED FOR THE 1974 THROUGH 1977 CROPS TO LIMIT THE ACREAGE PLANTED TO WHEAT ON THE FARM TO A PERCENTAGE OF THE ACREAGE ALLOTMENT.'"

"(V) '1971 THROUGH 1977' SHALL BE SUBSTITUTED FOR '1971, 1972, AND 1973' EACH PLACE IT OCCURS OTHER THAN IN THE THIRD SENTENCE OF SECTION 3798 (C) (1)."

"(VI) THE LAST SENTENCE OF SECTION 3798(C) (1) IS AMENDED TO READ AS FOLLOWS: 'THE SECRETARY SHALL PERMIT PRODUCERS TO PLANT AND GRAZE ON SET-ASIDE ACREAGE SWEET SORGHUM, AND THE SECRETARY MAY PERMIT, SUBJECT TO SUCH TERMS AND CONDITIONS AS HE MAY PRESCRIBE, ALL OR ANY OF THE SET-ASIDE ACREAGE TO BE DEVOTED TO HAY AND GRAZING OR THE PRODUCTION OF GUAR, SESAME, SAFFLOWER, SUNFLOWER, CASTOR BEANS, MUSTARD SEED, CRAMBE, PLANTAGO OVATO, FLAXSEED, TRITICALE, OATS, RYE OR OTHER COMMODITY. IF HE DETERMINES THAT SUCH PRODUCTION IS NEEDED TO PROVIDE AN ADEQUATE SUPPLY, IS NOT LIKELY TO INCREASE THE COST OF THE PRICE-SUPPORT PROGRAM, AND WILL NOT ADVERSELY AFFECT FARM INCOME.'"

"(VII) AFTER THE SECOND SENTENCE OF SECTION 3798 (C) (3) THE FOLLOWING SHALL BE INSERTED: 'THE SECRETARY MAY, IN THE CASE OF PROGRAMS FOR THE 1974 THROUGH 1977 CROPS, PAY AN APPROPRIATE SHARE OF THE COST OF PRACTICES DESIGNED TO CARRY OUT THE PURPOSES OF THE FOREGOING SENTENCES.'"

"(C) SECTIONS 3798 (D), (E), (G), AND (I) OF THE AGRICULTURAL ADJUSTMENT ACT OF 1938, //84 STAT. 1364.// AS AMENDED BY SUBSECTION (A) OF THIS SECTION, SHALL BE EFFECTIVE FOR THE 1974 THROUGH 1977 CROPS AMENDED TO READ AS FOLLOWS:

"(D) THE SECRETARY SHALL PROVIDE FOR THE SHARING OF PAYMENTS MADE UNDER THIS SECTION FOR ANY FARM AMONG PRODUCERS ON THE FARM ON A FAIR AND EQUITABLE BASIS.

"(E) IN ANY CASE IN WHICH THE FAILURE OF A PRODUCER TO COMPLY FULLY WITH THE TERMS AND CONDITIONS OF THE PROGRAM FORMULATED UNDER THIS SECTION PRECLUDES THE MAKING OF LOANS, PURCHASES, AND PAYMENTS, THE SECRETARY MAY, NEVERTHELESS, MAKE SUCH LOANS, PURCHASES, AND PAYMENTS IN SUCH AMOUNTS AS HE DETERMINES TO BE EQUITABLE IN RELATION TO THE SERIOUSNESS OF THE DEFAULT. //87 STAT. 227//

"(G) THE SECRETARY IS AUTHORIZED TO ISSUE SUCH REGULATIONS AS HE DETERMINES NECESSARY TO CARRY OUT THE PROVISIONS OF THIS TITLE.

"(1) THE SECRETARY SHALL CARRY OUT THE PROGRAM AUTHORIZED BY THIS SECTION THROUGH THE COMMODITY CREDIT CORPORATION."

"(D) SECTION 379C OF THE AGRICULTURAL ADJUSTMENT ACT OF 1938, 1/84 STAT. 1364, 7 USC 1379C, // EFFECTIVE ONLY WITH RESPECT TO THE 1974 THROUGH 1977 CROPS OF WHEAT IS AMENDED TO READ AS FOLLOWS:

"SEC. 379C. (A) (1) THE FARM ACREAGE ALLOTMENT FOR EACH CROP OF WHEAT SHALL BE DETERMINED AS PROVIDED IN THIS SECTION. THE SECRETARY SHALL PROCLAIM THE NATIONAL ACREAGE ALLOTMENT NOT LATER THAN APRIL 15 OF EACH CALENDAR YEAR FOR THE CROP HARVESTED IN THE NEXT SUCCEEDING CALENDAR YEAR. SUCH NATIONAL ALLOTMENT SHALL BE THE NUMBER OF ACRES HE DETERMINES ON THE BASIS OF THE ESTIMATED NATIONAL AVERAGE YIELD FOR THE CROP FOR WHICH THE DETERMINATION IS BEING MADE WILL PRODUCE THE QUANTITY (LESS IMPORT) THAT HE ESTIMATES THAT WILL BE UTILIZED DOMESTICALLY AND FOR EXPORT DURING THE MARKETING YEAR FOR SUCH CROP. IF THE SECRETARY DETERMINES THAT CARRYOVER STOCKS ARE EXCESSIVE OR AN INCREASE IN STOCKS IS NEEDED TO ASSURE A DESIRABLE CARRYOVER, HE MAY ADJUST THE ALLOTMENT BY THE AMOUNT HE DETERMINES WILL ACCOMPLISH THE DESIRED DECREASE OR INCREASE IN CARRYOVER STOCKS. THE NATIONAL ACREAGE ALLOTMENT FOR ANY CROP OF WHEAT SHALL BE APPORTIONED BY THE SECRETARY AMONG THE STATES ON THE BASIS OF THE APPORTIONMENT TO EACH STATE OF THE NATIONAL ACREAGE ALLOTMENT FOR THE PRECEDING CROP (1973 NATIONAL DOMESTIC ALLOTMENT IN THE CASE OF APPORTIONMENT OF THE 1974 NATIONAL ACREAGE ALLOTMENT) ADJUSTED TO THE EXTENT DEEMED NECESSARY BY THE SECRETARY TO ESTABLISH A FAIR AND EQUITABLE APPORTIONMENT BASE FOR EACH STATE, TAKING INTO CONSIDERATION ESTABLISHED CROP ROTATION PRACTICES, THE ESTIMATED DECREASE IN FARM ACREAGE ALLOTMENTS, AND OTHER RELEVANT FACTORS.

"(2) THE STATE ACREAGE ALLOTMENT FOR WHEAT, LESS A RESERVE OF NOT TO EXCEED 1 PER CENTUM THEREOF FOR APPORTIONMENT AS PROVIDED IN THIS SUBSECTION, SHALL BE APPORTIONED BY THE SECRETARY AMONG THE COUNTIES IN THE STATE, ON THE BASIS OF THE APPORTIONMENT TO EACH SUCH COUNTY OF THE WHEAT ALLOTMENT FOR THE PRECEDING CROP, ADJUSTED TO THE EXTENT DEEMED NECESSARY BY THE SECRETARY IN ORDER TO ESTABLISH A FAIR AND EQUITABLE APPORTIONMENT BASE FOR EACH COUNTY TAKING INTO CONSIDERATION ESTABLISHED CROP-ROTATION PRACTICES, THE ESTIMATED DECREASE IN FARM ALLOTMENTS, AND OTHER RELEVANT FACTORS.

"(3) THE FARM ALLOTMENT FOR EACH CROP OF WHEAT SHALL BE DETERMINED BY APPORTIONING THE COUNTY WHEAT ALLOTMENT AMONG FARMS IN THE COUNTY WHICH HAD A WHEAT ALLOTMENT FOR THE PRECEDING CROP ON THE BASIS OF SUCH ALLOTMENT, ADJUSTED TO REFLECT ESTABLISHED CROP-ROTATION PRACTICES AND SUCH OTHER FACTORS AS THE SECRETARY DETERMINES SHOULD BE CONSIDERED FOR THE PURPOSE OF ESTABLISHING A FAIR AND EQUITABLE ALLOTMENT. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION, THE FARM ALLOTMENT SHALL BE ADJUSTED DOWNWARD TO THE EXTENT REQUIRED BY SUBSECTION (B).

"(4) NOT TO EXCEED 1 PER CENTUM OF THE STATE ALLOTMENT FOR ANY CROP MAY BE APPORTIONED TO FARMS FOR WHICH THERE WAS NO ALLOTMENT FOR THE PRECEDING CROP ON THE BASIS OF THE FOLLOWING FACTORS: SUITABILITY OF THE LAND FOR PRODUCTION OF WHEAT, THE PAST EXPERIENCE OF THE FARM OPERATOR IN THE PRODUCTION OF WHEAT, THE EXTENT TO WHICH THE FARM OPERATOR IS

DEPENDENT ON INCOME FROM FARMING FOR HIS LIVELIHOOD, THE PRODUCTION OF WHEAT ON OTHER FARMS OWNED, OPERATED, OR CONTROLLED BY THE FARM OPERATOR, AND SUCH OTHER FACTORS AS THE SECRETARY DETERMINES SHOULD BE CONSIDERED FOR THE PURPOSE OF ESTABLISHING FAIR AND EQUITABLE FARM ALLOTMENTS. NO PART OF SUCH RESERVE SHALL BE APPORTIONED TO A FARM TO REFLECT NEW CROPLAND BROUGHT INTO PRODUCTION AFTER THE DATE OF ENACTMENT OF THE SET-ASIDE PROGRAM FOR WHEAT. //87 STAT. 228//

"(5) THE PLANTING ON A FARM OF WHEAT OF ANY CROP FOR WHICH NO FARM ALLOTMENT WAS ESTABLISHED SHALL NOT MAKE THE FARM ELIGIBLE FOR AN ALLOTMENT UNDER SUBSECTION (A)(3) NOR SHALL SUCH FARM BY REASON OF SUCH PLANTING BE CONSIDERED INELIGIBLE FOR AN ALLOTMENT UNDER SUBSECTION (A)(4).

"(6) THE SECRETARY MAY MAKE SUCH ADJUSTMENTS IN ACREAGE UNDER THIS ACT AS HE DETERMINES NECESSARY TO CORRECT FOR ABNORMAL FACTORS AFFECTING PRODUCTION, AND TO GIVE DUE CONSIDERATION TO TILLABLE ACREAGE, CROP ROTATION PRACTICES, TYPES OF SOIL, SOIL AND WATER CONSERVATION MEASURES, AND TOPOGRAPHY, AND IN ADDITION, IN THE CASE OF CONSERVING USE ACREAGES TO SUCH OTHER FACTORS AS HE DEEMS NECESSARY IN ORDER TO ESTABLISH A FAIR AND EQUITABLE CONSERVING USE ACREAGE FOR THE FARM.

"(8)(1) IF FOR ANY CROP THE TOTAL ACREAGE OF WHEAT PLANTED ON A FARM IS LESS THAN THE FARM ALLOTMENT, THE FARM ALLOTMENT USED AS A BASE FOR THE SUCCEEDING CROP SHALL BE REDUCED BY THE PERCENTAGE BY WHICH SUCH PLANTED ACREAGE WAS LESS THAN SUCH FARM ALLOTMENT, BUT SUCH REDUCTION SHALL NOT EXCEED 20 PER CENTUM OF THE FARM ALLOTMENT FOR THE PRECEDING CROP. IF NO ACREAGE HAS BEEN PLANTED TO WHEAT FOR THREE CONSECUTIVE CROP YEARS ON ANY FARM WHICH HAS AN ALLOTMENT, SUCH FARM SHALL LOSE ITS ALLOTMENT. PRODUCERS ON ANY FARM WHO HAVE PLANTED TO WHEAT NOT LESS THAN 90 PER CENTUM OF THE ALLOTMENT FOR THE FARM SHALL BE CONSIDERED TO HAVE PLANTED AN ACREAGE EQUAL TO 100 PER CENTUM OF SUCH ALLOTMENT. AN ACREAGE ON THE FARM WHICH THE SECRETARY DETERMINES WAS NOT PLANTED TO WHEAT BECAUSE OF DROUGHT, FLOOD, OR OTHER NATURAL DISASTER OR CONDITION BEYOND THE CONTROL OF THE PRODUCER SHALL BE CONSIDERED TO BE AN ACREAGE OF WHEAT PLANTED FOR HARVEST. FOR THE PURPOSE OF THIS SUBSECTION, THE SECRETARY MAY PERMIT PRODUCERS OF WHEAT TO HAVE ACREAGE DEVOTED TO SOYBEANS, FEED GRAINS FOR WHICH THERE IS A SET-ASIDE PROGRAM IN EFFECT, GUAR, CASTOR BEANS, COTTON, TRITICALE, OATS, RYE, OR SUCH OTHER CROPS AS THE SECRETARY MAY DEEM APPROPRIATE CONSIDERED AS DEVOTED TO THE PRODUCTION OF WHEAT TO SUCH EXTENT AND SUBJECT TO SUCH TERMS AND CONDITIONS AS THE SECRETARY DETERMINES WILL NOT IMPAIR THE EFFECTIVE OPERATION OF THE PROGRAM.

"(2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (8)(1), NO FARM ALLOTMENT SHALL BE REDUCED OR LOST THROUGH FAILURE TO PLANT THE FARM ALLOTMENT, IF THE PRODUCER ELECTS NOT TO RECEIVE PAYMENTS FOR THE PORTION OF THE FARM ALLOTMENT NOT PLANTED, TO WHICH HE WOULD OTHERWISE BE ENTITLED UNDER THE PROVISIONS OF SECTION 107(C) OF THE AGRICULTURAL ACT OF 1949." //ANTE, P. 225.//

REPEAL OF PROCESSOR CERTIFICATE REQUIREMENT

(10) SECTION 403 IS AMENDED BY INSERTING "(A)" AFTER THE SECTION DESIGNATION AND BY INSERTING AT THE END THEREOF THE FOLLOWING: //84 STAT.

1366. 7 USC 1379D AND NOTE, 1379E AND NOTE.//

"(B) SECTIONS 379D, 379E, 379F, 379G, 379H, 379I, AND 379J OF THE AGRICULTURAL ADJUSTMENT ACT OF 1938 //7 USC 1369F- 1379J.// (WHICH DEALS WITH MARKETING CERTIFICATE REQUIREMENTS FOR PROCESSORS AND EXPORTERS) SHALL NOT BE APPLICABLE TO WHEAT PROCESSED OR EXPORTED DURING THE PERIOD JULY 1, 1973 THROUGH JUNE 30, 1978; AND SECTION 379G IS AMENDED BY ADDING THE FOLLOWING NEW SUBSECTION (C): //76 STAT. 629; 79 STAT. 1203.//

"(C) THE SECRETARY IS AUTHORIZED TO TAKE SUCH ACTION AS HE DETERMINES TO BE NECESSARY TO FACILITATE THE TRANSITION FROM THE CERTIFICATE PROGRAM PROVIDED FOR UNDER SECTION 379D TO A PROGRAM UNDER WHICH NO CERTIFICATES ARE REQUIRED. //78 STAT. 181; 86 STAT. 1366.// NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SUCH AUTHORITY SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO THE AUTHORITY TO EXEMPT ALL OR A PORTION OF WHEAT OR FOOD PRODUCTS MADE THEREFROM IN THE CHANNELS OF TRADE ON JULY 1, 1973, //87 STAT. 229// FROM THE MARKETING RESTRICTIONS IN SUBSECTION (B) OF SECTION 379D, //78 STAT. 181; 86 STAT. 1366. 7 USC 1379D.// OR TO SELL CERTIFICATES TO PERSONS OWNING SUCH WHEAT OR FOOD PRODUCTS MADE THEREFROM AT SUCH PRICE AND UNDER SUCH TERMS AND CONDITIONS AS THE SECRETARY MAY DETERMINE. ANY SUCH CERTIFICATE SHALL BE ISSUED BY THE COMMODITY CREDIT CORPORATION. NOTHING HEREIN SHALL AUTHORIZE THE SECRETARY TO REQUIRE CERTIFICATES ON WHEAT PROCESSED AFTER JUNE 30, 1973."

SUSPENSION OF WHEAT MARKETING QUOTAS

(11) SECTION 404 IS AMENDED BY STRIKING "1971, 1972, AND 1973" WHEREVER IT APPEARS AND INSERTING "1971 THROUGH 1977" AND BY STRIKING "1972 AND 1973" AND INSERTING "1972 THROUGH 1977". //84 STAT. 1366. 7 USC 1331 - 1339, 1378, 1379, 1385//

STATE AGENCY ALLOTMENTS, YIELD CALCULATIONS

(12)(A) SECTION 405 IS AMENDED BY STRIKING OUT "1971, 1972, AND 1973" AND INSERTING "1971 THROUGH 1977"; AND BY REPEALING PARAGRAPH (2) EFFECTIVE WITH THE 1974 CROP; BY INSERTING "(A)" AFTER THE SECTION DESIGNATION; BY CHANGING THE PERIOD AND QUOTATION MARK AT THE END OF THE SECTION TO A SEMICOLON; AND BY ADDING AT THE END OF THE SECTION THE FOLLOWING: //79 STAT. 1210; 84 STAT. 1366. 7 USC 1305 AND NOTE.//

"(B) EFFECTIVE WITH RESPECT TO THE 1974 THROUGH 1977 CROPS, SECTION 301(B) (13) (K) //79 STAT. 1205. 7 USC 1301.// OF THE AGRICULTURAL ADJUSTMENT ACT OF 1938 IS AMENDED BY ADDING AFTER 'THREE CALENDAR YEARS' THE FOLLOWING: '(FIVE CALENDAR YEARS IN THE CASE OF WHEAT)', AND SECTION 708 OF PUBLIC LAW 89 - 321 IS AMENDED BY INSERTING IN THE SECOND SENTENCE AFTER 'DETERMINING THE PROJECTED YIELD' THE FOLLOWING //79 STAT. 1211. 7 USC 1306.// '(EXCEPT THAT IN THE CASE OF WHEAT, IF THE YIELD IS ABNORMALLY LOW IN ANY ONE OF THE CALENDAR YEARS OF THE BASE PERIOD BECAUSE OF DROUGHT, FLOOD, OR OTHER NATURAL DISASTER, THE SECRETARY SHALL TAKE INTO ACCOUNT THE ACTUAL YIELD PROVED BY THE PRODUCER IN THE OTHER FOUR YEARS OF SUCH BASE PERIOD)'."

SUSPENSION OF QUOTA PROVISIONS

(13) SECTION 406 IS AMENDED BY STRIKING OUT "1971, 1972, AND 1973" AND INSERTING "1971 THROUGH 1977". //84 STAT. 1367. 7 USC 1330 NOTE, 1340 NOTE.//

REDUCTION IN WHEAT STORED TO AVOID PENALTY

(14) SECTION 407 OF THE AGRICULTURAL ACT OF 1970 IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING: //7 USC 1379C NOTE.// "NOTWITHSTANDING THE FOREGOING, THE SECRETARY MAY AUTHORIZE RELEASE OF WHEAT STORED BY A PRODUCER UNDER SECTION 379C(8) OF THE AGRICULTURAL ADJUSTMENT ACT OF 1938, //ANTE, P. 227.// AS AMENDED, PRIOR TO THE 1971 CROP, WHENEVER HE DETERMINES SUCH RELEASE WILL NOT SIGNIFICANTLY AFFECT MARKET PRICES FOR WHEAT. AS A CONDITION OF RELEASE, THE SECRETARY MAY REQUIRE A REFUND OF SUCH PORTION OF THE VALUE OF CERTIFICATES RECEIVED IN THE CROP YEAR THE EXCESS WHEAT WAS PRODUCED AS HE DEEMS APPROPRIATE CONSIDERING THE PERIOD OF TIME THE EXCESS WHEAT HAS BEEN IN STORAGE AND THE NEED TO PROVIDE FAIR AND EQUITABLE TREATMENT AMONG ALL WHEAT PROGRAM PARTICIPANTS."

APPLICATION OF THE AGRICULTURAL ACT OF 1949

(15) SECTION 408 IS AMENDED BY STRIKING OUT "1971, 1972, AND 1973" AND INSERTING "1971 THROUGH 1977". //84 STAT. 1367. 7 USC 1428 AND NOTE.// COMMODITY CREDIT CORPORATION SALES PRICE RESTRICTIONS

(16) SECTION 409 IS AMENDED BY STRIKING OUT "1971, 1972, AND 1973" AND INSERTING "1971 THROUGH 1977". //87 STAT. 230// //84 STAT. 1367. 7 USC 1427 AND NOTE.//

SET-ASIDE ON SUMMER FALLOW FARMS

(17) SECTION 410 IS AMENDED BY STRIKING OUT "1971, 1972, AND 1973" AND INSERTING "1972 THROUGH 1977". //7 USC 1334A-1.//

FEED GRAIN PROGRAM

(18) EFFECTIVE ONLY WITH RESPECT TO THE 1974 THROUGH 1977 CROPS OF FEED GRAINS, SECTION 501 IS AMENDED BY --

(A) STRIKING OUT THAT PORTION THROUGH THE FIRST COLON AND SECTION

105(A) OF THE AGRICULTURAL ACT OF 1949, //84 STAT. 1368. 7 USC 1441

NOTE.// AS IT APPEARS THEREIN, AND INSERTING THE FOLLOWING:

"SEC. 501. (A) EFFECTIVE ONLY WITH RESPECT TO THE 1971 THROUGH 1977 CROPS OF FEED GRAINS, SECTION 105(A) OF THE AGRICULTURAL ACT OF 1949, AS AMENDED IS FURTHER AMENDED TO READ AS FOLLOWS:

"SEC. 105. NOTWITHSTANDING ANY OTHER PROVISION OF LAW--

"(A)(1) THE SECRETARY SHALL MAKE AVAILABLE TO PRODUCERS LOANS AND PURCHASES ON EACH CROP OF CORN AT SUCH LEVEL, NOT LESS THAN \$1.10 PER BUSHEL NOR IN EXCESS OF 90 PER CENTUM OF THE PARITY PRICE THEREFOR, AS THE SECRETARY DETERMINES WILL ENCOURAGE THE EXPORTATION OF FEED GRAINS AND NOT RESULT IN EXCESSIVE TOTAL STOCKS OF FEED GRAINS IN THE UNITED STATES.

"(2) THE SECRETARY SHALL MAKE AVAILABLE TO PRODUCERS LOANS AND PURCHASES ON EACH CROP OF BARLEY, OATS, AND RYE, RESPECTIVELY, AT SUCH LEVEL AS THE SECRETARY DETERMINES IS FAIR AND REASONABLE IN RELATION TO THE LEVEL THAT LOANS AND PURCHASES ARE MADE AVAILABLE FOR CORN, TAKING INTO CONSIDERATION THE FEEDING VALUE OF SUCH COMMODITY IN RELATION TO CORN AND OTHER FACTORS SPECIFIED IN SECTION 401(8), AND ON EACH CROP OF GRAIN SORGHUMS AT SUCH LEVEL AS THE SECRETARY DETERMINES IS FAIR AND REASONABLE IN RELATION TO THE LEVEL THAT LOANS AND PURCHASES ARE MADE AVAILABLE FOR CORN, TAKING INTO CONSIDERATION THE FEEDING VALUE AND AVERAGE TRANSPORTATION COSTS TO MARKET OF GRAIN SORGHUMS IN RELATION TO CORN." //63 STAT. 1054; 78 STAT. 175. 7 USC 1421.//

(B) ACCORDING AT THE END THEREOF THE FOLLOWING:

"(B) EFFECTIVE ONLY WITH RESPECT TO THE 1974 THROUGH 1977 CROPS OF FEED GRAINS, SECTION 105(B) OF THE AGRICULTURAL ACT OF 1949, AS AMENDED, IS FURTHER AMENDED TO READ AS FOLLOWS:

"(B)(1) IN ADDITION, THE SECRETARY SHALL MAKE AVAILABLE TO PRODUCERS PAYMENTS FOR EACH CROP OF CORN, GRAIN SORGHUMS, AND, IF DESIGNATED BY THE SECRETARY, BARLEY, COMPUTED BY MULTIPLYING (1) THE PAYMENT RATE, TIMES (2) THE ALLOTMENT FOR THE FARM FOR SUCH CROP, TIMES (3) THE YIELD ESTABLISHED FOR THE FARM FOR THE PRECEDING CROP WHICH SUCH ADJUSTMENTS AS THE SECRETARY DETERMINES NECESSARY TO PROVIDE A FAIR AND EQUITABLE YIELD. THE PAYMENT RATE FOR CORN SHALL BE THE AMOUNT BY WHICH THE HIGHER OF--

"(1) THE NATIONAL WEIGHTED AVERAGE MARKET PRICE RECEIVED BY FARMERS DURING THE FIRST FIVE MONTHS OF THE MARKETING YEAR FOR SUCH CROP, AS DETERMINED BY THE SECRETARY, OR

"(2) THE LOAN LEVEL DETERMINED UNDER SUBSECTION (A) FOR SUCH CROP

IS LESS THAN THE ESTABLISHED PRICE OF \$1.38 PER BUSHEL IN THE CASE OF THE 1974 AND 1975 CROPS, \$1.38 PER BUSHEL ADJUSTED TO REFLECT ANY CHANGE DURING THE CALENDAR YEAR 1975 IN THE INDEX OF PRICES PAID BY FARMERS FOR PRODUCTION ITEMS, //87 STAT. 231// INTEREST, TAXES, AND WAGE RATES IN THE CASE OF THE 1976 CROP, AND THE ESTABLISHED PRICE FOR THE 1976 CROP ADJUSTED TO REFLECT ANY CHANGE DURING THE CALENDAR YEAR 1976 IN SUCH INDEX IN THE CASE OF THE 1977 CROP: PROVIDED, THAT ANY INCREASE THAT WOULD OTHERWISE BE MADE IN THE ESTABLISHED PRICE TO REFLECT A CHANGE IN THE INDEX OF PRICES PAID BY FARMERS SHALL BE ADJUSTED TO REFLECT ANY CHANGE IN (I) THE NATIONAL AVERAGE YIELD PER ACRE OF FEED GRAINS FOR THE THREE CALENDAR YEARS PRECEDING THE YEAR FOR WHICH THE DETERMINATION IS MADE, OVER (II) THE NATIONAL AVERAGE YIELD PER ACRE OF FEED GRAINS FOR THE THREE CALENDAR YEARS PRECEDING THE YEAR PREVIOUS TO THE ONE FOR WHICH THE DETERMINATION IS MADE. THE PAYMENT RATE FOR GRAIN SORGHUMS AND, IF DESIGNATED BY THE SECRETARY, BARLEY, SHALL BE SUCH RATE AS THE SECRETARY DETERMINES FAIR AND REASONABLE IN RELATION TO THE RATE AT WHICH PAYMENTS ARE MADE AVAILABLE FOR CORN. IF THE SECRETARY DETERMINES THAT THE PRODUCERS ON A FARM ARE PREVENTED FROM PLANTING ANY PORTION OF THE RM ACREAGE ALLOTMENT TO FEED GRAINS OR OTHER NONCONSERVING CROP, BECAUSE OF DROUGHT, FLOOD, OR OTHER NATURAL DISASTER OR CONDITION BEYOND THE CONTROL OF THE PRODUCER, THE RATE OF PAYMENT ON SUCH PORTION SHALL BE THE LARGER OF (A) THE FOREGOING RATE, OR (B) ONE-THIRD OF THE ESTABLISHED PRICE. IF THE SECRETARY DETERMINES THAT BECAUSE OF SUCH A DISASTER OR CONDITION, THE TOTAL QUANTITY OF FEED GRAINS (OR OTHER NONCONSERVING CROP PLANTED INSTEAD OF FEED GRAINS) WHICH THE PRODUCERS ARE ABLE TO HARVEST ON ANY FARM IS LESS THAN 66 2/3 PERCENT OF THE FARM ACREAGE ALLOTMENT TIMES THE YIELD OF FEED GRAINS (OR OTHER NONCONSERVING CROP PLANTED INSTEAD OF FEED GRAINS) ESTABLISHED FOR THE FARM, THE RATE OF PAYMENT FOR THE DEFICIENCY IN PRODUCTION BELOW 100 PERCENT SHALL BE THE LARGER OF (A) THE FOREGOING RATE, OR (B) ONE-THIRD OF THE ESTABLISHED PRICE.

"(2) THE SECRETARY SHALL, PRIOR TO JANUARY 1 OF EACH CALENDAR YEAR, DETERMINE AND PROCLAIM FOR THE CROP PRODUCED IN SUCH CALENDAR YEAR A

NATIONAL ACREAGE ALLOTMENT FOR FEED GRAINS, WHICH SHALL BE THE NUMBER OF ACRES HE DETERMINES ON THE BASIS OF THE ESTIMATED NATIONAL AVERAGE YIELD OF THE FEED GRAINS INCLUDED IN THE PROGRAMS FOR THE CROP FOR WHICH THE DETERMINATION IS BEING MADE WILL PRODUCE THE QUANTITY (LESS IMPORTS) OF SUCH FEED GRAINS THAT HE ESTIMATES WILL BE UTILIZED DOMESTICALLY AND FOR EXPORT DURING THE MARKETING YEAR FOR SUCH CROP. IF THE SECRETARY DETERMINES THAT CARRYOVER STOCKS OF ANY OF THE FEED GRAINS ARE EXCESSIVE OR AN INCREASE IN STOCKS IS NEEDED TO ASSURE A DESIRABLE CARRYOVER, HE MAY ADJUST THE FEED GRAIN ALLOTMENT BY THE AMOUNT HE DETERMINES WILL ACCOMPLISH THE DESIRED DECREASE OR INCREASE IN CARRYOVER STOCKS. STATE, COUNTY, AND FARM FEED GRAIN ALLOTMENTS SHALL BE ESTABLISHED ON THE BASIS OF THE FEED GRAIN ALLOTMENTS ESTABLISHED FOR THE PRECEDING CROP (FOR 1974 ON THE BASIS OF THE FEED GRAIN BASES ESTABLISHED FOR 1973), ADJUSTED TO THE EXTENT DEEMED NECESSARY TO ESTABLISH A FAIR AND EQUITABLE APPORTIONMENT BASE FOR EACH STATE, COUNTY, AND FARM. NOT TO EXCEED 1 PER CENTUM OF THE STATE FEED GRAIN ALLOTMENT MAY BE RESERVED FOR APPORTIONMENT TO NEW FEED GRAIN FARMS ON THE BASIS OF THE FOLLOWING FACTORS: SUITABILITY OF THE LAND FOR PRODUCTION OF FEED GRAINS, THE EXTENT TO WHICH THE FARM OPERATOR IS DEPENDENT ON INCOME FROM FARMING FOR HIS LIVELIHOOD, THE PRODUCTION OF FEED GRAINS ON OTHER FARMS OWNED, OPERATED, OR CONTROLLED BY THE FARM OPERATOR, AND SUCH OTHER FACTORS AS THE SECRETARY DETERMINES SHOULD BE CONSIDERED FOR THE PURPOSE OF ESTABLISHING FAIR AND EQUITABLE FEED GRAIN ALLOTMENTS.

"(3) IF FOR ANY CROP THE TOTAL ACREAGE ON A FARM PLANTED TO FEED GRAINS INCLUDED IN THE PROGRAM FORMULATED UNDER THIS SUBSECTION IS LESS THAN THE FEED GRAIN ALLOTMENT FOR THE FARM, THE FEED GRAIN ALLOTMENT FOR THE FARM FOR THE SUCCEEDING CROPS SHALL BE REDUCED BY THE PERCENTAGE BY WHICH THE PLANTED ACREAGE IS LESS THAN THE FEED GRAIN ALLOTMENT FOR THE FARM, BUT SUCH REDUCTION SHALL NOT EXCEED 20 PER CENTUM OF THE FEED GRAIN ALLOTMENT. //87 STAT. 232// IF NO ACREAGE HAS BEEN PLANTED TO SUCH FEED GRAINS FOR THREE CONSECUTIVE CROP YEARS ON ANY FARM WHICH HAS A FEED GRAIN ALLOTMENT, SUCH FARM SHALL LOSE ITS FEED GRAIN ALLOTMENT: PROVIDED, THAT NO FARM FEED GRAIN ALLOTMENT SHALL BE REDUCED OR LOST THROUGH FAILURE TO PLANT, IF THE PRODUCER ELECTS NOT TO RECEIVE PAYMENT FOR SUCH PORTION OF THE FARM FEED GRAIN ALLOTMENT NOT PLANTED, TO WHICH HE WOULD OTHERWISE BE ENTITLED UNDER THE PROVISIONS OF THIS ACT. ANY SUCH ACRES ELIMINATED FROM ANY FARM SHALL BE ASSIGNED TO A NATIONAL POOL FOR THE ADJUSTMENT OF FEED GRAIN ALLOTMENTS AS PROVIDED FOR IN SUBSECTION (E) (2). PRODUCERS ON ANY FARM WHO HAVE PLANTED TO SUCH FEED GRAINS NOT LESS THAN 90 PER CENTUM OF THE FEED GRAIN ALLOTMENT SHALL BE CONSIDERED TO HAVE PLANTED AN ACREAGE EQUAL TO 100 PER CENTUM OF SUCH ALLOTMENT. AN ACREAGE ON THE FARM WHICH THE SECRETARY DETERMINES WAS NOT PLANTED TO SUCH FEED GRAINS BECAUSE OF DROUGHT, FLOOD, OR OTHER NATURAL DISASTER OR CONDITION BEYOND THE CONTROL OF THE PRODUCER SHALL BE CONSIDERED TO BE AN ACREAGE OF FEED GRAINS PLANTED FOR HARVEST. FOR THE PURPOSE OF THIS PARAGRAPH, THE SECRETARY MAY PERMIT PRODUCERS OF FEED GRAINS TO HAVE ACREAGE DEVOTED TO SOYBEANS, WHEAT, GUAR, CASTOR BEANS, COTTON, TRITICALE, OATS, RYE, OR SUCH OTHER CROPS AS THE SECRETARY MAY DEEM APPROPRIATE, CONSIDERED AS DEVOTED TO THE

PRODUCTION OF SUCH FEED GRAINS TO SUCH EXTENT AND SUBJECT TO SUCH TERMS AND CONDITIONS AS THE SECRETARY DETERMINES WILL NOT IMPAIR THE EFFECTIVE OPERATION OF THE PROGRAM.",

(C) AMENDING THE LAST SENTENCE OF SECTION 105 (C)(1) TO READ AS FOLLOWS: //84 STAT. 1369. 7 USC 1441 NOTE.//

"THE SECRETARY SHALL PERMIT PRODUCERS TO PLANT AND GRAZE ON SET-ASIDE ACREAGE SWEET SORGHUM, AND THE SECRETARY MAY PERMIT, SUBJECT TO SUCH TERMS AND CONDITIONS AS HE MAY PRESCRIBE, ALL OR ANY OF THE SET-ASIDE ACREAGE TO BE DEVOTED TO HAY AND GRAZING OR THE PRODUCTION OF GUAR, SESAME, SAFFLOWER, SUNFLOWER, CASTOR BEANS, MUSTARD SEED, CRAMBE, PLANTAGO OVATO, FLAXSEED, TRITICALE, OATS, RYE, OR OTHER COMMODITY, IF HE DETERMINES THAT SUCH PRODUCTION IS NEEDED TO PROVIDE AN ADEQUATE SUPPLY, IS NOT LIKELY TO INCREASE THE COST OF THE PRICE-SUPPORT PROGRAM, AND WILL NOT ADVERSELY AFFECT FARM INCOME."

(C) STRIKING OUT "1971, 1972, 1973" WHERE IT APPEARS IN THAT PART WHICH AMENDS SECTION 105(C)(1) OF THE AGRICULTURAL ACT OF 1949 AND INSERTING "1971 THROUGH 1977" AND BY AMENDING THE SECOND SENTENCE OF SECTION 105(C)(1) TO READ AS FOLLOWS: "IF A SET-ASIDE OF CROPLAND IS IN EFFECT UNDER THIS SUBSECTION (C), THEN AS A CONDITION OF ELIGIBILITY FOR LOANS, PURCHASES, AND PAYMENTS ON CORN, GRAIN SORGHUMS, AND, IF DESIGNATED BY THE SECRETARY, BARLEY, RESPECTIVELY, THE PRODUCERS ON A FARM MUST SET ASIDE AND DEVOTE TO APPROVED CONSERVATION USES AN ACREAGE OF CROPLAND EQUAL TO (I) SUCH PERCENTAGE OF THE FEED GRAIN ALLOTMENT FOR THE FARM AS MAY BE SPECIFIED BY THE SECRETARY, PLUS, IF REQUIRED BY THE SECRETARY (II) THE ACREAGE OF CROPLAND ON THE FARM DEVOTED IN PRECEDING YEARS TO SOIL CONSERVING USES, AS DETERMINED BY THE SECRETARY."

(D) AMENDING THE THIRD SENTENCE OF SECTION 105 (C)(1) TO READ AS FOLLOWS: "THE SECRETARY IS AUTHORIZED FOR THE 1974 THROUGH 1977 CROPS TO LIMIT THE ACREAGE PLANTED TO FEED GRAINS ON THE FARM TO A PERCENTAGE OF THE FARM ACREAGE ALLOTMENT."

(E) STRIKING OUT PARAGRAPHS (1) AND (3) OF SUBSECTION (F), CHANGING "BASES" TO "ALLOTMENTS" WHEREVER IT APPEARS IN PARAGRAPH (2) OF SUBSECTION (F), AND STRIKING OUT ALL OF SUBSECTION (G). //84 STAT. 1370.//

(F) INSERTING AFTER THE SECOND SENTENCE OF SECTION 105(C)(3) THE FOLLOWING: "THE SECRETARY MAY, IN THE CASE OF PROGRAMS FOR THE 1974 THROUGH 1977 CROPS, PAY AN APPROPRIATE SHARE OF THE COST OF PRACTICES DESIGNED TO CARRY OUT THE PURPOSES OF THE FOREGOING SENTENCES."

COTTON PROGRAM

SUSPENSION OF MARKETING QUOTAS FOR COTTON,

MINIMUM BASE ACREAGE ALLOTMENTS

(19) SECTION 601 IS AMENDED BY-- //87 STAT. 233// //84 STAT. 1371. 7 USC 1342A.//

(A) STRIKING OUT "1971, 1972, AND 1973" WHEREVER IT APPEARS THEREIN AND INSERTING "1971 THROUGH 1977",

(B) STRIKING "1970, 1971, AND 1972" FROM PARAGRAPH (2) AND

INSERTING "1970 THROUGH 1976",

(C) EFFECTIVE BEGINNING WITH THE 1974 CROP, STRIKING OUT THE FOLLOWING FROM SECTION 344A(A) IN SECTION 601 "FOR WHICH A FARM BASE ACREAGE ALLOTMENT IS ESTABLISHED (OTHER THAN PURSUANT TO SECTION 350(E) (1) (A))", //84 STAT. 1372. 7 USC 1344b.//

(D) STRIKING "1974" FROM PARAGRAPH (3)(1) AND INSERTING "1978", AND BY STRIKING "1972 AND 1973" FROM PARAGRAPH (4) AND INSERTING "1972 THROUGH 1977",

(E) EFFECTIVE BEGINNING WITH THE 1974 CROP, ADDING AT THE END OF SECTION 350(A) IN PARAGRAPH (4) OF SECTION 601 THE FOLLOWING: "THE NATIONAL BASE ACREAGE ALLOTMENT FOR THE 1974 THROUGH 1977 CROPS SHALL NOT BE LESS THAN ELEVEN MILLION ACRES.", //7 USC 1350.//

(F) EFFECTIVE BEGINNING WITH THE 1974 CROP, STRIKING "SOYBEANS, WHEAT OR FEED GRAINS" FROM THE LAST SENTENCE OF SECTION 350(E)(2) IN PARAGRAPH (4) OF SECTION 601 AND INSERTING "SOYBEANS, WHEAT, FEED GRAINS, GUAR, CASTOR BEANS, TRITICALE, OATS, RYE, OR SUCH OTHER CROPS AS THE SECRETARY MAY DEEM APPROPRIATE",

(G) EFFECTIVE BEGINNING WITH THE 1974 CROP, STRIKING THE WORDS "AN ADJOINING" IN THE FIRST SENTENCE OF SECTION 350(H) AS FOUND IN PARAGRAPH (4) OF SECTION 601, AND INSERTING IN LIEU THEREOF "ANY OTHER NEARBY."

COTTON PRODUCTION INCENTIVES

(20) SECTION 602 IS AMENDED BY--//84 STAT. 1374. 7 USC 1444.//

(A) STRIKING "1971, 1972, AND 1973" WHEREVER IT APPEARS THEREIN AND INSERTING "1971 THROUGH 1977", BY STRIKING "THE 1972 OR 1973 CROP" WHERE IT APPEARS THAT PART AMENDING SECTION 103(E) (1) OF THE AGRICULTURAL ACT OF 1949 AND INSERTING "ANY OF THE 1972 THROUGH 1977 CROPS", AND BY STRIKING OUT "ACREAGE WORLD PRICE" IN THAT PART AMENDING SECTION 103(E)(1) OF THE AGRICULTURAL ACT OF 1949, AND SUBSTITUTING "AVERAGE PRICE OF AMERICAN COTTON IN WORLD MARKETS";

(B) IN THAT PART AMENDING SECTION 103(E) (1) OF THE AGRICULTURAL ACT OF 1949 STRIKING OUT "TWO-YEAR PERIOD" WHEREVER IT APPEARS THEREIN AND SUBSTITUTING "THREE-YEAR PERIOD"; AND BY STRIKING OUT THAT PART BEGINNING WITH "EXCEPT THAT" IN THE FIRST SENTENCE AND SUBSTITUTING "EXCEPT THAT IF THE LOAN RATE SO CALCULATED IS HIGHER THAN THE THEN CURRENT LEVEL OF AVERAGE WORLD PRICES FOR AMERICAN COTTON OF SUCH QUALITY, THE SECRETARY IS AUTHORIZED TO ADJUST THE CURRENT CALCULATED LOAN RATE FOR COTTON TO 90 PER CENTUM OF THE THEN CURRENT AVERAGE WORLD PRICE.";

(C) EFFECTIVE, BEGINNING WITH THE 1974 CROP, AMENDING SECTION 103(E)(2) OF THE AGRICULTURAL ACT OF 1949, AS IT APPEARS IN SUCH SECTION 602 TO READ AS FOLLOWS:

"(2) PAYMENTS SHALL BE MADE FOR EACH CROP OF COTTON TO THE PRODUCERS ON EACH FARM AT A RATE EQUAL TO THE AMOUNT BY WHICH THE HIGHER OF--

"(1) THE AVERAGE MARKET PRICE RECEIVED BY FARMERS FOR UPLAND COTTON DURING THE CALENDAR YEAR WHICH INCLUDES THE FIRST FIVE MONTHS OF THE MARKETING YEAR FOR SUCH CROP, AS DETERMINED BY THE SECRETARY, OR

"(2) THE LOAN LEVEL DETERMINED UNDER PARAGRAPH (1) FOR EACH CROP
//87 STAT. 234//

IS LESS THAN THE ESTABLISHED PRICE OF 38 CENTS PER POUND IN THE CASE OF THE 1974 AND 1975 CROPS, 38 CENTS PER POUND ADJUSTED TO REFLECT ANY CHANGE DURING THE CALENDAR YEAR 1975 IN THE INDEX OF PRICES PAID BY FARMERS FOR PRODUCTION ITEMS, INTEREST, TAXES, AND WAGE RATES IN THE CASE OF THE 1976 CROP, AND THE ESTABLISHED PRICE FOR THE 1976 CROP ADJUSTED TO REFLECT ANY CHANGE DURING THE CALENDAR YEAR 1976 IN SUCH INDEX IN THE CASE OF THE 1977 CROP: PROVIDED, THAT ANY INCREASE THAT WOULD OTHERWISE BE MADE IN THE ESTABLISHED PRICE TO REFLECT A CHANGE IN THE INDEX OF PRICES PAID BY FARMERS SHALL BE ADJUSTED TO REFLECT ANY CHANGE IN (I) THE NATIONAL AVERAGE YIELD PER ACRE OF COTTON FOR THE THREE CALENDAR YEARS PRECEDING THE YEAR FOR WHICH THE DETERMINATION IS MADE, OVER (II) THE NATIONAL AVERAGE YIELD PER ACRE OF COTTON FOR THE THREE CALENDAR YEARS PRECEDING THE YEAR PREVIOUS TO THE ONE FOR WHICH THE DETERMINATION IS MADE. IF THE SECRETARY DETERMINES THAT THE PRODUCERS ON A FARM ARE PREVENTED FROM PLANTING, ANY PORTION OF THE ALLOTMENT TO COTTON BECAUSE OF DROUGHT, FLOOD, OR OTHER NATURAL DISASTER, OR CONDITION BEYOND THE CONTROL OF THE PRODUCER, THE RATE OF PAYMENT FOR SUCH PORTION SHALL BE THE LARGER OF (A) THE FOREGOING RATE, OR (B) ONE-THIRD OF THE ESTABLISHED PRICE. IF THE SECRETARY DETERMINES THAT BECAUSE OF SUCH A DISASTER OR CONDITION, THE TOTAL QUANTITY OF COTTON WHICH THE PRODUCERS ARE ABLE TO HARVEST ON ANY FARM IS LESS THAN 66 2/3 PERCENT OF THE FARM BASE ACREAGE ALLOTMENT TIMES THE AVERAGE YIELD ESTABLISHED FOR THE FARM, THE RATE OF PAYMENT FOR THE DEFICIENCY IN PRODUCTION BELOW 100 PERCENT SHALL BE THE LARGER OF (A) THE FOREGOING RATE, OR (B) ONE-THIRD OF THE ESTABLISHED PRICE. THE PAYMENT RATE WITH RESPECT TO ANY PRODUCER WHO (I) IS ON A SMALL FARM (THAT IS, A FARM ON WHICH THE BASE ACREAGE ALLOTMENT IS TEN ACRES OR LESS, OR ON WHICH THE YIELD USED IN MAKING PAYMENTS TIMES THE FARM BASE ACREAGE ALLOTMENT IS FIVE THOUSAND POUNDS OR LESS, AND FOR WHICH THE BASE ACREAGE ALLOTMENT HAS NOT BEEN REDUCED UNDER SECTION 350(F), //84 STAT. 1372. 7 USC 1350.// (II) RESIDES ON SUCH FARM, AND (III) DERIVES HIS PRINCIPAL INCOME FROM COTTON PRODUCED ON SUCH FARM, SHALL BE INCREASED BY 30 PER CENTUM; BUT, NOTWITHSTANDING PARAGRAPH (3), SUCH INCREASE SHALL BE MADE ONLY WITH RESPECT TO HIS SHARE OF COTTON ACTUALLY HARVESTED ON SUCH FARM WITHIN THE QUANTITY SPECIFIED IN PARAGRAPH (3)."

(D) EFFECTIVE, BEGINNING WITH THE 1974 CROP, AMENDING THE THIRD SENTENCE OF SECTION 103(E)(4)(A) OF THE AGRICULTURAL ACT OF 1949, //84 STAT. 1374. 7 USC 1444.// AS IT APPEARS IN SUCH SECTION 602 TO READ AS FOLLOWS: "THE SECRETARY IS AUTHORIZED FOR THE 1974 THROUGH 1977 CROPS TO LIMIT THE ACREAGE PLANTED TO UPLAND COTTON ON THE FARM IN EXCESS OF THE FARM BASE ACREAGE ALLOTMENT TO A PERCENTAGE OF THE FARM BASE ACREAGE ALLOTMENT."

(E) THE SECOND SENTENCE OF SECTION 103(E)(4)(A) IS AMENDED TO READ AS FOLLOWS: "IF A SET-ASIDE OF CROPLAND IS IN EFFECT UNDER THIS PARAGRAPH (4), THEN AS A CONDITION OF ELIGIBILITY FOR LOANS AND PAYMENTS ON UPLAND COTTON THE PRODUCERS ON A FARM MUST SET ASIDE AND DEVOTE TO APPROVED CONSERVATION USES AN ACREAGE OF CROPLAND EQUAL TO

(I) SUCH PERCENTAGE OF THE FARM BASE ACREAGE ALLOTMENT FOR THE FARM AS MAY BE SPECIFIED BY THE SECRETARY (NOT TO EXCEED 28 PER CENTUM OF THE FARM BASE ACREAGE ALLOTMENT), PLUS, IF REQUIRED BY THE SECRETARY, (II) THE ACREAGE OF CROPLAND ON THE FARM DEVOTED IN PRECEDING YEARS TO SOIL CONSERVING USES, AS DETERMINED BY THE SECRETARY."

(F) THE FOURTH SENTENCE OF SECTION 103(E)(4)(A) OF THE AGRICULTURAL ACT OF 1949 AS FOUND IN SECTION 602 IS AMENDED TO READ AS FOLLOWS: "THE SECRETARY SHALL PERMIT PRODUCERS TO PLANT AND GRAZE ON SET-ASIDE ACREAGE SWEET SORGHUM, AND THE SECRETARY MAY PERMIT, SUBJECT TO SUCH TERMS AND CONDITIONS AS HE MAY PRESCRIBE, ALL OR ANY OF THE SET-ASIDE ACREAGE TO BE DEVOTED TO HAY AND GRAZING OR THE PRODUCTION OF GUAR, SEASAME, SAFFLOWER, SUNFLOWER, CASTOR BEANS, MUSTARD SEED, CRAMBE, PLANTAGO OVATO, FLAXSEED, TRITICALE, OATS, RYE, OR OTHER COMMODITY, IF HE DETERMINES THAT SUCH PRODUCTION IS NEEDED TO PROVIDE AN ADEQUATE SUPPLY, IS NOT LIKELY TO INCREASE THE COST OF THE PRICE-SUPPORT PROGRAM, AND WILL NOT ADVERSELY AFFECT FARM INCOME." //87 STAT. 235//

(G) INSERTING AFTER THE SECOND SENTENCE OF SECTION 103(E)(5) OF THE AGRICULTURAL ACT OF 1949 AS IT APPEARS IN SUCH SECTION 602 THE FOLLOWING: //84 STAT. 1374. 7 USC 1444.// "THE SECRETARY MAY IN THE CASE OF PROGRAMS FOR THE 1974 THROUGH 1977 CROPS, PAY AN APPROPRIATE SHARE OF THE COST OF PRACTICES DESIGNED TO CARRY OUT THE PURPOSES OF THE FOREGOING SENTENCES."

COMMODITY CREDIT CORPORATION SALES PRICE RESTRICTIONS FOR COTTON

(21) SECTION 603 IS AMENDED BY STRIKING OUT "1974" AND INSERTING "1978". //84 STAT. 1377. 7 USC 1427 NOTE.//

MISCELLANEOUS COTTON PROVISIONS

(22) SECTIONS 604, 605, 606, 607, AND 608 ARE EACH AMENDED BY STRIKING OUT "1971, 1972, AND 1973" AND INSERTING "1971 THROUGH 1977". //7 USC 1428, 1378 NOTE, 1305 NOTE, 1428 NOTE, 1446D NOTE.//

COTTON MARKET DEVELOPMENT

(23) SECTION 610 IS AMENDED BY INSERTING AFTER THE WORDS "SHALL BE" IN THE SECOND SENTENCE THE FOLLOWING WORDS "10 MILLION DOLLARS." AND BY STRIKING THE BALANCE OF SAID SENTENCE, AND FURTHER BY STRIKING OUT "1972 AND 1973" AND INSERTING "1972 THROUGH 1977" IN THE THIRD SENTENCE. //84 STAT. 1378. 7 USC 2119.//

COTTON INSECT ERADICATION

(24) TITLE VI IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING: //84 STAT. 1371.//

"SEC. 611. SECTION 104 OF THE AGRICULTURAL ACT OF 1949, /72 STAT. 993; 78 STAT. 174. 7 USC 1441 NOTE.// AS AMENDED IS AMENDED BY ADDING A NEW SUBSECTION (D) AS FOLLOWS:

"(D) IN ORDER TO REDUCE COTTON PRODUCTION COSTS, TO PREVENT THE MOVEMENT OF CERTAIN PLANT INSECTS TO AREAS NOT NOW INFESTED AND TO ENHANCE THE QUALITY OF THE ENVIRONMENT, THE SECRETARY IS AUTHORIZED AND DIRECTED TO CARRY OUT PROGRAMS TO DESTROY AND ELIMINATE COTTON BOLL WEEVILS IN

INFESTED AREAS OF THE UNITED STATES AS PROVIDED HEREIN AND TO CARRY OUT SIMILAR PROGRAMS WITH RESPECT TO PINK BOLLWORMS OR ANY OTHER MAJOR COTTON INSECT IF THE SECRETARY DETERMINES THAT METHOD AND SYSTEMS HAVE BEEN DEVELOPED TO THE POINT THAT SUCCESS IN ERADICATION OF SUCH INSECTS IS ASSURED. THE SECRETARY SHALL CARRY OUT THE ERADICATION PROGRAMS AUTHORIZED BY THIS SUBSECTION THROUGH THE COMMODITY CREDIT CORPORATION. IN CARRYING OUT INSECT ERADICATION PROJECTS, THE SECRETARY SHALL UTILIZE THE TECHNICAL AND RELATED SERVICES OF APPROPRIATE FEDERAL, STATE, PRIVATE AGENCIES, AND COTTON ORGANIZATIONS. PRODUCERS AND LANDOWNERS IN AN ERADICATION ZONE, ESTABLISHED BY THE SECRETARY, WHO ARE RECEIVING BENEFITS FROM ANY PROGRAM ADMINISTERED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE, SHALL, AS A CONDITION OF RECEIVING OR CONTINUING ANY SUCH BENEFITS, PARTICIPATE IN AND COOPERATE WITH THE ERADICATION PROJECT, AS SPECIFIED IN REGULATIONS OF THE SECRETARY.

"THE SECRETARY MAY ISSUE SUCH REGULATIONS AS HE DEEMS NECESSARY TO ENFORCE THE PROVISIONS OF THIS SUBSECTION WITH RESPECT TO ACHIEVING THE COMPLIANCE OF PRODUCERS AND LANDOWNERS WHO ARE NOT RECEIVING BENEFITS FROM ANY PROGRAM ADMINISTERED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE. //87 STAT. 236// ANY PERSON WHO KNOWINGLY VIOLATES ANY SUCH REGULATION PROMULGATED BY THE SECRETARY UNDER THIS SUBSECTION MAY BE ASSESSED A CIVIL PENALTY OF NOT TO EXCEED \$5,000 FOR EACH OFFENSE. NO CIVIL PENALTY SHALL BE ASSESSED UNLESS THE PERSON SHALL HAVE BEEN GIVEN NOTICE AND OPPORTUNITY FOR A HEARING ON SUCH CHARGE IN THE COUNTY, PARISH, OR INCORPORATED CITY OF THE RESIDENCE OF THE PERSON CHARGED. IN DETERMINING THE AMOUNT OF THE PENALTY, THE SECRETARY SHALL CONSIDER THE APPROPRIATENESS OF SUCH PENALTY TO THE SIZE OF THE BUSINESS OF THE PERSON CHARGED, THE EFFECT ON THE PERSON'S ABILITY TO CONTINUE IN BUSINESS, AND THE GRAVITY OF THE VIOLATION. WHERE SPECIAL MEASURES DEEMED ESSENTIAL TO ACHIEVEMENT OF THE ERADICATION OBJECTIVE ARE TAKEN BY THE PROJECT AND RESULT IN A LOSS OF PRODUCTION AND INCOME TO THE PRODUCER, THE SECRETARY SHALL PROVIDE REASONABLE AND EQUITABLE INDEMNIFICATION FROM FUNDS AVAILABLE FOR THE PROJECT, AND ALSO PROVIDE FOR APPROPRIATE PROTECTION OF THE ALLOTMENT, ACREAGE HISTORY, AND AVERAGE YIELD FOR THE FARM. THE COST OF THE PROGRAM IN EACH ERADICATION ZONE SHALL BE DETERMINED, AND COTTON PRODUCERS IN THE ZONE SHALL BE REQUIRED TO PAY UP TO ONE-HALF THEREOF, WITH THE EXACT SHARE IN EACH ZONE AREA TO BE SPECIFIED BY THE SECRETARY UPON HIS FINDING THAT SUCH SHARE IS REASONABLE AND EQUITABLE BASED ON POPULATION LEVELS OF THE TARGET INSECT AND THE DEGREE OF CONTROL MEASURES NORMALLY REQUIRED. EACH PRODUCER'S PRO RATA SHARE SHALL BE DEDUCTED FROM HIS COTTON PAYMENT UNDER THIS ACT OR OTHERWISE COLLECTED, AS PROVIDED IN REGULATIONS OF THE SECRETARY. INsofar AS PRACTICABLE, COTTON PRODUCERS AND OTHER PERSONS ENGAGED IN COTTON PRODUCTION IN THE ERADICATION ZONE SHALL BE EMPLOYED TO PARTICIPATE IN THE WORK OF THE PROJECT IN SUCH ZONE. FUNDING OF THE PROGRAM SHALL BE TERMINATED AT SUCH TIME AS THE SECRETARY DETERMINES AND REPORTS TO THE CONGRESS THAT COMPLETE ERADICATION OF THE INSECTS FOR WHICH PROGRAMS ARE UNDERTAKEN PURSUANT TO THIS SUBSECTION HAS BEEN ACCOMPLISHED. FUNDS IN CUSTODY OF AGENCIES CARRYING OUT THE PROGRAM SHALL, UPON TERMINATION OF SUCH PROGRAM, BE ACCOUNTED FOR TO THE SECRETARY FOR

APPROPRIATE DISPOSITION.

"THE SECRETARY IS AUTHORIZED TO COOPERATE WITH THE GOVERNMENT OF MEXICO IN CARRYING OUT OPERATIONS OR MEASURES IN MEXICO WHICH HE DEEMS NECESSARY AND FEASIBLE TO PREVENT THE MOVEMENT INTO THE UNITED STATES FROM MEXICO OF ANY INSECTS ERADICATED UNDER THE PROVISIONS OF THIS SUBSECTION. THE MEASURE AND CHARACTER OF COOPERATION CARRIED OUT UNDER THIS SUBSECTION ON THE PART OF THE UNITED STATES AND ON THE PART OF THE GOVERNMENT OF MEXICO, INCLUDING THE EXPENDITURE OR USE OF FUNDS MADE AVAILABLE BY THE SECRETARY UNDER THIS SUBSECTION, SHALL BE SUCH AS MAY BE PRESCRIBED BY THE SECRETARY. ARRANGEMENTS FOR THE COOPERATION AUTHORIZED BY THIS SUBSECTION SHALL BE MADE THROUGH AND IN CONSULTATION WITH THE SECRETARY OF STATE. THE COMMODITY CREDIT CORPORATION SHALL NOT MAKE ANY EXPENDITURES FOR CARRYING OUT THE PURPOSES OF THIS SUBSECTION UNLESS THE CORPORATION HAS RECEIVED FUNDS TO COVER SUCH EXPENDITURES FROM APPROPRIATIONS MADE TO CARRY OUT THE PURPOSES OF THIS SUBSECTION. THERE ARE HEREBY AUTHORIZED TO BE APPROPRIATED TO THE COMMODITY CREDIT CORPORATION SUCH SUMS AS THE CONGRESS MAY FROM TIME TO TIME DETERMINE TO BE NECESSARY TO CARRY OUT THE PURPOSES OF THIS SUBSECTION."

SKIPROW PRACTICES

(25) TITLE VI IS FURTHER AMENDED BY ADDING THE FOLLOWING NEW SECTION:
//ANTE. P. 235.//

"SEC. 612. SECTION 374(A) OF THE AGRICULTURAL ADJUSTMENT ACT OF 1938, //79 STAT. 1210. 7 USC 1374.// AS AMENDED, IS HEREBY AMENDED BY ADDING THE FOLLOWING NEW SENTENCE: "WHERE COTTON IS PLANTED IN SKIPROW PATTERNS, THE SAME RULES THAT WERE IN EFFECT FOR THE 1971 THROUGH 1973 CROPS FOR CLASSIFYING THE ACREAGE PLANTED TO COTTON AND THE AREA SKIPPED SHALL ALSO APPLY TO THE 1974 THROUGH 1977 CROPS." //87 STAT. 237//

(26) SECTION 701 IS AMENDED BY STRIKING OUT "1973" AND INSERTING "1977"; AND TITLE VII IS FURTHER AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING: //84 STAT. 1379. 7 USC 1736C.//

SECTION 103 OF SUCH ACT IS AMENDED BY INSERTING BEFORE THE SEMICOLON AT THE END OF SUBSECTION (D) THE FOLLOWING: "AND THAT COMMERCIAL SUPPLIES ARE AVAILABLE TO MEET DEMANDS DEVELOPED THROUGH PROGRAMS CARRIED OUT UNDER THIS ACT." //80 STAT. 1526; 82 STAT. 450. 7 USC 1703.//

"SEC. 704. TITLE IV OF SUCH ACT IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING: //80 STAT. 1535. 7 USC 1731.//

"SEC. 411. NO AGRICULTURAL COMMODITIES SHALL BE SOLD UNDER TITLE I OR TITLE II OR DONATED UNDER TITLE II OF THIS ACT TO NORTH VIETNAM, UNLESS BY AN ACT OF CONGRESS ENACTED SUBSEQUENT TO JULY 1, 1973, ASSISTANCE TO NORTH VIETNAM IS SPECIFICALLY AUTHORIZED." //77 USC 1701, 1692, 1724.//

MISCELLANEOUS PROVISIONS

(27) TITLE VIII IS AMENDED AS FOLLOWS: //84 STAT. 1379.//
BEEKEEPER INDEMNITIES

(A) SECTION 804 IS AMENDED BY STRIKING OUT "DECEMBER 31, 1973" AND INSERTING "DECEMBER 31, 1977". //84 STAT. 1382. 7 USC 1356B NOTE.//
(B) BY ADDING AT THE END THEREOF THE FOLLOWING:

FHA LCANS

"SEC. 807. THE FIRST SENTENCE OF SECTION 305 OF THE CONSOLIDATED FARM

AND RURAL DEVELOPMENT ACT IS AMENDED BY STRIKING OUT '\$10,000' AND INSERTING '\$225,000'; AND BY STRIKING OUT 'OR (B)' AND INSERTING '(B) THE LOANS UNDER SUCH SECTIONS TO ANY ONE BORROWER TO EXCEED \$100,000, OR (C)'. //75 STAT. 308; 84 STAT. 1862. 7 USC 1925.//

COST OF PRODUCTION STUDY

"SEC. 808. THE SECRETARY OF AGRICULTURE, IN COOPERATION WITH THE LAND GRANT COLLEGES, COMMODITY ORGANIZATIONS, GENERAL FARM ORGANIZATIONS, AND INDIVIDUAL FARMERS, SHALL CONDUCT A COST OF PRODUCTION STUDY OF THE WHEAT, FEED GRAIN, COTTON, AND DAIRY COMMODITIES UNDER THE VARIOUS PRODUCTION PRACTICES AND ESTABLISH A CURRENT NATIONAL WEIGHTED AVERAGE COST OF PRODUCTION. THIS STUDY SHALL BE UPDATED ANNUALLY AND SHALL INCLUDE ALL TYPICAL VARIABLE COSTS, A RETURN ON FIXED COSTS EQUAL TO THE EXISTING INTEREST RATES CHARGED BY THE FEDERAL LAND BANK, AND RETURN FOR MANAGEMENT COMPARABLE TO THE NORMAL MANAGEMENT FEES CHARGED BY OTHER COMPARABLE INDUSTRIES. THESE STUDIES SHALL BE BASED UPON THE SIZE UNIT THAT REQUIRES ONE MAN TO FARM ON A FULL-TIME BASIS.

"LIVESTOCK STUDY

"SEC. 809. (A) THE SECRETARY OF AGRICULTURE IS AUTHORIZED AND DIRECTED TO CARRY OUT A COMPREHENSIVE STUDY AND INVESTIGATION TO DETERMINE THE REASONS FOR THE EXTENSIVE LOSS OF LIVESTOCK SUSTAINED EACH YEAR, THROUGH INJURY AND DISEASE, WHILE SUCH LIVESTOCK IS BEING TRANSPORTED IN INTERSTATE COMMERCE FOR COMMERCIAL PURPOSES. //87 STAT. 238// THE SECRETARY IS ALSO AUTHORIZED AND DIRECTED TO CONDUCT, IN CONNECTION WITH SUCH STUDY AND INVESTIGATION, AN INTENSIVE RESEARCH PROGRAM FOR THE PURPOSE OF DEVELOPING MEASURES THAT CAN BE TAKEN TO REDUCE MATERIALLY THE NUMBER OF ANIMALS LOST, THROUGH INJURY AND DISEASE DURING TRANSPORTATION FOR COMMERCIAL PURPOSES. **

"(B) THE SECRETARY OF AGRICULTURE SHALL SUBMIT TO THE CONGRESS NOT MORE THAN FOUR YEARS AFTER THE DATE OF ENACTMENT OF THIS SECTION A FINAL REPORT ON THE RESULTS OF HIS STUDY AND INVESTIGATION AND RESEARCH TOGETHER WITH SUCH RECOMMENDATIONS FOR ADMINISTRATIVE AND LEGISLATIVE ACTION AS HE DEEMS NECESSARY. HE SHALL SUBMIT SUCH INTERIM REPORTS TO THE CONGRESS AS HE DEEMS ADVISABLE, BUT AT LEAST ONE AT THE END OF EACH TWELVE MONTH PERIOD FOLLOWING THE DATE OF ENACTMENT OF THIS SECTION. **

"(C) THERE IS AUTHORIZED TO BE APPROPRIATED SUCH SUMS AS MAY BE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION, BUT NOT MORE THAN \$500,000 IN ANY FISCAL YEAR.

WHEAT AND FEED GRAINS RESEARCH

"SEC. 810. IN ORDER TO REDUCE FERTILIZER AND HERBICIDE USAGE IN EXCESS OF PRODUCTION NEEDS, TO DEVELOP WHEAT AND FEED GRAIN VARIETIES MORE SUSCEPTIBLE TO COMPLETE FERTILIZER UTILIZATION, TO IMPROVE THE RESISTANCE OF WHEAT AND FEED GRAIN PLANTS TO DISEASE AND TO ENHANCE THEIR CONSERVATION AND ENVIRONMENTAL QUALITIES, THE SECRETARY OF AGRICULTURE IS AUTHORIZED AND DIRECTED TO CARRY OUT REGIONAL AND NATIONAL RESEARCH PROGRAMS. **

"IN CARRYING OUT SUCH RESEARCH, THE SECRETARY SHALL UTILIZE THE TECHNICAL AND RELATED SERVICES OF THE APPROPRIATE FEDERAL, STATE, AND PRIVATE AGENCIES. **

"THERE IS AUTHORIZED TO BE APPROPRIATED SUCH SUMS AS MAY BE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION, BUT NOT MORE THAN \$1,000,000 IN ANY FISCAL YEAR.

"TECHNICAL SUPPORT

"SEC. 811. THE DEPARTMENT OF AGRICULTURE SHALL PROVIDE TECHNICAL SUPPORT TO EXPORTERS AND IMPORTERS OF UNITED STATES AGRICULTURAL PRODUCTS WHEN SO REQUESTED. SUCH SUPPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, A REVIEW OF THE FEASIBILITY OF THE EXPORT PROPOSAL, ADEQUACY OF SOURCES OF SUPPLY, COMPLIANCE WITH TRADE REGULATIONS OF THE UNITED STATES AND THE IMPORTING COUNTRY AND SUCH OTHER INFORMATION OR GUIDANCE AS MAY BE NEEDED TO EXPAND AND EXPEDITE UNITED STATES AGRICULTURAL EXPORTS BY PRIVATE TRADING INTERESTS.

"EXPORT SALES REPORTING

"SEC. 812. ALL EXPORTERS OF WHEAT AND WHEAT FLOUR, FEED GRAINS, OIL SEEDS, COTTON AND PRODUCTS THEREOF, AND OTHER COMMODITIES THE SECRETARY MAY DESIGNATE PRODUCED IN THE UNITED STATES SHALL REPORT TO THE SECRETARY OF AGRICULTURE, ON A WEEKLY BASIS, THE FOLLOWING INFORMATION REGARDING ANY CONTRACT FOR EXPORT SALES ENTERED INTO OR SUBSEQUENTLY MODIFIED IN ANY MANNER DURING THE REPORTING PERIOD: (A) TYPE, CLASS, AND QUANTITY OF THE COMMODITY SOUGHT TO BE EXPORTED, (B) THE MARKETING YEAR OF SHIPMENT, (C) DESTINATION, IF KNOWN. INDIVIDUAL REPORTS SHALL REMAIN CONFIDENTIAL BUT SHALL BE COMPILED BY THE SECRETARY AND PUBLISHED IN COMPILATION FORM EACH WEEK FOLLOWING THE WEEK OF REPORTING. //87 STAT. 239// ALL EXPORTERS OF AGRICULTURAL COMMODITIES PRODUCED IN THE UNITED STATES SHALL UPON REQUEST OF THE SECRETARY OF AGRICULTURE IMMEDIATELY REPORT TO THE SECRETARY ANY INFORMATION WITH RESPECT TO EXPORT SALES OF AGRICULTURAL COMMODITIES AND AT SUCH TIMES AS HE MAY REQUEST. ANY PERSON (OR CORPORATION) WHO KNOWINGLY FAILS TO REPORT EXPORT SALES PURSUANT TO THE REQUIREMENTS OF THIS SECTION SHALL BE FINED NOT MORE THAN \$25,000 OR IMPRISONED NOT MORE THAN ONE YEAR, OR BOTH. THE SECRETARY MAY, WITH RESPECT TO ANY COMMODITY OR TYPE OR CLASS THEREOF DURING ANY PERIOD IN WHICH HE DETERMINES THAT THERE IS A DOMESTIC SUPPLY OF SUCH COMMODITY SUBSTANTIALLY IN EXCESS OF THE QUANTITY NEEDED TO MEET DOMESTIC REQUIREMENTS, AND THAT TOTAL SUPPLIES OF SUCH COMMODITY IN THE THE EXPORTING COUNTRIES ARE ESTIMATED TO BE IN SURPLUS, AND THAT ANTICIPATED EXPORTS WILL NOT RESULT IN EXCESSIVE DRAIN ON DOMESTIC SUPPLIES, AND THAT TO REQUIRE THE REPORTS TO BE MADE WILL UNDULY HAMPER EXPORT SALES, PROVIDE FOR SUCH REPORTS BY EXPORTERS AND PUBLISHING OF SUCH DATA TO BE ON A MONTHLY BASIS RATHER THAN ON A WEEKLY BASIS."

"DISASTER RESERVE

"SEC. 813. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE SECRETARY OF AGRICULTURE SHALL UNDER THE PROVISIONS OF THIS ACT ESTABLISH, MAINTAIN, AND DISPOSE OF A SEPARATE RESERVE OF INVENTORIES OF NOT TO EXCEED 75 MILLION BUSHELS OF WHEAT, FEED GRAINS, AND SOYBEANS FOR THE PURPOSE OF ALLEVIATING DISTRESS CAUSED BY A NATURAL DISASTER.

"SUCH RESERVE INVENTORIES SHALL INCLUDE SUCH QUANTITIES OF GRAIN THAT THE SECRETARY DEEMS NEEDED TO PROVIDE FOR THE ALLEVIATION OF DISTRESS AS THE RESULT OF A NATURAL DISASTER.

"(B) THE SECRETARY SHALL ACQUIRE SUCH COMMODITIES THROUGH THE PRICE SUPPORT PROGRAM.

"(C) EXCEPT WHEN A STATE OF EMERGENCY HAS BEEN PROCLAIMED BY THE PRESIDENT OR BY CONCURRENT RESOLUTION OF CONGRESS DECLARING THAT SUCH RESERVES SHOULD BE DISPOSED OF, THE SECRETARY SHALL NOT OFFER ANY COMMODITY IN THE RESERVE FOR SALE OR DISPOSITION.

"(D) THE SECRETARY IS ALSO AUTHORIZED TO DISPOSE OF SUCH COMMODITIES ONLY FOR (1) USE IN RELIEVING DISTRESS (A) IN ANY STATE, THE DISTRICT OF COLUMBIA, PUERTO RICO, GUAM, OR VIRGIN ISLANDS AND (B) IN CONNECTION WITH ANY MAJOR DISASTER DETERMINED BY THE PRESIDENT TO WARRANT ASSISTANCE BY THE FEDERAL GOVERNMENT UNDER PUBLIC LAW 875, //64 STAT. 1109. 42 USC 1855.// EIGHTY-FIRST CONGRESS, AS AMENDED (42 USC 1855 ET SEQ.), OR (2) FOR USE IN CONNECTION WITH A STATE OF CIVIL DEFENSE EMERGENCY AS PROCLAIMED BY THE PRESIDENT OR BY CONCURRENT RESOLUTION OF THE CONGRESS IN ACCORDANCE WITH THE PROVISIONS OF THE FEDERAL CIVIL DEFENSE ACT OF 1950, AS AMENDED (50 U.S.C. APP. 2251 - 2297). //64 STAT. 1246.//

"(E) THE SECRETARY MAY SELL AT AN EQUIVALENT PRICE, ALLOWING FOR THE CUSTOMARY LOCATION AND GRADE PRICE DIFFERENTIALS, SUBSTANTIALLY EQUIVALENT QUANTITIES IN DIFFERENT LOCATIONS OR WAREHOUSES TO THE EXTENT NEEDED TO PROPERLY HANDLE, ROTATE, DISTRIBUTE, AND LOCATE SUCH RESERVE.

"(F) THE SECRETARY MAY USE THE COMMODITY CREDIT CORPORATION TO THE EXTENT FEASIBLE TO FULFILL THE PURPOSES OF THIS SECTION; AND TO THE MAXIMUM EXTENT PRACTICABLE CONSISTENT WITH THE FULFILLMENT OF THE PURPOSES OF THIS SECTION AND THE EFFECTIVE AND EFFICIENT ADMINISTRATION OF THIS SECTION SHALL UTILIZE THE USUAL AND CUSTOMARY CHANNELS, FACILITIES, AND ARRANGEMENTS OF TRADE AND COMMERCE.

"(G) THE SECRETARY MAY ISSUE SUCH RULES AND REGULATIONS AS MAY BE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION.

"(H) THERE IS HEREBY AUTHORIZED TO BE APPROPRIATED SUCH SUMS AS MAY BE NECESSARY TO CARRY OUT THE PURPOSES OF THIS SECTION.

"IMPORTED COMMODITIES

"SEC. 814. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS ACT, THE SECRETARY SHALL ENCOURAGE THE PRODUCTION OF ANY CROP OF WHICH THE UNITED STATES IS A NET IMPORTER AND FOR WHICH A PRICE SUPPORT PROGRAM IS NOT IN EFFECT BY PERMITTING THE PLANTING OF SUCH CROP ON SET-ASIDE ACREAGE AND WITH NO REDUCTION IN THE RATE OF PAYMENT FOR THE COMMODITY.

"EMERGENCY SUPPLY OF AGRICULTURAL PRODUCTS

"SEC. 815. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE SECRETARY OF AGRICULTURE SHALL ASSIST FARMERS, PROCESSORS, AND DISTRIBUTORS IN OBTAINING SUCH PRICES FOR AGRICULTURAL PRODUCTS THAT AN ORDERLY, ADEQUATE AND STEADY SUPPLY OF SUCH PRODUCTS WILL EXIST FOR THE CONSUMERS OF THIS NATION.

"(B) THE PRESIDENT SHALL MAKE APPROPRIATE ADJUSTMENTS IN THE MAXIMUM PRICE WHICH MAY BE CHARGED UNDER THE PROVISIONS OF EXECUTIVE ORDER 11723 //38 FR 15765.// (DATED JUNE 13, 1973) OR ANY SUBSEQUENT EXECUTIVE ORDER FOR ANY AGRICULTURAL PRODUCTS (AT ANY POINT IN THE DISTRIBUTION CHAIN) AS TO WHICH THE SECRETARY OF AGRICULTURE CERTIFIES TO THE PRESIDENT THAT THE SUPPLY OF THE PRODUCT WILL BE REDUCED TO UNACCEPTABLY LOW LEVELS AS A

RESULT OF ANY PRICE CONTROL OR FREEZE ORDER OR REGULATION AND THAT ALTERNATIVE MEANS FOR INCREASING THE SUPPLY ARE NOT AVAILABLE.

"(C) UNDER THIS SECTION, THE TERM 'AGRICULTURAL PRODUCTS' SHALL INCLUDE MEAT, POULTRY, VEGETABLES, FRUITS AND ALL OTHER AGRICULTURAL COMMODITIES IN RAW OR PROCESSED FORM, EXCEPT FORESTRY PRODUCTS OR FISH OR FISHERY PRODUCTS.

"(D) THE SECRETARY OF AGRICULTURE IS DIRECTED TO IMPLEMENT POLICIES UNDER THIS ACT WHICH ARE DESIGNED TO ENCOURAGE AMERICAN FARMERS TO PRODUCE TO THEIR FULL CAPABILITIES DURING PERIODS OF SHORT SUPPLY TO ASSURE AMERICAN CONSUMERS WITH AN ADEQUATE SUPPLY OF FOOD AND FIBER AT FAIR AND REASONABLE PRICES.

"RURAL DEVELOPMENT

"SEC. 816. (A) SECTION 401 OF THE RURAL DEVELOPMENT ACT OF 1972 (86 STAT. 670) IS AMENDED BY SUBSTITUTING THE WORDS 'FIRE' AND 'FIRES' FOR THE WORDS 'WILDFIRE' AND 'WILDFIRES', RESPECTIVELY, WHEREVER SUCH WORDS APPEAR. //7 USC 2651.//

"(B) SECTION 404 OF THE RURAL DEVELOPMENT ACT OF 1972 (86 STAT. 671) IS AMENDED TO READ AS FOLLOWS: //7 USC 2654.//

"SEC. 404. APPROPRIATIONS.--THERE IS AUTHORIZED TO BE APPROPRIATED TO CARRY OUT THE PROVISIONS OF THIS TITLE \$7,000,000 FOR EACH OF THREE CONSECUTIVE FISCAL YEARS BEGINNING WITH THE FISCAL YEAR FOR WHICH FUNDS ARE FIRST APPROPRIATED AND OBLIGATED BY THE SECRETARY OF AGRICULTURE CARRYING OUT THIS TITLE."

"(C) SECTION 306(A) OF THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING: //86 STAT. 659. 7 USC 1926.//

"(13)(A) THE SECRETARY, UNDER SUCH REASONABLE RULES AND CONDITIONS AS HE SHALL ESTABLISH, SHALL MAKE GRANTS TO ELIGIBLE VOLUNTEER FIRE DEPARTMENTS FOR UP TO 50 PER CENTUM OF THE COST OF FIREFIGHTING EQUIPMENT NEEDED BY SUCH DEPARTMENTS BUT WHICH SUCH DEPARTMENTS ARE UNABLE TO PURCHASE THROUGH THE RESOURCES OTHERWISE AVAILABLE TO THEM; AND FOR THE COST OF THE TRAINING NECESSARY TO ENABLE SUCH DEPARTMENTS TO USE SUCH EQUIPMENT EFFICIENTLY.

"(B) FOR THE PURPOSES OF THIS SUBSECTION, THE TERM "ELIGIBLE VOLUNTEER FIRE DEPARTMENT" MEANS ANY ESTABLISHED VOLUNTEER FIRE DEPARTMENT IN A RURAL TOWN, VILLAGE, OR UNINCORPORATED AREA WHERE THE POPULATION IS LESS THAN TWO THOUSAND BUT GREATER THAN TWO HUNDRED, AS REASONABLY DETERMINED BY THE SECRETARY." //87 STAT. 240// //87 STAT. 241//

"SEC. 817. SECTION 310(B)(1) OF SUBTITLE A OF THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING: //86 STAT. 663. 7 USC 1932.//

"(4) NO GRANT OR LOAN AUTHORIZED TO BE MADE UNDER THIS ACT SHALL REQUIRE OR BE SUBJECT TO THE PRIOR APPROVAL OF ANY OFFICER, EMPLOYEE, OR AGENCY OF ANY STATE.

"(5) NO LOAN COMMITMENT ISSUED UNDER THIS SECTION SECTION 304, OR SECTION 312 SHALL BE CONDITIONED UPON THE APPLICANT INVESTING IN EXCESS OF 10 PER CENTUM IN THE BUSINESS OR INDUSTRIAL ENTERPRISE FOR WHICH PURPOSE THE LOAN IS TO BE MADE UNLESS THE SECRETARY DETERMINES

THERE ARE SPECIAL CIRCUMSTANCES WHICH NECESSITATE AN EQUITY INVESTMENT BY THE APPLICANT GREATER THAN 10 PER CENTUM. //75 STAT. 308; 86 STAT. 657, 665. 7 USC 1924, 1942.//

"(6) NO PROVISION OF A LAW SHALL PROHIBIT ISSUANCE BY THE SECRETARY OF CERTIFICATES EVIDENCING BENEFICIAL OWNERSHIP IN A BLOCK OF NOTES INSURED OR GUARANTEED UNDER THIS ACT OR TITLE V OF THE HOUSING ACT OF 1949; //63 STAT. 432; 83 STAT. 399. 42 USC 1471. 42 STAT. 20. 31 USC 2 NOTE.// ANY SALE BY THE SECRETARY OF SUCH CERTIFICATES SHALL BE TREATED AS A SALE OF ASSETS FOR THE PURPOSES OF THE BUDGET AND ACCOUNTING ACT OF 1921. ANY SECURITY REPRESENTING BENEFICIAL OWNERSHIP IN A BLOCK OF NOTES GUARANTEED OR INSURED UNDER THIS ACT OR TITLE V OF THE HOUSING ACT OF 1949 ISSUED BY A PRIVATE ENTITY SHALL BE EXEMPT FROM LAWS ADMINISTERED BY THE SECURITIES AND EXCHANGE COMMISSION, EXCEPT SECTIONS 17, 22, AND 24 OF THE SECURITIES ACT OF 1933, //48 STAT. 84. 15 USC 77Q, 77V, 77X.// AS AMENDED, HOWEVER, THE SECRETARY SHALL REQUIRE (I) THAT THE ISSUER PLACE SUCH NOTES IN THE CUSTODY OF AN INSTITUTION CHARTERED BY A FEDERAL OR STATE AGENCY TO ACT AS TRUSTEE AND (II) THAT THE ISSUER PROVIDE SUCH PERIODIC REPORTS OF SALES AS THE SECRETARY DEEMS NECESSARY."

AGRICULTURAL CENSUS

"SEC. 818. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE SECRETARY OF COMMERCE SHALL CONDUCT A CENSUS OF AGRICULTURE IN 1974 AS REQUIRED BY SECTION 142 OF TITLE 13, //71 STAT. 483.// UNITED STATES CODE, AND SHALL SUBMIT TO THE CONGRESS, WITHIN THIRTY DAYS AFTER THE DATE OF ENACTMENT OF THE AGRICULTURE AND CONSUMER PROTECTION ACT OF 1973, AN ESTIMATE OF THE FUNDS NEEDED TO CONDUCT SUCH CENSUS."

(28) BY ADDING AT THE END THEREOF THE FOLLOWING NEW TITLE X:

"TITLE X--RURAL ENVIRONMENTAL CONSERVATION PROGRAM

"SEC. 1001. NOTWITHSTANDING ANY OTHER PROVISION OF LAW THE SECRETARY SHALL CARRY OUT THE PURPOSES SPECIFIED IN CLAUSES (1), (2), (3), (4), AND (6) OF SECTION 7(A) OF THE SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT, AS AMENDED, SECTION 16(B) OF SUCH ACT, AND IN THE WATER BANK ACT (16 U.S.C. 1301 ET SEQ.) //49 STAT. 163; 86 STAT. 676. 16 USC 590G, 590P. 84 STAT. 1468.// BY ENTERING INTO CONTRACTS OF THREE, FIVE, TEN, OR TWENTY-FIVE YEARS WITH, AND AT THE OPTION OF, ELIGIBLE OWNERS AND OPERATORS OF LAND AS DETERMINED BY THE SECRETARY AND HAVING SUCH CONTROL AS THE SECRETARY DETERMINES TO BE NEEDED ON THE FARMS; RANCHES, WETLANDS, FORESTS, OR OTHER LANDS COVERED THEREBY. IN ADDITION, THE SECRETARY IS HEREBY AUTHORIZED TO PURCHASE PERPETUAL EASEMENTS TO PROMOTE SAID PURPOSES OF THIS TITLE, INCLUDING THE SOUND USE AND MANAGEMENT OF FLOOD PLANS, SHORE LANDS, AND AQUATIC AREAS OF THE NATION. SUCH CONTRACTS SHALL BE DESIGNED TO ASSIST FARM, RANCH, WETLAND, AND NONINDUSTRIAL PRIVATE FOREST OWNERS AND OPERATORS, OR OTHER OWNERS OR OPERATORS, TO MAKE, IN ORDERLY PROGRESSION OVER A PERIOD OF YEARS, //87 STAT. 241// //87 STAT. 242// SUCH CHANGES, IF ANY, AS ARE NEEDED TO EFFECTUATE ANY OF THE PURPOSES SPECIFIED IN CLAUSES (1), (2), (3), (4), AND (6) OF SECTION 7(A) OF THE SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT, AS AMENDED; SECTION 16(B) OF

SUCH ACT; THE WATER BANK ACT (16 U.S.C. 1301 ET SEQ.); IN ENLARGING FISH AND WILDLIFE AND RECREATION SOURCES; IN IMPROVING THE LEVEL OF MANAGEMENT OF NONINDUSTRIAL PRIVATE FOREST LANDS; AND IN PROVIDING LONG-TERM WILDLIFE AND UPLAND GAME COVER. IN CARRYING OUT THE PROVISIONS OF THIS TITLE, DUE REGARD SHALL BE GIVEN TO THE MAINTENANCE OF A CONTINUING AND STABLE SUPPLY OF AGRICULTURAL COMMODITIES AND FOREST PRODUCTS ADEQUATE TO MEET CONSUMER DEMAND AT PRICES FAIR TO BOTH PRODUCERS AND CONSUMERS.

"(1) TO EFFECTUATE THE PLAN FOR HIS FARM, RANCH, FOREST, WETLAND, OR OTHER LAND SUBSTANTIALLY IN ACCORDANCE WITH THE SCHEDULE OUTLINED THEREIN;

"(2) TO FORFEIT ALL RIGHTS TO FURTHER PAYMENTS OR GRANTS UNDER THE CONTRACT AND REFUND TO THE UNITED STATES ALL PAYMENTS OR GRANTS RECEIVED THEREUNDER UPON HIS VIOLATION OF THE CONTRACT AT ANY STAGE DURING THE TIME HE HAS CONTROL OF THE LAND IF THE SECRETARY, AFTER CONSIDERING THE RECOMMENDATIONS OF THE SOIL AND WATER CONSERVATION DISTRICT BOARD, OR THE STATE FORESTER OR OTHER APPROPRIATE OFFICIAL IN A CONTRACT ENTERED INTO UNDER THE PROVISIONS OF SECTION 1009 OF THIS TITLE, DETERMINES THAT SUCH VIOLATION IS OF SUCH A NATURE AS TO WARRANT TERMINATION OF THE CONTRACT, OR TO MAKE REFUNDS OR ACCEPT SUCH PAYMENT ADJUSTMENTS AS THE SECRETARY MAY DEEM APPROPRIATE IF HE DETERMINES THAT THE VIOLATION BY THE OWNER OR OPERATOR DOES NOT WARRANT TERMINATION OF THE CONTRACT;

"(3) UPON TRANSFER OF HIS RIGHT AND INTEREST IN THE FARM, RANCH, FOREST, WETLAND, OR OTHER LAND DURING THE CONTRACT PERIOD TO FORFEIT ALL RIGHTS TO FURTHER PAYMENTS OR GRANTS UNDER THE CONTRACT AND REFUND TO THE UNITED STATES ALL PAYMENTS OR GRANTS RECEIVED THEREUNDER UNLESS THE TRANSFEREE OF ANY SUCH LAND AGREES WITH THE SECRETARY TO ASSUME ALL OBLIGATIONS OF THE CONTRACT;

"(4) NOT TO ADOPT ANY PRACTICE SPECIFIED BY THE SECRETARY IN THE CONTRACT AS A PRACTICE WHICH WOULD TEND TO DEFEAT THE PURPOSES OF THE CONTRACT;

"SEC. 1002. ELIGIBLE LANDOWNERS AND OPERATORS FOR CONTRACTS UNDER THIS TITLE SHALL FURNISH TO THE SECRETARY A PLAN OF FARMING OPERATIONS OR LAND USE WHICH INCORPORATES SUCH PRACTICES AND PRINCIPLES AS MAY BE DETERMINED BY HIM TO BE PRACTICABLE AND WHICH OUTLINES A SCHEDULE OF PROPOSED CHANGES, IF ANY, IN CROPPING SYSTEMS OR LAND USE AND OF THE CONSERVATION MEASURES WHICH ARE TO BE CARRIED OUT ON THE FARM, RANCH, WETLAND, FORESTS, OR OTHER LAND DURING THE CONTRACT PERIOD TO PROTECT THE FARM, RANCH, WETLAND, FORESTS OR OTHER LAND AND SURROUNDING AREAS, ITS WILDLIFE, AND NEARBY POPULACE AND COMMUNITIES FROM EROSION, DETERIORATION, POLLUTION BY NATURAL AND MANMADE CAUSES OR TO INSURE AN ADEQUATE SUPPLY OF TIMBER, AND RELATED FOREST PRODUCTS. SAID PLANS MAY ALSO, IN IMPORTANT MIGRATORY WATERFOWL NESTING AND BREEDING AREAS WHICH ARE IDENTIFIED IN A CONSERVATION PLAN DEVELOPED IN COOPERATION WITH A SOIL AND WATER CONSERVATION DISTRICT IN WHICH THE LANDS ARE LOCATED, AND UNDER SUCH RULES AND REGULATIONS AS THE SECRETARY MAY PROVIDE, INCLUDE A SCHEDULE OF PROPOSED CHANGES, IF ANY, TO CONSERVE SURFACE WATERS AND PRESERVE AND IMPROVE HABITAT FOR MIGRATORY WATERFOWL AND OTHER WILDLIFE RESOURCES AND

IMPROVE SUBSURFACE MOISTURE, INCLUDING, SUBJECT TO THE PROVISIONS OF SECTION 1001 OF THIS TITLE, THE REDUCTION OF AREAS OF NEW LAND COMING INTO PRODUCTION, THE ENHANCEMENT OF THE NATURAL BEAUTY OF THE LANDSCAPE, AND THE PROMOTION OF COMPREHENSIVE AND TOTAL WATER MANAGEMENT STUDY.

"SEC. 1003. (A) APPROVED CONSERVATION PLANS OF ELIGIBLE LANDOWNERS AND OPERATORS DEVELOPED IN COOPERATION WITH THE SOIL AND WATER CONSERVATION DISTRICT OR THE STATE FORESTER OR OTHER APPROPRIATE STATE OFFICIAL IN WHICH THEIR LANDS ARE SITUATED SHALL FORM A BASIS FOR CONTRACTS UNDER THIS TITLE. //87 STAT. 242// //87 STAT. 243// UNDER THE CONTRACT THE LANDOWNER OR OPERATOR SHALL AGREE--

"(5) TO COMPLY WITH ALL APPLICABLE FEDERAL, STATE, OR LOCAL LAWS, AND REGULATIONS, INCLUDING THOSE GOVERNING ENVIRONMENTAL PROTECTION AND NOXIOUS WEED ABATEMENT; AND

"(6) TO SUCH ADDITIONAL PROVISIONS AS THE SECRETARY DETERMINES ARE DESIRABLE AND INCLUDES IN THE CONTRACT TO EFFECTUATE THE PURPOSES OF THE PROGRAM OR TO FACILITATE THE PRACTICAL ADMINISTRATION OF THE PROGRAM: PROVIDED, THAT ALL CONTRACTS ENTERED INTO TO EFFECTUATE THE PURPOSES OF THE WATER BANK ACT FOR WETLANDS SHALL CONTAIN THE FURTHER AGREEMENT OF THE OWNER OR OPERATOR THAT HE SHALL NOT DRAIN, BURN, FILL, OR OTHERWISE DESTROY THE WETLAND CHARACTER OF SUCH AREAS, NOR USE SUCH AREAS FOR AGRICULTURAL PURPOSES: //84 STAT. 1468. 16 USC 1301 NOTE.// AND PROVIDED FURTHER, THAT CONTRACTS ENTERED INTO FOR THE PROTECTION OF WETLANDS TO EFFECTUATE THE PURPOSES OF THE WATER BANK ACT MAY INCLUDE WETLANDS COVERED BY FEDERAL OR STATE GOVERNMENT EASEMENT WHICH PERMITS AGRICULTURAL USE, TOGETHER WITH SUCH ADJACENT AREAS AS DETERMINED DESIRABLE BY THE SECRETARY.

"(B) IN RETURN FOR SUCH AGREEMENT BY THE LANDOWNER OR OPERATOR THE SECRETARY SHALL AGREE TO MAKE PAYMENTS IN APPROPRIATE CIRCUMSTANCES FOR THE USE OF LAND MAINTAINED FOR CONSERVATION PURPOSES AS SET FORTH IN THIS TITLE, AND SHARE THE COST OF CARRYING OUT THOSE CONSERVATION PRACTICES AND MEASURES SET FORTH IN THE CONTRACT FOR WHICH HE DETERMINES THAT COST-SHARING IS APPROPRIATE AND IN THE PUBLIC INTEREST. THE PORTION OF SUCH COST (INCLUDING LABOR) TO BE SHARED SHALL BE THAT PART WHICH THE SECRETARY DETERMINES IS NECESSARY AND APPROPRIATE TO EFFECTUATE THE PHYSICAL INSTALLATION OF THE CONSERVATION PRACTICES AND MEASURES UNDER THE CONTRACT, BUT, IN THE CASE OF A CONTRACT NOT ENTERED INTO UNDER AN ADVERTISING AND BID PROCEDURE UNDER THE PROVISIONS OF SECTION 1009(D) OF THIS TITLE, NOT LESS THAN 50 PER CENTUM OR MORE THAN 75 PER CENTUM OF THE ACTUAL COST INCURRED BY THE OWNER OR OPERATOR.

"(C) THE SECRETARY MAY TERMINATE ANY CONTRACT WITH A LANDOWNER OR OPERATOR BY MUTUAL AGREEMENT WITH THE OWNER OR OPERATOR IF THE SECRETARY DETERMINES THAT SUCH TERMINATION WOULD BE IN THE PUBLIC INTEREST, AND MAY AGREE TO SUCH MODIFICATION OF CONTRACTS PREVIOUSLY ENTERED INTO AS HE MAY DETERMINE TO BE DESIRABLE TO CARRY OUT THE PURPOSES OF THE PROGRAM OR FACILITATE THE PRACTICAL ADMINISTRATION THEREOF OR TO ACCOMPLISH EQUITABLE TREATMENT WITH RESPECT TO OTHER SIMILAR CONSERVATION, LAND USE, OR COMMODITY PROGRAMS ADMINISTERED BY THE SECRETARY.

"SEC. 1004. THE SECRETARY IS AUTHORIZED TO MAKE AVAILABLE TO ELIGIBLE OWNERS AND OPERATORS CONSERVATION MATERIALS INCLUDING SEEDS, SEED INOCULANTS, SOIL CONDITIONING MATERIALS, TREES, PLANTS, AND, IF HE DETERMINES IT IS APPROPRIATE TO THE PURPOSES OF THIS TITLE, FERTILIZER AND LIMING MATERIALS.

"SEC. 1005. (A) NOTWITHSTANDING THE PROVISIONS OF ANY OTHER TITLE, THE SECRETARY MAY ESTABLISH MULTIYEAR SET-ASIDE CONTRACTS FOR A PERIOD NOT TO EXTEND BEYOND THE 1977 CROP. SUCH CONTRACTS MAY BE ENTERED INTO ONLY AS A PART OF THE PROGRAMS IN EFFECT FOR WHEAT, FEED GRAINS, AND COTTON FOR THE YEARS 1974 THROUGH 1978, AND ONLY PRODUCERS PARTICIPATING IN ONE OR MORE OF SUCH PROGRAMS SHALL BE ELIGIBLE TO CONTRACT WITH THE SECRETARY UNDER THIS SECTION. PRODUCERS AGREEING TO A MULTIYEAR SET-ASIDE AGREEMENT SHALL BE REQUIRED TO DEVOTE THIS ACREAGE TO VEGETATIVE COVER CAPABLE OF MAINTAINING ITSELF THROUGHOUT SUCH PERIOD TO PROVIDE SOIL PROTECTION, WATER QUALITY ENHANCEMENT, WILDLIFE PRODUCTION, AND NATURAL BEAUTY. GRAZING OF LIVESTOCK UNDER THIS SECTION SHALL BE PROHIBITED. //87 STAT. 243// //87 STAT. 244// PRODUCERS ENTERING INTO AGREEMENTS UNDER THIS SECTION SHALL ALSO AGREE TO COMPLY WITH ALL APPLICABLE STATE AND LOCAL LAW AND REGULATION GOVERNING NOXIOUS WEED CONTROL.

"(B) THE SECRETARY SHALL PROVIDE COST-SHARING INCENTIVES TO FARM OPERATORS FOR SUCH COVER ESTABLISHMENT, WHENEVER A MULTIYEAR CONTRACT IS ENTERED INTO ON ALL OR A PORTION OF THE SET-ASIDE ACREAGE.

"SEC. 1006. THE SECRETARY SHALL ISSUE SUCH REGULATIONS AS HE DETERMINES NECESSARY TO CARRY OUT THE PROVISIONS OF THIS TITLE. THE TOTAL ACREAGE PLACED UNDER AGREEMENTS WHICH RESULT IN THEIR RETIREMENT FROM PRODUCTION IN ANY COUNTY OR LOCAL COMMUNITY SHALL IN ADDITION TO THE LIMITATIONS ELSEWHERE IN THIS TITLE BE LIMITED TO A PERCENTAGE OF THE TOTAL ELIGIBLE ACREAGE IN SUCH COUNTY OR LOCAL COMMUNITY WHICH THE SECRETARY DETERMINES WOULD NOT ADVERSELY AFFECT THE ECONOMY OF THE COUNTY OR LOCAL COMMUNITY. IN DETERMINING SUCH PERCENTAGE THE SECRETARY SHALL GIVE APPROPRIATE CONSIDERATION TO THE PRODUCTIVITY OF THE ACREAGE BEING RETIRED, IF ANY, AS COMPARED TO THE AVERAGE PRODUCTIVITY OF ELIGIBLE ACREAGE IN SUCH COUNTY OR LOCAL COMMUNITY WHICH THE SECRETARY DETERMINES WOULD NOT ADVERSELY AFFECT THE ECONOMY OF THE COUNTY OR LOCAL COMMUNITY.

"SEC. 1007. (A) THE SECRETARY OF AGRICULTURE SHALL APPOINT AN ADVISORY BOARD IN EACH STATE TO ADVISE THE STATE COMMITTEE OF THAT STATE (ESTABLISHED UNDER SECTION 8(8) OF THE SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT) //52 STAT. 31; 86 STAT. 676. 16 USC 590H// REGARDING THE TYPES OF CONSERVATION MEASURES THAT SHOULD BE APPROVED TO EFFECTUATE THE PURPOSES OF THIS TITLE. THE SECRETARY SHALL APPOINT AT LEAST SIX INDIVIDUALS TO THE ADVISORY BOARD OF EACH STATE WHO ARE ESPECIALLY QUALIFIED BY REASON OF EDUCATION, TRAINING, AND EXPERIENCE IN THE FIELDS OF AGRICULTURE, SOIL, WATER, WILDLIFE, FISH, AND FOREST MANAGEMENT. THE ADVISORY BOARD APPOINTED FOR ANY STATE SHALL MEET AT LEAST ONCE EACH CALENDAR YEAR. SAID APPOINTED MEMBERS SHALL INCLUDE, BUT NOT BE LIMITED TO, THE STATE SOIL CONSERVATIONIST, THE STATE FORESTER, THE STATE ADMINISTRATOR OF THE WATER QUALITY PROGRAMS, AND THE STATE WILDLIFE ADMINISTRATOR OR THEIR DESIGNEES: PROVIDED, THAT SUCH BOARD SHALL LIMIT

ITS ADVICE TO THE STATE COMMITTEES TO THE TYPES OF CONSERVATION MEASURES THAT SHOULD BE APPROVED AFFECTING THE WATER BANK PROGRAM; THE AUTHORIZATION TO PURCHASE PERPETUAL EASEMENTS TO PROMOTE THE PURPOSES OF THIS TITLE, AS DESCRIBED IN SECTION 1001 OF THIS TITLE; THE PROVIDING OF LONG-TERM UPLAND GAME COVER; AND THE ESTABLISHMENT AND MANAGEMENT OF APPROVED PRACTICES ON MULTIYEAR SET-ASIDE CONTRACTS AS PROVIDED IN SECTION 1005 OF THIS TITLE:

"(B) THE SECRETARY OF AGRICULTURE, THROUGH THE ESTABLISHMENT OF A NATIONAL ADVISORY BOARD TO BE NAMED IN CONSULTATION WITH THE SECRETARY OF THE INTERIOR, SHALL SEEK THE ADVICE AND ASSISTANCE OF THE APPROPRIATE OFFICIALS OF THE SEVERAL STATES IN DEVELOPING THE PROGRAMS UNDER THIS TITLE, ESPECIALLY IN DEVELOPING GUIDELINES FOR (1) PROVIDING TECHNICAL ASSISTANCE FOR WILDLIFE HABITAT IMPROVEMENT PRACTICES, (2) EVALUATING EFFECTS ON SURROUNDING AREAS, (3) CONSIDERING AESTHETIC VALUES, (4) CHECKING COMPLIANCE BY COOPERATORS, AND (5) CARRYING OUT PROGRAMS OF WILDLIFE MANAGEMENT AUTHORIZED UNDER THIS TITLE: PROVIDED, THAT SUCH BOARD SHALL LIMIT ITS ADVICE TO SUBJECTS WHICH COVER THE TYPES OF CONSERVATION MEASURES THAT SHOULD BE APPROVED REGARDING THE WATER BANK PROGRAM; THE AUTHORIZATION TO PURCHASE PERPETUAL EASEMENTS TO PROMOTE THE PURPOSES OF THIS ACT, AS DESCRIBED IN SECTION 1001 OF THIS TITLE; THE PROVIDING OF LONG-TERM UPLAND GAME COVER; AND THE ESTABLISHMENT AND MANAGEMENT OF APPROVED PRACTICES ON MULTIYEAR SET-ASIDE CONTRACTS AS PROVIDED IN SECTION 1005 OF THIS TITLE.

"SEC. 1008. IN CARRYING OUT THE PROGRAMS AUTHORIZED UNDER SECTIONS 1001 THROUGH 1006 OF THIS TITLE, THE SECRETARY SHALL, IN ADDITION TO APPROPRIATE COORDINATION WITH OTHER INTERESTED FEDERAL, STATE, AND LOCAL AGENCIES, UTILIZE THE SERVICES OF LOCAL, COUNTY, AND STATE COMMITTEES ESTABLISHED UNDER SECTION 8 OF THE SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT, //87 STAT. 245// //49 STAT. 163; 86 STAT. 676. 16 USC 590H.// AS AMENDED. THE SECRETARY IS ALSO AUTHORIZED TO UTILIZE THE FACILITIES AND SERVICES OF THE COMMODITY CREDIT CORPORATION IN DISCHARGING HIS FUNCTIONS AND RESPONSIBILITIES UNDER THIS PROGRAM. THE SECRETARY SHALL ALSO UTILIZE THE TECHNICAL SERVICES OF THE SOIL CONSERVATION SERVICE, THE FOREST SERVICE, STATE FORESTRY ORGANIZATIONS, SOIL AND WATER CONSERVATION DISTRICTS, AND OTHER STATE, AND FEDERAL AGENCIES, AS APPROPRIATE, IN DEVELOPMENT AND INSTALLATION OF APPROVED CONSERVATION PLANS UNDER THIS TITLE.

"SEC. 1009. (A) IN FURTHERANCE OF THE PURPOSES OF THIS TITLE, THE SECRETARY OF AGRICULTURE IS AUTHORIZED AND DIRECTED TO DEVELOP AND CARRY OUT A FORESTRY INCENTIVES PROGRAM TO ENCOURAGE THE DEVELOPMENT, MANAGEMENT, AND PROTECTION OF NONINDUSTRIAL PRIVATE LANDS. THE PURPOSES OF SUCH A PROGRAM SHALL BE TO ENCOURAGE LANDOWNERS TO APPLY PRACTICES WHICH WILL PROVIDE FOR THE AFFORESTATION OF SUITABLE OPEN LANDS AND REFORESTATION OF CUTOVER AND OTHER NONSTOCKED AND UNDERSTOCKED FOREST LANDS AND INTENSIVE MULTIPLE-PURPOSE MANAGEMENT AND PROTECTION OF FOREST RESOURCES SO AS TO PROVIDE FOR PRODUCTION OF TIMBER AND RELATED BENEFITS.

"(B) FOR THE PURPOSES OF THIS SECTION, THE TERM 'NON-INDUSTRIAL PRIVATE FOREST LANDS' MEANS LANDS CAPABLE OF PRODUCING CROPS OF INDUSTRIAL WOOD

AND OWNED BY ANY PRIVATE INDIVIDUAL, GROUP, ASSOCIATION, CORPORATION, OR OTHER LEGAL ENTITY. SUCH TERM DOES NOT INCLUDE PRIVATE ENTITIES WHICH REGULARLY ENGAGE IN THE BUSINESS OF MANUFACTURING FOREST PRODUCTS OR PROVIDING PUBLIC UTILITIES SERVICES OF ANY TYPE, OR THE SUBSIDIARIES OF SUCH ENTITIES.

"(C) THE SECRETARY SHALL CONSULT WITH THE STATE FORESTER OR OTHER APPROPRIATE OFFICIAL OF THE RESPECTIVE STATES IN THE CONDUCT OF THE FORESTRY INCENTIVES PROGRAM UNDER THIS SECTION, AND FEDERAL ASSISTANCE SHALL BE EXTENDED IN ACCORDANCE WITH SECTION 1003(B) OF THIS TITLE. THE SECRETARY SHALL FOR THE PURPOSES OF THIS SECTION DISTRIBUTE FUNDS AVAILABLE FOR COST SHARING AMONG AND WITHIN THE STATES ONLY AFTER ASSESSING THE PUBLIC BENEFIT INCIDENT THERETO, AND AFTER GIVING APPROPRIATE CONSIDERATION TO THE NUMBER AND ACREAGE OF COMMERCIAL FOREST LANDS; AND THE NEED FOR REFORESTATION, TIMBER STAND IMPROVEMENT, OR OTHER FORESTRY INVESTMENTS ON SUCH LAND. NO FOREST INCENTIVES CONTRACT SHALL BE APPROVED UNDER THIS SECTION ON A TRACT GREATER THAN FIVE HUNDRED ACRES, UNLESS THE SECRETARY FINDS THAT SIGNIFICANT PUBLIC BENEFIT WILL BE INCIDENT TO SUCH APPROVAL.

"(D) THE SECRETARY MAY, IF HE DETERMINES THAT SUCH ACTION WILL CONTRIBUTE TO THE EFFECTIVE AND EQUITABLE ADMINISTRATION OF THE PROGRAM ESTABLISHED BY THIS SECTION, USE AN ADVERTISING AND BID PROCEDURE IN DETERMINING THE LANDS IN ANY AREA TO BE COVERED BY AGREEMENTS.

"(E) IN IMPLEMENTING THE PROGRAM UNDER THIS SECTION, THE SECRETARY WILL CAUSE IT TO BE COORDINATED WITH OTHER RELATED PROGRAMS IN SUCH A MANNER AS TO ENCOURAGE THE UTILIZATION OF PRIVATE AGENCIES, FIRMS, AND INDIVIDUALS FURNISHING SERVICES AND MATERIALS NEEDED IN THE APPLICATION OF PRACTICES INCLUDED IN THE FORESTRY INCENTIVES IMPROVEMENT PROGRAM. THE SECRETARY SHALL PERIODICALLY REPORT TO THE APPROPRIATE CONGRESSIONAL COMMITTEES OF THE PROGRESS AND CONDUCT OF THE PROGRAM ESTABLISHED UNDER THIS SECTION.

"SEC. 1010. THERE ARE HEREBY AUTHORIZED TO BE APPROPRIATED ANNUALLY SUCH SUMS AS MAY BE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS TITLE. THE PROGRAMS, CONTRACTS, AND AUTHORITY AUTHORIZED UNDER THIS TITLE SHALL BE IN ADDITION TO, AND NOT IN SUBSTITUTION FOR, OTHER PROGRAMS IN SUCH AREAS AUTHORIZED BY THIS OR ANY OTHER TITLE OR ACT, AND SHALL NOT EXPIRE WITH THE TERMINATION OF ANY OTHER TITLE OR ACT: //87 STAT. 246// PROVIDED, THAT NOT MORE THAN \$25,000,000 ANNUALLY SHALL BE AUTHORIZED TO BE APPROPRIATED FOR THE PROGRAMS AUTHORIZED UNDER SECTION 1009 OF THIS ACT."

ADVISORY COMMITTEE REPEAL

SEC. 2. SECTION 301 OF THE ACT OF AUGUST 14, 1946 (PUBLIC LAW 79 - 733) AS AMENDED (7 U.S.C. 1628), IS HEREBY REPEALED. //60 STAT. 1091; 81 STST. 752.//

FOOD STAMPS

SEC. 3. THE FOOD STAMP ACT OF 1964, AS AMENDED, IS AMENDED AS FOLLOWS:

(A) THE SECOND SENTENCE OF SECTION 3(E) OF THE FOOD STAMP ACT OF 1964 (7 U.S.C. 2012(E)) IS AMENDED-- //84 STAT. 2048; 86 STAT. 1491.//

(1) BY STRIKING OUT "OR"; AND

(2) BY INSERTING BEFORE THE PERIOD AT THE END THEREOF THE

FOLLOWING: "OR (3) ANY NARCOTICS ADDICT OR ALCOHOLIC WHO LIVES UNDER THE SUPERVISION OF A PRIVATE NONPROFIT ORGANIZATION OR INSTITUTION FOR THE PURPOSE OF REGULAR PARTICIPATION IN A DRUG OR ALCOHOLIC TREATMENT AND REHABILITATION PROGRAM."

(B) SECTION 3(E) OF THE FOOD STAMP ACT OF 1964 IS AMENDED BY STRIKING OUT THE LAST SENTENCE THEREIN AND INSERTING IN LIEU THEREOF THE FOLLOWING SENTENCE: "NO INDIVIDUAL WHO RECEIVES SUPPLEMENTAL SECURITY INCOME BENEFITS UNDER TITLE XVI OF THE SOCIAL SECURITY ACT //86 STAT. 1465; 42 USC 1381.// SHALL BE CONSIDERED TO BE A MEMBER OF A HOUSEHOLD OR AN ELDERLY PERSON FOR ANY PURPOSE OF THIS ACT FOR ANY MONTH IF SUCH PERSON RECEIVES FOR SUCH MONTH, AS PART OF HIS SUPPLEMENTAL SECURITY INCOME BENEFITS OR PAYMENTS DESCRIBED IN SECTION 1616(A) OF THE SOCIAL SECURITY ACT (IF ANY), //42 USC 1382E.// AN AMOUNT EQUAL TO THE BONUS VALUE OF FOOD STAMPS (ACCORDING TO THE FOOD STAMP SCHEDULE EFFECTIVE FOR JULY 1973) IN ADDITION TO THE AMOUNT OF ASSISTANCE SUCH INDIVIDUAL WOULD BE ENTITLED TO RECEIVE FOR SUCH MONTH UNDER THE PROVISIONS OF THE PLAN OF THE STATE APPROVED UNDER TITLE I, X, XIV, XVI, //86 STAT. 1484. 42 USC 301, 1201, 1351.// AS APPROPRIATE, IN EFFECT FOR DECEMBER 1973, ASSUMING SUCH PLAN WERE IN EFFECT FOR SUCH MONTH AND SUCH INDIVIDUAL WERE AGED, BLIND, OR DISABLED, AS THE CASE MAY BE, UNDER THE PROVISIONS OF SUCH STATE PLAN OR UNDER PUBLIC LAW 92 - 603 AS AMENDED. //86 STAT. 1329. 42 USC 401 NOTE.// THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE SHALL ISSUE REGULATIONS FOR THE IMPLEMENTATION OF THE FOREGOING SENTENCE AFTER CONSULTATION WITH THE SECRETARY OF AGRICULTURE."

(C) SECTION 3 OF THE FOOD STAMP ACT OF 1964 //78 STAT. 703; 84 STAT. 2049.// (7 U.S.C. 2012) IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW SUBSECTION:

"(N) THE TERM 'DRUG ADDICTION OR ALCOHOLIC TREATMENT AND REHABILITATION PROGRAM' MEANS ANY DRUG ADDICTION OR ALCOHOLIC TREATMENT AND REHABILITATION PROGRAM CONDUCTED BY A PRIVATE NONPROFIT ORGANIZATION OR INSTITUTION WHICH IS CERTIFIED BY THE STATE AGENCY OR AGENCIES DESIGNATED BY THE GOVERNOR AS RESPONSIBLE FOR THE ADMINISTRATION OF THE STATE'S PROGRAMS FOR ALCOHOLICS AND DRUG ADDICTS PURSUANT TO PUBLIC LAW 91 - 616 'COMPREHENSIVE ALCOHOL ABUSE AND ALCOHOL PREVENTION, TREATMENT, AND REHABILITATION ACT' AND PUBLIC LAW 92 - 255 'DRUG ABUSE OFFICE AND TREATMENT ACT OF 1972' //84 STAT. 1848. 42 USC 4551 NOTE.// AS PROVIDING TREATMENT THAT CAN LEAD TO THE REHABILITATION OF DRUG ADDICTS OR ALCOHOLICS."

(D) SECTION 5 OF THE FOOD STAMP ACT OF 1964 //86 STAT. 65. 21 USC 1101 NOTE.// (7 U.S.C. 2014) IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW SUBSECTION:

"(D) THE SECRETARY SHALL ESTABLISH UNIFORM NATIONAL STANDARDS OF ELIGIBILITY FOR HOUSEHOLDS DESCRIBED IN SECTION 3(E)(3) OF THIS ACT." //84 STAT. 2049.//

(E) SECTION 5(C) OF THE FOOD STAMP ACT OF 1964 //87 STAT. 247// //84 STAT. 2050.// (7 U.S.C. 2014(C)) IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING: "FOR THE PURPOSES OF THIS SECTION, THE TERM 'ABLE-BODIED ADULT PERSON' SHALL NOT INCLUDE ANY NARCOTICS ADDICT OR ALCOHOLIC WHO

REGULARLY PARTICIPATES, AS A RESIDENT OR NONRESIDENT, IN ANY DRUG ADDICTION OR ALCOHOLIC TREATMENT AND REHABILITATION PROGRAM."

(F) SECTION 10 OF THE FOOD STAMP ACT OF 1964 //78 STAT. 706; 84 STAT. 2051.// (7 U.S.C. 2019) IS AMENDED BY INSERTING AT THE END THEREOF THE FOLLOWING NEW SUBSECTION:

"(I) SUBJECT TO SUCH TERMS AND CONDITIONS AS MAY BE PRESCRIBED BY THE SECRETARY IN THE REGULATIONS PURSUANT TO THIS ACT, MEMBERS OF AN ELIGIBLE HOUSEHOLD WHO ARE NARCOTICS ADDICTS OR ALCOHOLICS AND REGULARLY PARTICIPATE IN A DRUG ADDICTION OR ALCOHOLIC TREATMENT AND REHABILITATION PROGRAM MAY USE COUPONS ISSUED TO THEM TO PURCHASE FOOD PREPARED FOR OR SERVED TO THEM DURING THE COURSE OF SUCH PROGRAM BY A PRIVATE NONPROFIT ORGANIZATION OR INSTITUTION WHICH MEETS REQUIREMENTS (1), (2), AND (3) OF SUBSECTION (H) ABOVE. MEALS SERVED PURSUANT TO THIS SUBSECTION SHALL BE DEEMED 'FOOD' FOR THE PURPOSES OF THIS ACT."

(G) SECTION 5(B) //84 STAT. 2049.// IS AMENDED BY INSERTING THE FOLLOWING BEFORE THE PERIOD AT THE END OF THE SECOND SENTENCE: "PROVIDED, THAT SUCH STANDARDS SHALL TAKE INTO ACCOUNT PAYMENTS IN KIND RECEIVED FROM AN EMPLOYER BY MEMBERS OF A HOUSEHOLD, IF SUCH PAYMENTS ARE IN LIEU OF OR SUPPLEMENTAL TO HOUSEHOLD INCOME: PROVIDED FURTHER, THAT SUCH PAYMENTS IN KIND SHALL BE LIMITED ONLY TO HOUSING PROVIDED BY SUCH EMPLOYER TO SUCH EMPLOYEE AND SHALL BE THE ACTUAL VALUE OF SUCH HOUSING BUT IN NO EVENT SHALL SUCH VALUE BE CONSIDERED TO BE IN EXCESS OF THE SUM OF \$25.00 PER MONTH."

(H) THE FOURTH SENTENCE OF SECTION 5(B) IS AMENDED TO READ AS FOLLOWS: "THE SECRETARY MAY ALSO ESTABLISH TEMPORARY EMERGENCY STANDARDS OF ELIGIBILITY FOR THE DURATION OF THE EMERGENCY, WITHOUT REGARD TO INCOME AND OTHER FINANCIAL RESOURCES, FOR HOUSEHOLDS THAT ARE THE VICTIMS OF A MECHANICAL DISASTER WHICH DISRUPTS THE DISTRIBUTION OF COUPONS, AND FOR HOUSEHOLDS THAT ARE VICTIMS OF A DISASTER WHICH DISRUPTED COMMERCIAL CHANNELS OF FOOD DISTRIBUTION WHEN HE DETERMINES THAT SUCH HOUSEHOLDS ARE IN NEED OF TEMPORARY FOOD ASSISTANCE, AND THAT COMMERCIAL CHANNELS OF FOOD DISTRIBUTION HAVE AGAIN BECOME AVAILABLE TO MEET THE TEMPORARY FOOD NEEDS OF SUCH HOUSEHOLDS: PROVIDED, THAT THE SECRETARY SHALL IN THE CASE OF PUERTO RICO, GUAM, AND THE VIRGIN ISLAND, ESTABLISH SPECIAL STANDARDS OF ELIGIBILITY AND COUPON ALLOTMENT SCHEDULES WHICH REFLECT THE AVERAGE PER CAPITA INCOME AND COST OF OBTAINING A NUTRITIONALLY ADEQUATE DIET IN PUERTO RICO AND THE RESPECTIVE TERRITORIES; EXCEPT THAT IN NO EVENT SHALL THE STANDARDS OF ELIGIBILITY OR COUPON ALLOTMENT SCHEDULES SO USED EXCEED THOSE IN THE FIFTY STATES."

(I) SECTION 10(E) //84 STAT. 2051.// IS AMENDED BY STRIKING OUT "AND (6)" AND INSERTING IN LIEU THEREOF THE FOLLOWING: "(6) ISSUANCE OF COUPON ALLOTMENT NO LESS OFTEN THAN TWO TIMES PER MONTH; (7) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE INSTITUTION OF PROCEDURES UNDER WHICH ANY HOUSEHOLD PARTICIPATING IN THE PROGRAM SHALL BE ENTITLED, IF IT SO ELECTS, TO HAVE THE CHARGES, IF ANY, FOR ITS COUPON ALLOTMENT DEDUCTED FROM ANY GRANT OR PAYMENT SUCH HOUSEHOLD MAY BE ENTITLED TO RECEIVE UNDER TITLE IV OF THE SOCIAL SECURITY ACT AND HAVE ITS COUPON ALLOTMENT DISTRIBUTED TO IT WITH SUCH GRANT OR PAYMENT: //49 STAT. 627; 81 STAT. 864. 42 USC 601.//

"THE STATE AGENCY IS REQUIRED TO SUBMIT, PRIOR TO JANUARY 1, 1974, FOR APPROVAL, A PLAN OF OPERATION SPECIFYING THE MANNER IN WHICH SUCH STATE AGENCY INTENDS TO CONDUCT THE PROGRAM IN EVERY POLITICAL SUBDIVISION IN THE STATE: //87 STAT. 248// UNLESS SUCH STATE AGENCY CAN DEMONSTRATE THAT FOR ANY POLITICAL SUBDIVISION IT IS IMPOSSIBLE OR IMPRACTICABLE TO EXTEND THE PROGRAM TO SUCH SUBDIVISION. THE SECRETARY SHALL MAKE A DETERMINATION OF APPROVAL OR DISAPPROVAL OF A PLAN OF OPERATION SUBMITTED BY A STATE AGENCY IN SUFFICIENT TIME TO PERMIT INSTITUTION OF SUCH PLAN BY NO LATER THAN JUNE 30, 1974."

(J) SECTION 16(A) //84 STAT. 2052. 7 USC 2025.// IS AMENDED BY STRIKING OUT IN THE FIRST SENTENCE "JUNE 30, 1972, AND JUNE 30, 1973" AND SUBSTITUTING "JUNE 30, 1972, THROUGH JUNE 30, 1977", AND BY INSERTING AT THE END OF THE FIRST SENTENCE OF SUBSECTION (A) THE FOLLOWING NEW SENTENCE: "SUMS APPROPRIATED UNDER THE PROVISIONS OF THIS ACT SHALL, NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW, CONTINUE TO REMAIN AVAILABLE UNTIL EXPENDED."

(K) SECTION 10(H) //84 STAT. 2051. 7 USC 2019.// IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING: "SUBJECT TO SUCH TERMS AND CONDITIONS AS MAY BE PRESCRIBED BY THE SECRETARY, IN THE REGULATIONS ISSUED PURSUANT TO THIS ACT, MEMBERS OF AN ELIGIBLE HOUSEHOLD WHO ARE SIXTY YEARS OF AGE OR OVER OR ELDERLY PERSONS AND THEIR SPOUSES MAY ALSO USE COUPONS ISSUED TO THEM TO PURCHASE MEALS PREPARED BY SENIOR CITIZENS' CENTERS, APARTMENT BUILDINGS OCCUPIED PRIMARILY BY ELDERLY PERSONS, AT PUBLIC OR NONPROFIT PRIVATE SCHOOL WHICH PREPARES MEALS ESPECIALLY FOR ELDERLY PERSONS, AT PUBLIC OR NONPROFIT PRIVATE EATING ESTABLISHMENT WHICH PREPARES MEALS ESPECIALLY FOR ELDERLY PERSONS DURING SPECIAL HOURS, AND ANY OTHER PUBLIC OR NONPROFIT PRIVATE ESTABLISHMENT APPROVED FOR SUCH PURPOSE BY THE SECRETARY. WHEN AN APPROPRIATE STATE OR LOCAL AGENCY CONTRACTS WITH A PRIVATE ESTABLISHMENT TO OFFER, AT CONCESSIONAL PRICES, MEALS PREPARED ESPECIALLY FOR ELDERLY PERSONS DURING REGULAR OR SPECIAL HOURS, THE SECRETARY SHALL PERMIT ELIGIBLE HOUSEHOLDS WHO ARE SIXTY YEARS OF AGE OR OVER OR ELDERLY PERSONS AND THEIR SPOUSES TO USE COUPONS ISSUED TO THEM TO PURCHASE SUCH MEALS."

(L) SECTION 3(B) OF THE FOOD STAMP ACT OF 1964, //"FOOD." 78 STAT. 703.// (7 U.S.C. 2012(B)) IS AMENDED TO READ AS FOLLOWS: "THE TERM 'FOOD' MEANS ANY FOOD OR FOOD PRODUCT FOR HOME CONSUMPTION EXCEPT ALCOHOLIC BEVERAGES AND TOBACCO AND SHALL ALSO INCLUDE SEEDS AND PLANTS FOR USE IN GARDENS TO PRODUCE FOOD FOR THE PERSONAL CONSUMPTION OF THE ELIGIBLE HOUSEHOLD."

(M) SECTION 7(A) OF THE FOOD STAMP ACT OF 1964 //84 STAT. 2050.// (7 U.S.C. 2016(A)) IS AMENDED TO READ AS FOLLOWS:

"(A) THE FACE VALUE OF THE COUPON ALLOTMENT WHICH STATE AGENCIES SHALL BE AUTHORIZED TO ISSUE TO ANY HOUSEHOLDS CERTIFIED AS ELIGIBLE TO PARTICIPATE IN THE FOOD STAMP PROGRAM SHALL BE IN SUCH AMOUNT AS THE SECRETARY DETERMINES TO BE THE COST OF A NUTRITIONALLY ADEQUATE DIET, ADJUSTED SEMIANNUALLY BY THE NEAREST DOLLAR INCREMENT THAT IS A MULTIPLE OF TWO TO REFLECT CHANGES IN THE PRICES OF FOOD PUBLISHED BY THE BUREAU OF LABOR STATISTICS IN THE DEPARTMENT OF LABOR TO BE IMPLEMENTED COMMENCING

WITH THE ALLOTMENTS OF JANUARY 1, 1974, INCORPORATING THE CHANGES IN THE PRICES OF FOOD THROUGH AUGUST 31, 1973, BUT IN NO EVENT SHALL SUCH ADJUSTMENTS BE MADE FOR VALUE OF THE COUPON ALLOTMENT FOR SUCH HOUSEHOLDS, AS CALCULATED ABOVE, IS A MINIMUM OF \$2.00."

(N) THE FOLLOWING NEW SECTION IS ADDED AT THE END OF SUCH ACT: "SEC. 17. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, MEMBERS OF ELIGIBLE HOUSEHOLDS LIVING IN THE STATE OF ALASKA SHALL BE PERMITTED IN ACCORDANCE WITH SUCH RULES AND REGULATIONS AS THE SECRETARY MAY PRESCRIBE, TO PURCHASE HUNTING AND FISHING EQUIPMENT FOR THE PURPOSE OF PROCURING FOOD FOR THE HOUSEHOLD EXCEPT FIREARMS, AMMUNITION, AND OTHER EXPLOSIVES, //87 STAT. 249// WITH COUPONS ISSUED UNDER THIS ACT IF THE SECRETARY DETERMINES THAT (1) SUCH HOUSEHOLDS ARE LOCATED IN AN AREA OF THE STATE WHICH MAKES IT EXTREMELY DIFFICULT FOR MEMBERS OF SUCH HOUSEHOLDS TO REACH RETAIL FOOD STORES, AND (2) SUCH HOUSEHOLDS DEPEND TO A SUBSTANTIAL EXTENT ON HUNTING AND FISHING FOR SUBSISTENCE PURPOSES."

(O) SECTION 3(F) OF THE FOOD STAMP ACT OF 1964 //78 STAT. 703; 84 STAT. 2048.// (7 U.S.C. 1012 (F)) IS AMENDED BY STRIKING THE SECOND SENTENCE: "IT SHALL ALSO MEAN A POLITICAL SUBDIVISION OR A PRIVATE NONPROFIT ORGANIZATION OR INSTITUTION THAT MEETS THE REQUIREMENTS OF SECTION 10(H) OR 10(I) OF THIS ACT." //ANTE, PP. 148, 147.//

(P) SECTION 3(E) //84 STAT. 2048; 86 STAT. 1491.// IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW SENTENCE: "RESIDENTS OF FEDERALLY SUBSIDIZED HOUSING FOR THE ELDERLY, BUILT UNDER EITHER SECTION 202 OF THE HOUSING ACT OF 1959 (12 U.S.C. 1701Q), //73 STAT. 667; 83 STAT. 390.// OR SECTION 236 OF THE NATIONAL HOUSING ACT (12 U.S.C. 1715z-1) //82 STAT. 498; 84 STAT. 1776.// SHALL NOT BE CONSIDERED RESIDENTS OF AN INSTITUTION OR BOARDING HOUSE FOR PURPOSES OF ELIGIBILITY FOR FOOD STAMPS UNDER THIS ACT."

COMMODITY DISTRIBUTION PROGRAM

"SEC. 4. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE SECRETARY OF AGRICULTURE IS HEREBY AUTHORIZED UNTIL JULY 1, 1974 (1) TO USE FUNDS AVAILABLE TO CARRY OUT THE PROVISIONS OF SECTION 32 OF PUBLIC LAW NO. 320, //49 STAT. 774.// SEVENTY-FOURTH CONGRESS, AS AMENDED (7 U.S.C. 612C), AND NOT EXPENDED OR NEEDED FOR SUCH PURPOSE TO PURCHASE, WITHOUT REGARD TO THE PROVISIONS OF EXISTING LAW GOVERNING THE EXPENDITURE OF PUBLIC FUNDS, AGRICULTURAL COMMODITIES AND THEIR PRODUCTS OF THE TYPES CUSTOMARILY PURCHASED UNDER SECTION 32 FOR DONATION TO MAINTAIN THE ANNUALLY PROGRAMMED LEVEL OF ASSISTANCE FOR SCHOOLS, DOMESTIC RELIEF AUTHORIZED BY LAW, AND (2) IF STOCKS OF THE COMMODITY CREDIT CORPORATION ARE NOT AVAILABLE, TO USE THE FUNDS OF THE CORPORATION TO PURCHASE AGRICULTURAL COMMODITIES AND THE PRODUCTS THEREOF OF THE TYPES CUSTOMARILY AVAILABLE UNDER SECTION 416 OF THE AGRICULTURAL ACT OF 1949 TO MEET SUCH REQUIREMENTS. //68 STAT. 458; 86 STAT. 1492. 7 USC 1431.//

(B) THE SECRETARY IS PROHIBITED FROM FURNISHING COMMODITIES TO SUMMER CAMPS AS AUTHORIZED UNDER SECTION 416 OF THE AGRICULTURAL ACT OF 1949, SECTION 32 OF PUBLIC LAW 74 - 320, AND SECTION 709 OF THE FOOD AND AGRICULTURAL ACT OF 1965 IF THE NUMBER OF ADULTS PARTICIPATING IN THE ACTIVITIES OF SUCH CAMP IS IN EXCESS OF ONE FOR EACH FIVE CHILDREN UNDER

18 YEARS OF AGE PARTICIPATING IN SUCH ACTIVITIES. //79 STAT. 1212. 7 USC 1446A-1.//

(C) NO INDIVIDUAL WHO RECEIVES SUPPLEMENTAL SECURITY INCOME BENEFITS UNDER TITLE XVI OF THE SOCIAL SECURITY ACT //86 STAT. 1465. 42 USC 1381.// SHALL BE CONSIDERED TO BE A MEMBER OF A HOUSEHOLD FOR ANY PURPOSE OF THE FOOD DISTRIBUTION PROGRAM FOR FAMILIES UNDER SECTION 32 OF PUBLIC LAW 74 - 320, SECTION 416 OF THE AGRICULTURAL ACT OF 1949, OR OTHER LAW FOR ANY MONTH IF SUCH PERSON RECEIVES FOR SUCH MONTH, AS PART OF HIS SUPPLEMENTAL SECURITY INCOME BENEFITS OR PAYMENTS DESCRIBED IN SECTION 1616(A) OF THE SOCIAL SECURITY ACT //86 STAT. 1474. 42 USC 1382E.// (IF ANY), AN AMOUNT EQUAL TO THE BONUS VALUE OF FOOD STAMPS (ACCORDING TO THE FOOD STAMP SCHEDULE EFFECTIVE FOR JULY 1973) IN ADDITION TO THE AMOUNT OF ASSISTANCE SUCH INDIVIDUAL WOULD BE ENTITLED TO RECEIVE FOR SUCH MONTH UNDER THE PROVISIONS OF THE PLAN OF THE STATE APPROVED UNDER TITLE I, X, XIV, OR XVI, //42 USC 301, 1201, 1351, 1381.// AS APPROPRIATE, IN EFFECT FOR DECEMBER 1973, ASSUMING SUCH PLAN WERE IN EFFECT FOR SUCH MONTH AND SUCH INDIVIDUAL WERE AGED, BLIND, OR DISABLED, AS THE CASE MAY BE, UNDER THE PROVISIONS OF SUCH STATE PLAN OR UNDER PUBLIC LAW 92 - 603 AS AMENDED. //87 STAT. 250// THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE SHALL ISSUE REGULATIONS FOR THE IMPLEMENTATION OF THE FOREGOING SENTENCE AFTER CONSULTATION WITH THE SECRETARY OF AGRICULTURE. //86 STAT. 1484. 42 USC 401 NOTE.//

SHORT TITLE

SEC. 5. THIS ACT MAY BE CITED AS THE "AGRICULTURE AND CONSUMER PROTECTION ACT OF 1973".

LEGISLATIVE HISTORY:

HOUSE REPORTS: NO. 93 - 337 ACCOMPANYING H. R. 8860 (COMM. ON AGRICULTURE) AND NO. 93 - 427 (COMM. OF CONFERENCE).
SENATE REPORT NO. 93 - 173 (COMM. ON AGRICULTURE AND FORESTRY).

CONGRESSIONAL RECORD, VOL. 119 (1973):

JUNE 5 - 8, JULY 31, AUG. 3 CONSIDERED AND PASSED
SENATE. JULY 10 - 12, 16, 19, AUG. 3, CONSIDERED AND PASSED
HOUSE.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, VOL. 9, NO. 32:
AUG. 10, PRESIDENTIAL STATEMENT.

ITEM 15

03104.87.002500

PUBLIC LAW 93 - 87: 87 STAT. 250

FEDERAL-AID HIGHWAY ACT OF 1973 (TITLE I)

93RD CONGRESS, S. 502

AUGUST 13, 1973

AN ACT

TO AUTHORIZE APPROPRIATIONS FOR THE CONSTRUCTION OF CERTAIN HIGHWAYS IN ACCORDANCE WITH TITLE 23 OF THE UNITED STATES CODE, AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED,

TITLE I

SHORT TITLE

SEC. 101. THIS TITLE MAY BE CITED AS THE "FEDERAL-AID HIGHWAY ACT OF 1973."

REVISION OF AUTHORIZATION FOR APPROPRIATIONS
FOR THE INTERSTATE SYSTEM

SEC. 102. SUBSECTION (B) OF SECTION 108 OF THE FEDERAL-AID HIGHWAY ACT OF 1956, //82 STAT. 815; 84 STAT. 1714. 23 USC 101 NOTE.// AS AMENDED, IS AMENDED BY STRIKING OUT "THE ADDITIONAL SUM OF \$4,000,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, THE ADDITIONAL SUM OF \$4,000,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, AND THE ADDITIONAL SUM OF \$4,000,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1976", AND BY INSERTING IN LIEU THEREOF THE FOLLOWING: "THE ADDITIONAL SUM OF \$2,600,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, THE ADDITIONAL SUM OF \$3,000,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1976, THE ADDITIONAL SUM OF \$3,250,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1977, THE ADDITIONAL SUM OF \$3,250,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1978, AND THE ADDITIONAL SUM OF \$3,250,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1979."

AUTHORIZATION OF USE OF COST ESTIMATES FOR
APPORTIONMENT OF INTERSTATE FUNDS

SEC. 103. THE SECRETARY OF TRANSPORTATION SHALL APPORTION FOR THE FISCAL YEAR ENDING JUNE 30, 1974, JUNE 30, 1975, AND JUNE 30, 1976, THE SUMS AUTHORIZED TO BE APPROPRIATED FOR SUCH YEARS FOR EXPENDITURES ON THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS, USING THE APPORTIONMENT FACTORS CONTAINED IN TABLE 5, OF HOUSE PUBLIC WORKS COMMITTEE PRINT NUMBERED 92 - 29, AS REVISED IN HOUSE REPORT NUMBERED 92 - 1443. //87 STAT. 251//

HIGHWAY AUTHORIZATIONS

SEC. 104. (A) FOR THE PURPOSE OF CARRYING OUT THE PROVISIONS OF TITLE 23, UNITED STATES CODE, THE FOLLOWING SUMS ARE HEREBY AUTHORIZED TO BE APPROPRIATED: //72 STAT. 885. 23 USC 101 ET SEQ.//

(1) FOR THE FEDERAL-AID PRIMARY SYSTEM IN RURAL AREAS, OUT OF THE HIGHWAY TRUST FUND, \$680,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, \$700,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1976. FOR THE FEDERAL-AID SECONDARY SYSTEM IN RURAL AREAS, OUT OF HIGHWAY TRUST FUND,

\$390,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, \$400,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, AND \$400,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1976.

(2) FOR THE FEDERAL-AID URBAN SYSTEM, OUT OF THE HIGHWAY TRUST FUND, \$780,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, \$800,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, AND \$800,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1976. FOR THE EXTENSIONS OF THE FEDERAL-AID PRIMARY AND SECONDARY SYSTEMS IN URBAN AREAS, OUT OF THE HIGHWAY TRUST FUND \$290,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, \$300,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, AND \$300,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1976.

(3) FOR FOREST HIGHWAYS, OUT OF THE HIGHWAY TRUST FUND \$33,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, \$33,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, AND \$33,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1976.

(4) FOR PUBLIC LANDS HIGHWAYS, OUT OF THE HIGHWAY TRUST FUND, \$16,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, \$16,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, AND \$16,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1976.

(5) FOR FOREST DEVELOPMENT ROADS AND TRAILS, \$140,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, \$140,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, AND \$140,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1976.

(6) FOR PUBLIC LANDS DEVELOPMENT ROADS AND TRAILS, \$10,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, \$10,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, AND \$10,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1976.

(7) FOR PARK ROADS AND TRAILS, \$30,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, \$30,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, AND \$30,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1976.

(8) FOR PARKWAYS, \$60,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, \$75,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, AND \$75,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1976, EXCEPT THAT THE ENTIRE COST OF ANY HIGHWAY PROJECT ON ANY FEDERAL-AID SYSTEM PAID UNDER THE AUTHORIZATION CONTAINED IN THIS PARAGRAPH SHALL BE PAID FROM THE HIGHWAY TRUST FUND. //87 STAT. 251// //87 STAT. 252//

(9) FOR INDIAN RESERVATION ROADS AND BRIDGES, \$75,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, \$75,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, AND \$75,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1976.

(10) FOR ECONOMIC GROWTH CENTER DEVELOPMENT HIGHWAYS UNDER SECTION 143 OF TITLE 23, //84 STAT. 1729// UNITED STATES CODE, OUT OF THE HIGHWAY TRUST FUND, \$50,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, \$75,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, AND \$100,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1976.

(11) FOR NECESSARY ADMINISTRATIVE EXPENSES IN CARRYING OUT SECTION 131, SECTION 136, AND SECTION 319(8) OF TITLE 23, UNITED STATES CODE, //79 STAT. 1028, 1030, 1032; 82 STAT. 818// \$1,500,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, \$1,500,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, AND \$1,500,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1976.

(12) FOR CARRYING OUT SECTION 215(A) OF TITLE 23, UNITED STATES CODE--

//84 STAT. 1720-//

(A) FOR THE VIRGIN ISLANDS, NOT TO EXCEED \$5,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, NOT TO EXCEED \$5,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, AND NOT TO EXCEED \$5,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1976.

(B) FOR GUAM NOT TO EXCEED \$2,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, NOT TO EXCEED \$2,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, AND NOT TO EXCEED \$2,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1976.

(C) FOR AMERICAN SAMOA NOT TO EXCEED \$1,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, NOT TO EXCEED \$1,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, AND NOT TO EXCEED \$1,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1976.

SUMS AUTHORIZED BY THIS PARAGRAPH SHALL BE AVAILABLE FOR OBLIGATION AT THE BEGINNING OF THE FISCAL YEAR FOR WHICH AUTHORIZED IN THE SAME MANNER AND TO THE SAME EXTENT AS IF SUCH SUMS WERE APPORTIONED UNDER CHAPTER 1 OF TITLE 23, UNITED STATES CODE. //72 STAT. 885. 23 USC 101-//

(13) NOTHING IN THE FIRST TEN PARAGRAPHS OR IN PARAGRAPH (12) OF THIS SECTION SHALL BE CONSTRUED TO AUTHORIZE THE APPROPRIATION OF ANY SUMS TO CARRY OUT SECTION 131, 136, 319(B), OR CHAPTER 4 OF TITLE 23, UNITED STATES CODE. //79 STAT. 1028, 1030, 1032; 82 STAT. 818-//

(B) FOR EACH OF THE FISCAL YEARS 1974, 1975, AND 1976, NO STATE SHALL RECEIVE LESS THAN ONE-HALF OF 1 PER CENTUM OF THE TOTAL APPORTIONMENT FOR THE INTERSTATE SYSTEM UNDER PARAGRAPH (5) OF SUBSECTION (8) OF SECTION 104 OF TITLE 23, UNITED STATES CODE. //80 STAT. 731. 23 USC 401-// WHENEVER SUCH AMOUNTS MADE AVAILABLE FOR THE INTERSTATE SYSTEM IN ANY STATE EXCEED THE COST OF COMPLETING THAT STATE'S PORTION OF THE INTERSTATE SYSTEM, THE EXCESS AMOUNT SHALL BE TRANSFERRED TO AND ADDED TO THE AMOUNTS APPORTIONED TO SUCH STATE UNDER PARAGRAPHS (1), (2), (3), AND (6) OF SUBSECTION (8) OF SECTION 104 OF TITLE 23, UNITED STATES CODE, IN THE RATIO WHICH THESE RESPECTIVE AMOUNTS BEAR TO EACH OTHER IN THAT STATE. FOR THE PURPOSE OF CARRYING OUT THIS SUBSECTION, THERE ARE AUTHORIZED TO BE APPROPRIATED OUT OF THE HIGHWAY TRUST FUND NOT TO EXCEED \$50,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, \$50,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, AND \$50,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1976. IT IS THE SENSE OF THE CONGRESS THAT THIS SUBSECTION IS AN INTERIM PROVISION TO BE RECONSIDERED AT THE EXPIRATION OF THIS AUTHORIZATION. //87 STAT. 252-//

//87 STAT. 253-//

DEFINITIONS

SEC. 105. SUBSECTION (A) OF SECTION 101 OF TITLE 23 OF THE UNITED STATES CODE IS AMENDED AS FOLLOWS: //72 STAT. 885; 84 STAT. 1716-//

(1) THE DEFINITION OF THE TERM "CONSTRUCTION" IS AMENDED TO READ AS FOLLOWS:

"THE TERM 'CONSTRUCTION' MEANS THE SUPERVISING, INSPECTING, ACTUAL BUILDING, AND ALL EXPENSES INCIDENTAL TO THE CONSTRUCTION OR RECONSTRUCTION OF A HIGHWAY, INCLUDING LOCATING, SURVEYING, AND MAPPING (INCLUDING THE ESTABLISHMENT OF TEMPORARY AND PERMANENT GEODETIC MARKERS IN ACCORDANCE WITH SPECIFICATIONS OF THE NATIONAL OCEANIC AND ATMOSPHERIC

ADMINISTRATION IN THE DEPARTMENT OF COMMERCE), ACQUISITION OF RIGHTS-OF-WAY, RELOCATION ASSISTANCE, ELIMINATION OF HAZARDS OF RAILWAY GRADE CROSSINGS, ACQUISITION OF REPLACEMENT HOUSING SITES, ACQUISITION AND REHABILITATION, RELOCATION, AND CONSTRUCTION OF REPLACEMENT HOUSING, AND IMPROVEMENTS WHICH DIRECTLY FACILITATE AND CONTROL TRAFFIC FLOW, SUCH AS GRADE SEPARATION OF INTERSECTIONS, WIDENING OF LANES, CHANNELIZATION OF TRAFFIC, TRAFFIC CONTROL SYSTEMS, AND PASSENGER LOADING AND UNLOADING AREAS."

(2) THE DEFINITION OF THE TERM "URBAN AREA" IS AMENDED TO READ AS FOLLOWS:

"THE TERM 'URBAN AREA' MEANS AN URBANIZED AREA OR, IN THE CASE OF AN URBANIZED AREA ENCOMPASSING MORE THAN ONE STATE, THAT PART OF THE URBANIZED AREA IN EACH SUCH STATE, OR AN URBAN PLACE AS DESIGNATED BY THE BUREAU OF THE CENSUS HAVING A POPULATION OF FIVE THOUSAND OR MORE AND NOT WITHIN ANY URBANIZED AREA, WITHIN BOUNDARIES TO BE FIXED BY RESPONSIBLE STATE AND LOCAL OFFICIALS IN COOPERATION WITH EACH OTHER, SUBJECT TO APPROVAL BY THE SECRETARY. SUCH BOUNDARIES SHALL, AS A MINIMUM, ENCOMPASS THE ENTIRE URBAN PLACE DESIGNATED BY THE BUREAU OF THE CENSUS."

(3) THE DEFINITION OF THE TERM "INDIAN RESERVATION ROADS AND BRIDGES" IS AMENDED TO READ AS FOLLOWS:

"THE TERM 'INDIAN RESERVATION ROADS AND BRIDGES' MEANS ROADS AND BRIDGES THAT ARE LOCATED WITHIN OR PROVIDE ACCESS TO AN INDIAN RESERVATION OR INDIAN TRUST LAND OR RESTRICTED INDIAN LAND WHICH IS NOT SUBJECT TO FEE TITLE ALIENATION WITHOUT THE APPROVAL OF THE FEDERAL GOVERNMENT, OR INDIAN AND ALASKA NATIVE VILLAGES, GROUPS, OR COMMUNITIES IN WHICH INDIANS AND ALASKAN NATIVES RESIDE, WHOM THE SECRETARY OF THE INTERIOR HAS DETERMINED ARE ELIGIBLE FOR SERVICES GENERALLY AVAILABLE TO INDIANS UNDER FEDERAL LAWS SPECIFICALLY APPLICABLE TO INDIANS."

(4) THE DEFINITION OF "URBANIZED AREA" IS AMENDED TO READ AS FOLLOWS:

"THE TERM 'URBANIZED AREA' MEANS AN AREA SO DESIGNATED BY THE BUREAU OF THE CENSUS, WITHIN BOUNDARIES TO BE FIXED BY RESPONSIBLE STATE AND LOCAL OFFICIALS IN COOPERATION WITH EACH OTHER, SUBJECT TO APPROVAL BY THE SECRETARY. SUCH BOUNDARIES SHALL, AS A MINIMUM, ENCOMPASS THE ENTIRE URBANIZED AREA WITHIN A STATE AS DESIGNATED BY THE BUREAU OF THE CENSUS."

//87 STAT. 253// //87 STAT. 254//

EXTENSION OF TIME FOR COMPLETION OF SYSTEM

SEC. 106. (A) THE SECOND PARAGRAPH OF SECTION 101(B) OF TITLE 23, UNITED STATES CODE, //84 STAT. 1714.// IS AMENDED BY STRIKING OUT "TWENTY YEARS" AND INSERTING IN LIEU THEREOF "TWENTY-THREE YEARS" AND BY STRIKING OUT "JUNE 30, 1976", AND INSERTING IN LIEU THEREOF "JUNE 30, 1979".

(B)(1) THE INTRODUCTORY PHRASE AND THE SECOND AND THIRD SENTENCES OF SECTION 104(B)(5) OF TITLE 23, UNITED STATES CODE, ARE AMENDED BY STRIKING OUT "1976" EACH PLACE IT APPEARS AND INSERTING IN LIEU THEREOF AT EACH SUCH PLACE "1979".

(2) THE LAST FOUR SENTENCES OF SUCH SECTION 104(B)(5) ARE AMENDED TO READ AS FOLLOWS: //72 STAT. 889; 84 STAT. 1714.// "UPON THE APPROVAL BY CONGRESS, THE SECRETARY SHALL USE THE FEDERAL SHARE OF SUCH APPROVED ESTIMATE IN MAKING APPORTIONMENTS FOR THE FISCAL YEARS ENDING JUNE 30,

1974, JUNE 30, 1975, AND JUNE 30, 1976. THE SECRETARY SHALL MAKE A REVISED ESTIMATE OF THE COST OF COMPLETING THE THEN DESIGNATED INTERSTATE SYSTEM AFTER TAKING INTO ACCOUNT ALL PREVIOUS APPORTIONMENTS MADE UNDER THIS SECTION IN THE SAME MANNER AS STATED ABOVE, AND TRANSMIT THE SAME TO THE SENATE AND THE HOUSE OF REPRESENTATIVES WITHIN TEN DAYS SUBSEQUENT TO JANUARY 2, 1975. UPON THE APPROVAL OF CONGRESS, THE SECRETARY SHALL USE THE FEDERAL SHARE OF SUCH APPROVED ESTIMATE IN MAKING APPORTIONMENTS FOR THE FISCAL YEAR ENDING JUNE 30, 1977, AND JUNE 30, 1978. THE SECRETARY SHALL MAKE A REVISED ESTIMATE OF THE COST OF COMPLETING THE THEN DESIGNATED INTERSTATE SYSTEM AFTER TAKING INTO ACCOUNT ALL PREVIOUS APPORTIONMENTS MADE UNDER THIS SECTION IN THE SAME MANNER AS STATED ABOVE, AND TRANSMIT THE SAME TO THE SENATE AND THE HOUSE OF REPRESENTATIVES WITHIN TEN DAYS SUBSEQUENT TO JANUARY 2, 1977. UPON THE APPROVAL BY CONGRESS, THE SECRETARY SHALL USE THE FEDERAL SHARE OF SUCH APPROVED ESTIMATES IN MAKING APPORTIONMENTS FOR THE FISCAL YEAR ENDING JUNE 30, 1979. WHENEVER THE SECRETARY, PURSUANT TO THIS SUBSECTION, REQUESTS AND RECEIVES ESTIMATES OF COST FROM THE STATE HIGHWAY DEPARTMENTS, HE SHALL FURNISH COPIES OF SUCH ESTIMATES AT THE SAME TIME TO THE SENATE AND THE HOUSE OF REPRESENTATIVES."

DECLARATION OF POLICY

SEC. 107. SUBSECTION (8) OF SECTION 101 OF TITLE 23, UNITED STATES CODE, ///72 STAT. 885.// IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW PARAGRAPH:

"IT IS FURTHER DECLARED THAT SINCE THE INTERSTATE SYSTEM IS NOW IN THE FINAL PHASE OF COMPLETION IT SHALL BE THE NATIONAL POLICY THAT INCREASED EMPHASIS BE PLACED ON THE CONSTRUCTION AND RECONSTRUCTION OF THE OTHER FEDERAL-AID SYSTEMS IN ACCORDANCE WITH THE FIRST PARAGRAPH OF THIS SUBSECTION, IN ORDER TO BRING ALL OF THE FEDERAL-AID SYSTEMS UP TO STANDARDS AND TO INCREASE THE SAFETY OF THESE SYSTEMS TO THE MAXIMUM EXTENT."

MINIMIZATION OF REDTAPE

SEC. 108. SECTION 101 OF TITLE 23 OF THE UNITED STATES CODE IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW SUBSECTION: //87 STAT. 255// ///72 STAT. 885; 84 STAT. 1718.//

(E) IT IS THE NATIONAL POLICY THAT TO THE MAXIMUM EXTENT POSSIBLE THE PROCEDURES TO BE UTILIZED BY THE SECRETARY AND ALL OTHER AFFECTED HEADS OF FEDERAL DEPARTMENTS, AGENCIES, AND INSTRUMENTALITIES FOR CARRYING OUT THIS TITLE AND ANY OTHER PROVISION OF LAW RELATING TO THE FEDERAL HIGHWAY PROGRAMS SHALL ENCOURAGE THE SUBSTANTIAL MINIMIZATION OF PAPERWORK AND INTERAGENCY DECISION PROCEDURES AND THE BEST USE OF AVAILABLE MANPOWER AND FUNDS SO AS TO PREVENT NEEDLESS DUPLICATION AND UNNECESSARY DELAYS AT ALL LEVELS OF GOVERNMENT."

FEDERAL-AID URBAN SYSTEM

SEC. 109. (A) SUBSECTION (D) OF SECTION 103 OF TITLE 23, UNITED STATES CODE, IS AMENDED BY STRIKING THE FIRST, SECOND, THIRD, FOURTH, AND FIFTY SENTENCES AND INSERTING IN LIEU THEREOF THE FOLLOWING: "THE FEDERAL-AID URBAN SYSTEM SHALL BE ESTABLISHED IN EACH URBANIZED AREA, AND IN SUCH OTHER URBAN AREAS AS THE STATE HIGHWAY DEPARTMENT MAY DESIGNATE. THE

SYSTEM SHALL BE SO LOCATED AS TO SERVE THE MAJOR CENTERS OF ACTIVITY, AND SHALL INCLUDE HIGH TRAFFIC VOLUME ARTERIAL AND COLLECTOR ROUTES, INCLUDING ACCESS ROADS TO AIRPORTS, AND OTHER TRANSPORTATION TERMINALS. NO ROUTE ON THE FEDERAL-AID URBAN SYSTEM SHALL ALSO BE A ROUTE ON ANY OTHER FEDERAL-AID SYSTEM. EACH ROUTE OF THE SYSTEM TO THE EXTENT FEASIBLE SHALL CONNECT WITH ANOTHER ROUTE ON A FEDERAL-AID SYSTEM. ROUTES ON THE FEDERAL-AID URBAN SYSTEM SHALL BE SELECTED BY THE APPROPRIATE LOCAL OFFICIALS SO AS TO SERVE THE GOALS AND OBJECTIVES OF THE COMMUNITY, WITH THE CONCURRENCE OF THE STATE HIGHWAY DEPARTMENTS, AND IN URBANIZED AREAS, ALSO IN ACCORDANCE WITH THE PLANNING PROCESS UNDER SECTION 134 OF THIS TITLE. //76 STAT. 1148; 84 STAT. 1737.// DESIGNATION OF THE FEDERAL-AID URBAN SYSTEM SHALL BE SUBJECT TO THE APPROVAL OF THE SECRETARY AS PROVIDED IN SUBSECTION (F) OF THIS SECTION."

(B) SUBSECTION (D) OF SECTION 105 OF TITLE 23, UNITED STATES CODE, IS AMENDED TO READ AS FOLLOWS: //84 STAT. 1717.//

"(D) IN APPROVING PROGRAMS FOR PROJECTS ON THE FEDERAL-AID URBAN SYSTEM, THE SECRETARY SHALL REQUIRE THAT SUCH PROJECTS BE SELECTED BY THE APPROPRIATE LOCAL OFFICIALS WITH THE CONCURRENCE OF THE STATE HIGHWAY DEPARTMENT OF EACH STATE AND, IN URBANIZED AREAS, ALSO IN ACCORDANCE WITH THE PLANNING PROCESS REQUIRED PURSUANT TO SECTION 134 OF THIS TITLE."

REMOVAL OF DESIGNATED SEGMENTS OF THE INTERSTATE SYSTEM
SEC. 110. (A) SECTION 103(G) //84 STAT. 1729.// OF TITLE 23, UNITED STATES CODE, IS AMENDED TO READ AS FOLLOWS:

"(G) THE SECRETARY, ON JULY 1, 1974, SHALL REMOVE FROM DESIGNATION AS A PART OF THE INTERSTATE SYSTEM EACH SEGMENT OF SUCH SYSTEM FOR WHICH A STATE HAS NOT NOTIFIED THE SECRETARY THAT SUCH STATE INTENDS TO CONSTRUCT SUCH SEGMENT, AND WHICH THE SECRETARY FINDS IS NOT ESSENTIAL TO COMPLETION OF A UNIFIED AND CONNECTED INTERSTATE SYSTEM. ANY SEGMENT OF THE INTERSTATE SYSTEM, WITH RESPECT TO WHICH A STATE HAS NOT SUBMITTED BY JULY 1, 1975, A SCHEDULE FOR THE EXPENDITURE OF FUNDS FOR COMPLETION OF CONSTRUCTION OF SUCH SEGMENT OR ALTERNATIVE SEGMENT WITHIN THE PERIOD OF AVAILABILITY OF FUNDS AUTHORIZED TO BE APPROPRIATED FOR COMPLETION OF THE INTERSTATE SYSTEM, AND WITH RESPECT TO WHICH THE STATE HAS NOT PROVIDED THE SECRETARY WITH ASSURANCES SATISFACTORY TO HIM THAT SUCH SCHEDULE WILL BE MET, SHALL BE REMOVED FROM DESIGNATION AS A PART OF THE INTERSTATE SYSTEM. NO SEGMENT OF THE INTERSTATE SYSTEM REMOVED UNDER THE AUTHORITY OF THE PRECEDING SENTENCE SHALL THEREAFTER BE DESIGNATED AS A PART OF THE INTERSTATE SYSTEM EXCEPT AS THE SECRETARY FINDS NECESSARY IN THE INTEREST OF NATIONAL DEFENSE OR FOR OTHER REASONS OF NATIONAL INTEREST. //87 STAT. 256// THIS SUBSECTION SHALL NOT BE APPLICABLE TO ANY SEGMENT OF THE INTERSTATE SYSTEM REFERRED TO IN SECTION 23(A) OF THE FEDERAL-AID HIGHWAY ACT OF 1968." //82 STAT. 827. D.C. CODE 7-135 NOTE.//

(B) SECTION 103 OF TITLE 23, UNITED STATES CODE, //72 STAT. 887; ANTE, P. 255.// IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW SUBSECTION:

"(H) NOTWITHSTANDING SUBSECTIONS (E)(2) AND (G) OF THIS SECTION, IN ANY CASE WHERE A SEGMENT OF THE INTERSTATE SYSTEM WAS A DESIGNATED PART OF SUCH SYSTEM ON JUNE 1, 1973, AND IS ENTIRELY WITHIN THE BOUNDARIES OF AN

INCORPORATED CITY AND SUCH CITY ENTERS INTO AN AGREEMENT WITH THE SECRETARY TO PAY ALL NON-FEDERAL COSTS OF CONSTRUCTION OF SUCH SEGMENT SUCH SEGMENT SHALL BE CONSTRUCTED."

(C) THE AMENDMENTS MADE BY SUBSECTIONS (A) AND (B) OF THIS SECTION SHALL TAKE EFFECT JUNE 30, 1973.

APPORTIONMENT

SEC. 111. (A) SECTION 104 OF TITLE 23, UNITED STATES CODE, IS AMENDED AS FOLLOWS: //72 STAT. 889.//

(1) PARAGRAPHS (1) AND (2) OF SUBSECTION (B) ARE AMENDED BY STRIKING THE WORDS "STAR ROUTES" EACH TIME THEY APPEAR AND INSERTING IN LIEU THEREOF "INTERCITY MAIL ROUTES WHERE SERVICE IS PERFORMED BY MOTOR VEHICLES".

(2) PARAGRAPH (1) OF SUBSECTION (B) IS AMENDED BY STRIKING OUT "ONE-THIRD IN THE RATIO WHICH THE POPULATION OF EACH STATE BEARS TO THE TOTAL POPULATION OF ALL THE STATES" AND INSERTING IN LIEU THEREOF THE FOLLOWING: "ONE-THIRD IN THE RATIO WHICH THE POPULATION OF RURAL AREAS OF EACH STATE BEARS TO THE TOTAL POPULATION OF RURAL AREAS OF ALL THE STATES." THE LAST SENTENCE OF SUCH PARAGRAPH IS AMENDED BY INSERTING "(OTHER THAN THE DISTRICT OF COLUMBIA)" IMMEDIATELY AFTER "NO STATE".

(3) PARAGRAPH (2) OF SUBSECTION (B) IS AMENDED BY STRIKING OUT "ONE-THIRD IN THE RATIO WHICH THE RURAL POPULATION OF EACH STATE BEARS TO THE TOTAL RURAL POPULATION OF ALL THE STATES" AND INSERTING IN LIEU THEREOF THE FOLLOWING: "ONE-THIRD IN THE RATIO WHICH THE POPULATION OF RURAL AREAS OF EACH STATE BEARS TO THE TOTAL POPULATION OF RURAL AREAS OF ALL OF THE STATES". THE LAST SENTENCE OF SUCH PARAGRAPH IS AMENDED BY INSERTING "(OTHER THAN THE DISTRICT OF COLUMBIA)" IMMEDIATELY AFTER "NO STATE".

(4) PARAGRAPH (6) OF SUBSECTION (B) IS AMENDED BY STRIKING THE WORD "URBANIZED" WHEREVER IT APPEARS AND INSERTING IN LIEU THEREOF "URBAN", AND BY ADDING AT THE END THEREOF THE FOLLOWING: "NO STATE SHALL RECEIVE LESS THAN ONE-HALF OF 1 PER CENTUM OF EACH YEAR'S APPORTIONMENT."

(5) SUBSECTION (C) IS AMENDED BY STRIKING OUT "20 PER CENTUM" IN EACH OF THE TWO PLACES IT APPEARS AND INSERTING IN LIEU THEREOF IN EACH SUCH PLACE THE FOLLOWING: //72 STAT. 891.// "40 PER CENTUM" AND BY STRIKING OUT "PARAGRAPH (1), (2), OR (3)" AND INSERTING IN LIEU THEREOF "PARAGRAPH (1) OR (2)."

(6) SUBSECTION (D) IS AMENDED TO READ AS FOLLOWS:

"(D) NOT MORE THAN 40 PER CENTUM OF THE AMOUNT APPORTIONED IN ANY FISCAL YEAR TO EACH STATE IN ACCORDANCE WITH PARAGRAPH (3) OR (6) OF SUBSECTION (B) OF THIS SECTION MAY BE TRANSFERRED FROM THE APPORTIONMENT UNDER ONE PARAGRAPH TO THE APPORTIONMENT UNDER THE OTHER PARAGRAPH IF SUCH TRANSFER IS REQUESTED BY THE STATE HIGHWAY DEPARTMENT AND IS APPROVED BY THE GOVERNOR OF SUCH STATE AND THE SECRETARY AS BEING IN THE PUBLIC INTEREST. FUNDS APPORTIONED IN ACCORDANCE WITH PARAGRAPH (6) OF SUBSECTION (B) OF THIS SECTION SHALL NOT BE TRANSFERRED FROM THEIR ALLOCATION TO ANY URBANIZED AREA OF 200,000 POPULATION OR MORE UNDER SECTION 150 OF THIS TITLE, WITHOUT THE APPROVAL OF THE LOCAL OFFICIALS OF SUCH URBANIZED AREA. //87 STAT. 257// THE TOTAL OF SUCH TRANSFERS SHALL

NOT INCREASE THE ORIGINAL APPORTIONMENT UNDER EITHER OF SUCH PARAGRAPHS BY MORE THAN 40 PER CENTUM."

(7) THE LAST SENTENCE OF SUBSECTION (C) IS HEREBY REPEALED. //72 STAT. 891. 23 USC 104.//

(8) NOTWITHSTANDING THE AMENDMENTS MADE BY SUBSECTION (A) OF THIS SECTION, NO STATE (OTHER THAN THE DISTRICT OF COLUMBIA) SHALL RECEIVE AN APPORTIONMENT FOR THE PRIMARY SYSTEM WHICH IS LESS THAN THE APPORTIONMENT WHICH SUCH STATE RECEIVED FOR SUCH SYSTEM FOR THE FISCAL YEAR ENDING JUNE 30, 1973. IN ORDER TO CARRY OUT THIS SUBSECTION, THERE IS AUTHORIZED TO BE APPROPRIATED OUT OF THE HIGHWAY TRUST FUND FOR THE FEDERAL-AID PRIMARY SYSTEM, AND ADDITIONAL \$17,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, AND \$15,000,000 PER FISCAL YEAR FOR THE FISCAL YEARS ENDING JUNE 30, 1975, AND JUNE 30, 1976.

APPORTIONMENT OF PLANNING FUNDS

SEC. 112. SUBSECTION (F) OF SECTION 104 OF TITLE 23, //84 STAT. 1717.// UNITED STATES CODE, IS AMENDED TO READ AS FOLLOWS:

"(F)(1) ON OR BEFORE JANUARY 1 NEXT PRECEDING THE COMMENCEMENT OF EACH FISCAL YEAR, THE SECRETARY, AFTER MAKING THE DEDUCTION AUTHORIZED BY SUBSECTION (A) OF THIS SECTION, SHALL SET ASIDE NOT TO EXCEED ONE-HALF PER CENTUM OF THE REMAINING FUNDS AUTHORIZED TO BE APPROPRIATED FOR EXPENDITURE UPON THE FEDERAL-AID SYSTEMS, FOR THE PURPOSE OF CARRYING OUT THE REQUIREMENTS OF SECTION 134 OF THIS TITLE. //76 STAT. 1148; 84 STAT. 1737. 23 USC 134.//

"(2) THESE FUNDS SHALL BE APPORTIONED TO THE STATES IN THE RATIO WHICH THE POPULATION IN URBANIZED AREAS OR PARTS THEREOF, IN EACH STATE BEARS TO THE TOTAL POPULATION IN SUCH URBANIZED AREAS IN ALL THE STATES AS SHOWN BY THE LATEST AVAILABLE CENSUS, EXCEPT THAT NO STATE SHALL RECEIVE LESS THAN ONE-HALF PER CENTUM OF THE AMOUNT APPORTIONED.

"(3) THE FUNDS APPORTIONED TO ANY STATE UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL BE MADE AVAILABLE BY THE STATE TO THE METROPOLITAN PLANNING ORGANIZATIONS DESIGNATED BY THE STATE AS BEING RESPONSIBLE FOR CARRYING OUT THE PROVISIONS OF SECTION 134 OF THIS TITLE. THESE FUNDS SHALL BE MATCHED IN ACCORDANCE WITH SECTION 120 OF THIS TITLE UNLESS THE SECRETARY DETERMINES THAT THE INTERESTS OF THE FEDERAL-AID HIGHWAY PROGRAM WOULD BE BEST SERVED WITHOUT SUCH MATCHING. //72 STAT. 898. 23 USC 120.//

"(4) THE DISTRIBUTION WITHIN ANY STATE OF THE PLANNING FUNDS MADE AVAILABLE TO AGENCIES UNDER PARAGRAPH (3) OF THIS SUBSECTION SHALL BE IN ACCORDANCE WITH A FORMULA DEVELOPED BY EACH STATE AND APPROVED BY THE SECRETARY WHICH SHALL CONSIDER BUT NOT NECESSARILY BE LIMITED TO, POPULATION, STATUS OF PLANNING, AND METROPOLITAN AREA TRANSPORTATION NEEDS."

ADVANCE ACQUISITION OF RIGHTS-OF-WAY

SEC. 113. (A) THE LAST SENTENCE OF SUBSECTION (A) OF SECTION 108 OF TITLE 23, //73 STAT. 62.// UNITED STATES CODE, IS AMENDED BY STRIKING OUT "SEVEN YEARS" AND INSERTING IN LIEU THEREOF "TEN YEARS."

(B) THE FIRST SENTENCE OF PARAGRAPH (3) OF SUBSECTION (C) OF SECTION 108 OF TITLE 23, //82 STAT. 818.// UNITED STATES CODE, IS AMENDED BY STRIKING OUT "SEVEN YEARS" AND INSERTING IN LIEU THEREOF "TEN YEARS."

NOISE LEVEL STANDARDS

SEC. 114. SUBSECTION (I) OF SECTION 109 OF TITLE 23, UNITED STATES CODE, //84 STAT. 1735.// IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING: "THE SECRETARY, AFTER CONSULTATION WITH THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY AND APPROPRIATE FEDERAL, STATE, AND LOCAL OFFICIALS, MAY PROMULGATE STANDARDS FOR THE CONTROL OF HIGHWAY NOISE LEVELS FOR HIGHWAYS ON ANY FEDERAL-AID SYSTEM FOR WHICH PROJECT APPROVAL HAS BEEN SECURED PRIOR TO JULY 1, 1972. THE SECRETARY MAY APPROVE ANY PROJECT ON A FEDERAL-AID SYSTEM TO WHICH NOISE-LEVEL STANDARDS ARE MADE APPLICABLE UNDER THE PRECEDING SENTENCE FOR THE PURPOSE OF CARRYING OUT SUCH STANDARDS. //87 STAT. 258// SUCH PROJECT MAY INCLUDE, BUT IS NOT LIMITED TO, THE ACQUISITION OF ADDITIONAL RIGHTS-OF-WAY, THE CONSTRUCTION OF PHYSICAL BARRIERS, AND LANDSCAPING. SUMS APPORTIONED FOR THE FEDERAL-AID SYSTEM ON WHICH SUCH PROJECT WILL BE LOCATED SHALL BE AVAILABLE TO FINANCE THE FEDERAL SHARE OF SUCH PROJECT. SUCH PROJECT SHALL BE DEEMED A HIGHWAY PROJECT FOR ALL PURPOSES OF THIS TITLE."

SIGNS ON PROJECT SITE

SEC. 115. THE LAST SENTENCE OF SUBSECTION (A) OF SECTION 114 OF TITLE 23, //74 STAT. 525.// UNITED STATES CODE, IS AMENDED TO READ AS FOLLOWS: "AFTER JULY 1, 1973, THE STATE HIGHWAY DEPARTMENT SHALL NOT ERECT ON ANY PROJECT WHERE ACTUAL CONSTRUCTION IS IN PROGRESS AND VISIBLE TO HIGHWAY USERS ANY INFORMATIONAL SIGNS OTHER THAN OFFICIAL TRAFFIC CONTROL DEVICES CONFORMING WITH STANDARDS DEVELOPED BY THE SECRETARY OF TRANSPORTATION."

CERTIFICATION ACCEPTANCE

SEC. 116. (A) SECTION 117 OF TITLE 23 OF THE UNITED STATES CODE IS AMENDED TO READ AS FOLLOWS: //72 STAT. 897.//

" - 117. CERTIFICATION ACCEPTANCE

"(A) THE SECRETARY MAY DISCHARGE ANY OF HIS RESPONSIBILITIES UNDER THIS TITLE RELATIVE TO PROJECTS ON FEDERAL-AID SYSTEMS, EXCEPT THE INTERSTATE SYSTEM, UPON THE REQUEST OF ANY STATE, BY ACCEPTING A CERTIFICATION BY THE STATE HIGHWAY DEPARTMENT, OR THAT DEPARTMENT, COMMISSION, BOARD, OR OFFICIAL OF ANY STATE CHARGED BY ITS LAWS WITH THE RESPONSIBILITY FOR HIGHWAY CONSTRUCTION, OF ITS PERFORMANCE OF SUCH RESPONSIBILITIES, IF HE FINDS SUCH PROJECTS WILL BE CARRIED OUT IN ACCORDANCE WITH STATE LAWS, REGULATIONS, DIRECTIVES, AND STANDARDS ESTABLISHING REQUIREMENTS AT LEAST EQUIVALENT TO THOSE CONTAINED IN, OR ISSUED PURSUANT TO, THIS TITLE.

"(B) THE SECRETARY SHALL MAKE A FINAL INSPECTION OF EACH SUCH PROJECT UPON ITS COMPLETION AND SHALL REQUIRE AN ADEQUATE REPORT OF THE ESTIMATED, AND ACTUAL, COST OF CONSTRUCTION AS WELL AS SUCH OTHER INFORMATION AS HE DETERMINES NECESSARY.

"(C) THE PROCEDURE AUTHORIZED BY THIS SECTION SHALL BE AN ALTERNATIVE TO THAT OTHERWISE PRESCRIBED IN THIS TITLE. THE SECRETARY SHALL PROMULGATE SUCH GUIDELINES AND REGULATIONS AS MAY BE NECESSARY TO CARRY OUT THIS SECTION.

"(D) ACCEPTANCE BY THE SECRETARY OF A STATE'S CERTIFICATION UNDER THIS SECTION MAY BE RESCINDED BY THE SECRETARY AT ANY TIME IF, IN HIS OPINION, IT IS NECESSARY TO DO.

"(E) NOTHING IN THIS SECTION SHALL AFFECT OR DISCHARGE ANY

RESPONSIBILITY OR OBLIGATION OF THE SECRETARY UNDER ANY FEDERAL LAW, INCLUDING THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (42 U.S.C. 4321, ET SEQ.), //83 STAT. 852. 82 STAT. 824.// SECTION 4(F) OF THE DEPARTMENT OF TRANSPORTATION ACT (49 U.S.C. 1653(F)), //78 STAT. 252. 42 USC 2090D.// TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 (42 U.S.C. 2000 (D), ET SEQ.), //82 STAT. 81.// TITLE VIII OF THE ACT OF APRIL 11, 1968 (PUBLIC LAW 90 - 284, 42 USC. 3601 ET SEQ.), AND THE UNIFORM RELOCATION ASSISTANCE AND LAND ACQUISITION POLICIES ACT OF 1970 (42 U.S.C. 4601, ET SEQ.), //84 STAT. 1894.// OTHER THAN THIS TITLE."

(B) THE ANALYSIS OF CHAPTER 1, OF TITLE 23, UNITED STATES CODE, IS AMENDED BY STRIKING OUT "117. SECONDARY ROAD RESPONSIBILITIES." AND INSERTING IN LIEU THEREOF THE FOLLOWING: "117. CERTIFICATION ACCEPTANCE."

MATERIALS AT OFF-SITE LOCATIONS

SEC. 117. SECTION 121(A) OF TITLE 23 OF THE UNITED STATES CODE //87 STAT. 259// //72 STAT. 899.// IS AMENDED BY INSERTING AFTER THE PERIOD AT THE END THEREOF THE FOLLOWING: "SUCH PAYMENTS MAY ALSO BE MADE IN THE CASE OF ANY SUCH MATERIALS NOT IN THE VICINITY OF SUCH CONSTRUCTION IF THE SECRETARY DETERMINES THAT BECAUSE OF REQUIRED FABRICATION AT AN OFF-SITE LOCATION THE MATERIALS CANNOT BE STOCKPILED IN SUCH VICINITY."

TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES

SEC. 118. (A) AFTER THE SECOND SENTENCE OF SECTION 129(H) OF TITLE 23, UNITED STATES CODE, //72 STAT. 902; 82 STAT. 829.// INSERT THE FOLLOWING: "WHEN ANY SUCH TOLL ROAD WHICH THE SECRETARY HAS APPROVED AS A PART OF THE INTERSTATE SYSTEM IS MADE A TOLL-FREE FACILITY, FEDERAL-AID HIGHWAY FUNDS APPORTIONED UNDER SECTION 104(B)(5) //ANTE, P. 254.// OF THIS TITLE MAY BE EXPENDED FOR THE CONSTRUCTION, RECONSTRUCTION, OR IMPROVEMENT OF THAT ROAD TO MEET THE STANDARDS ADOPTED FOR THE IMPROVEMENT OF PROJECTS LOCATED ON THE INTERSTATE SYSTEM."

(B) THE FIRST SENTENCE OF SUBSECTION (E) OF SECTION 129, TITLE 23, UNITED STATES CODE, //84 STAT. 1732.// IS AMENDED BY STRIKING OUT "ON THE DATE OF ENACTMENT OF THIS SUBSECTION". THE THIRD SENTENCE OF SUBSECTION (E) OF SECTION 129 OF TITLE 23, UNITED STATES CODE, IS AMENDED BY STRIKING OUT "1968" AND INSERTING IN LIEU THEREOF "1973".

URBAN AREA TRAFFIC OPERATIONS IMPROVEMENT PROGRAMS

SEC. 119. SUBSECTION (C) OF SECTION 135 OF TITLE 23, UNITED STATES CODE, //82 STAT. 820.// IS HEREBY REPEALED AND EXISTING SUBSECTION (D) IS RELETTERED AS SUBSECTION (C), INCLUDING ANY REFERENCES THERETO.

TRAINING PROGRAMS

SEC. 120. SUBSECTION (B) OF SECTION 140 OF TITLE 23, UNITED STATES CODE, //84 STAT. 1719.// IS AMENDED BY STRIKING OUT IN THE SECOND SENTENCE, "AND 1973," AND INSERTING IN LIEU THEREOF ",1973, 1974, 1975, AND 1976," AND BY STRIKING OUT "\$5,000,000 PER FISCAL YEAR" AND INSERTING IN LIEU THEREOF "\$5,000,000 PER FISCAL YEAR FOR THE FISCAL YEARS 1972 AND 1973, AND \$10,000,000 PER FISCAL YEAR FOR THE FISCAL YEARS 1974, 1975, AND 1976,".

PUBLIC TRANSPORTATION

SEC. 121. (A) SECTION 142 OF TITLE 23, UNITED STATES CODE, //84 STAT.

1719.// IS AMENDED TO READ AS FOLLOWS:

" - 142. PUBLIC TRANSPORTATION

"(A)(1) TO ENCOURAGE THE DEVELOPMENT, IMPROVEMENT, AND USE OF PUBLIC MASS TRANSPORTATION SYSTEMS OPERATING MOTOR VEHICLES (OTHER THAN ON RAIL) ON FEDERAL-AID HIGHWAYS FOR THE TRANSPORTATION OF PASSENGERS (HEREAFTER IN THIS SECTION REFERRED TO AS "BUSES") SO AS TO INCREASE THE TRAFFIC CAPACITY OF THE FEDERAL-AID SYSTEMS FOR THE MOVEMENT OF PERSONS, THE SECRETARY MAY APPROVE AS A PROJECT ON ANY FEDERAL-AID SYSTEM THE CONSTRUCTION OF EXCLUSIVE OR PREFERENTIAL BUS LANES, HIGHWAY TRAFFIC CONTROL DEVICES, BUS PASSENGER LOADING AREAS AND FACILITIES (INCLUDING SHELTERS), AND FRINGE AND TRANSPORTATION CORRIDOR PARKING FACILITIES TO SERVE BUS AND OTHER PUBLIC MASS TRANSPORTATION PASSENGERS, AND SUMS APPORTIONED UNDER SECTION 104(B) //72 STAT. 889.// OF THIS TITLE SHALL BE AVAILABLE TO FINANCE THE COST OF PROJECTS UNDER THIS PARAGRAPH.

"(2) IN ADDITION TO THE PROJECTS UNDER PARAGRAPH (1), THE SECRETARY MAY, BEGINNING WITH THE FISCAL YEAR ENDING JUNE 30, 1975, APPROVE AS A PROJECT ON THE FEDERAL-AID URBAN SYSTEM, FOR PAYMENT FROM SUMS APPORTIONED UNDER SECTION 104(B)(6) OF THIS TITLE, //87 STAT. 260// //84 STAT. 1717. 23 USC 104.// THE PURCHASE OF BUSES, AND, BEGINNING WITH THE FISCAL YEAR ENDING JUNE 30, 1976, APPROVE AS A PROJECT ON THE FEDERAL-AID URBAN SYSTEM, FOR PAYMENT FROM SUMS APPORTIONED UNDER SECTION 104(B)(6) OF THIS TITLE, THE CONSTRUCTION, RECONSTRUCTION, AND IMPROVEMENT OF FIXED RAIL FACILITIES, INCLUDING THE PURCHASE OF ROLLING STOCK FOR FIXED RAIL, EXCEPT THAT NOT MORE THAN \$200,000,000 OF ALL SUMS APPORTIONED FOR THE FISCAL YEAR ENDING JUNE 30, 1975, UNDER SECTION 104(B)(6) SHALL BE AVAILABLE FOR THE PAYMENT OF THE FEDERAL SHARE OF PROJECTS FOR THE PURCHASE OF BUSES."

"(B) SUMS APPORTIONED IN ACCORDANCE WITH PARAGRAPH (5) OF SUBSECTION (B) OF SECTION 104 //ANTE, P. 254.// OF THIS TITLE SHALL BE AVAILABLE TO FINANCE THE FEDERAL SHARE OF PROJECTS FOR EXCLUSIVE OR PREFERENTIAL BUS, TRUCK, AND EMERGENCY VEHICLE ROUTES OR LANES. ROUTES CONSTRUCTED UNDER THIS SUBSECTION SHALL NOT BE SUBJECT TO THE THIRD SENTENCE OF SECTION 109(B) OF THIS TITLE. //77 STAT. 277. 23 USC 109.//

"(C) WHENEVER RESPONSIBLE LOCAL OFFICIALS OF AN URBANIZED AREA NOTIFY THE STATE HIGHWAY DEPARTMENT THAT, IN LIEU OF A HIGHWAY PROJECT THE FEDERAL SHARE OF WHICH IS TO BE PAID FROM FUNDS APPORTIONED UNDER SECTION 104(B)(6) OF THIS TITLE FOR THE FISCAL YEARS ENDING JUNE 30, 1974, AND JUNE 30, 1975, THEIR NEEDS REQUIRE A NONHIGHWAY PUBLIC MASS TRANSIT PROJECT INVOLVING THE CONSTRUCTION OF A FIXED RAIL FACILITIES, OR THE PURCHASE OF PASSENGER EQUIPMENT, INCLUDING ROLLING STOCK FOR ANY MODE OF MASS TRANSIT, OR BOTH, AND THE STATE HIGHWAY DEPARTMENT DETERMINES THAT SUCH PUBLIC MASS TRANSIT PROJECT IS IN ACCORDANCE WITH THE PLANNING PROCESS UNDER SECTION 134 OF THIS TITLE AND IS ENTITLED TO PRIORITY UNDER SUCH PLANNING PROCESS, //76 STAT. 1148; 84 STAT. 1737, 1738.// SUCH PUBLIC MASS TRANSIT PROJECT SHALL BE SUBMITTED FOR APPROVAL TO THE SECRETARY. APPROVAL OF THE PLANS, SPECIFICATIONS, AND ESTIMATES FOR SUCH PROJECT BY THE SECRETARY SHALL BE DEEMED A CONTRACTUAL OBLIGATION OF THE UNITED STATES FOR PAYMENT OUT OF THE GENERAL FUNDS OF ITS PROPORTIONAL SHARE OF THE COST OF SUCH PROJECT IN AN AMOUNT EQUAL TO THE FEDERAL SHARE

WHICH WOULD HAVE BEEN PAID IF SUCH PROJECT WERE A HIGHWAY PROJECT UNDER SECTION 120(A) OF THIS TITLE. //82 STAT. 835; 84 STAT. 1718. 23 USC 120.// FUNDS PREVIOUSLY APPORTIONED TO SUCH STATE UNDER SECTION 104(B)(6) OF THIS TITLE SHALL BE REDUCED BY AN AMOUNT EQUAL TO SUCH FEDERAL SHARE.

"(D) THE ESTABLISHMENT OF ROUTES AND SCHEDULES OF SUCH PUBLIC MASS TRANSPORTATION SYSTEMS IN URBANIZED AREAS SHALL BE BASED UPON A CONTINUING COMPREHENSIVE TRANSPORTATION PLANNING PROCESS CARRIED ON IN ACCORDANCE WITH SECTION 134 OF THIS TITLE.

"(E)(1) FOR ALL PURPOSES OF THIS TITLE, A PROJECT AUTHORIZED BY SUBSECTION (A)(1) OF THIS SECTION SHALL BE DEEMED TO BE A HIGHWAY PROJECT. //ANTE, P. 259.//

"(2) NOTWITHSTANDING SECTION 209(F)(1) OF THE HIGHWAY REVENUE ACT OF 1956, //70 STAT. 397. 23 USC 120 NOTE.// THE HIGHWAY TRUST FUND SHALL BE AVAILABLE FOR MAKING EXPENDITURES TO MEET OBLIGATIONS RESULTING FROM PROJECTS AUTHORIZED BY SUBSECTION (A)(2) OF THIS SECTION AND SUCH PROJECTS SHALL BE SUBJECT TO, AND GOVERNED IN ACCORDANCE WITH, ALL PROVISIONS OF THIS TITLE APPLICABLE TO PROJECTS ON THE FEDERAL-AID URBAN SYSTEM, EXCEPT TO THE EXTENT DETERMINED INCONSISTENT BY THE SECRETARY.

"(3) THE FEDERAL SHARE PAYABLE ON ACCOUNT OF PROJECTS AUTHORIZED BY SUBSECTION (A) OF THIS SECTION SHALL BE THAT PROVIDED IN SECTION 120 OF THIS SECTION.

"(F) NO PROJECT AUTHORIZED BY THIS SECTION SHALL BE APPROVED UNLESS THE SECRETARY OF TRANSPORTATION HAS RECEIVED ASSURANCES SATISFACTORY TO HIM FROM THE STATE THAT PUBLIC MASS TRANSPORTATION SYSTEMS WILL FULLY UTILIZE THE PROPOSED PROJECT.

"(G) IN ANY CASE WHERE SUFFICIENT LAND EXISTS WITHIN THE PUBLICLY ACQUIRED RIGHTS-OF-WAY OF ANY FEDERAL-AID HIGHWAY TO ACCOMMODATE NEEDED RAIL OR NONHIGHWAY PUBLIC MASS TRANSIT FACILITIES AND WHERE THIS CAN BE ACCOMPLISHED WITHOUT IMPAIRING AUTOMOTIVE SAFETY OR FUTURE HIGHWAY IMPROVEMENTS, THE ADMINISTRATOR MAY AUTHORIZE A STATE TO MAKE SUCH LANDS AND RIGHTS-OF-WAY AVAILABLE WITHOUT CHARGE TO A PUBLICLY OWNED MASS TRANSIT AUTHORITY FOR SUCH PURPOSES WHEREVER HE MAY DEEM THAT THE PUBLIC INTEREST WILL BE SERVED THEREBY. //87 STAT. 261//

"(H) THE PROVISION OF ASSISTANCE UNDER SUBSECTION (A)(2) OR SUBSECTION (C) //ANTE, P. 259.// OF THIS SECTION SHALL NOT BE CONSTRUED AS BRINGING WITHIN THE APPLICATION OF CHAPTER 15 OF TITLE 5, UNITED STATES CODE, //80 STAT. 403. 5 USC 1501.// ANY NON-SUPERVISORY EMPLOYEE OF AN URBAN MASS TRANSPORTATION SYSTEM (OR OF ANY OTHER AGENCY OR ENTITY PERFORMING RELATED FUNCTIONS) TO WHOM SUCH CHAPTER IS OTHERWISE INAPPLICABLE.

"(I) FUNDS AVAILABLE FOR EXPENDITURE TO CARRY OUT THE PURPOSES OF SUBSECTION (A)(2) AND SUBSECTION (C) OF THIS SECTION SHALL BE SUPPLEMENTARY TO AND NOT IN SUBSTITUTION FOR FUNDS AUTHORIZED AVAILABLE FOR OBLIGATION PURSUANT TO THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED. //78 STAT. 302, 49 USC 1601 NOTE.//

"(J) THE PROVISIONS OF SECTION 3(F)(4) OF THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED, SHALL APPLY IN CARRYING OUT SUBSECTION (A)(2) AND SUBSECTION (C) OF THIS SECTION. //48 USC 1602.//

"(K) THE SECRETARY SHALL NOT APPROVE ANY PROJECT UNDER SUBSECTION (A)(

2) OF THIS SECTION IN ANY FISCAL YEAR WHEN THERE HAS BEEN ENACTED AN URBAN TRANSPORTATION TRUST FUND OR SIMILAR ASSURED FUNDING FOR BOTH HIGHWAY AND PUBLIC TRANSPORTATION."

(B) THE ANALYSIS OF CHAPTER 1 OF TITLE 23, UNITED STATES CODE, IS AMENDED BY STRIKING OUT "142. URBAN HIGHWAY PUBLIC TRANSPORTATION." AND INSERTING IN LIEU THEREOF THE FOLLOWING: "142. PUBLIC TRANSPORTATION." ECONOMIC GROWTH CENTER DEVELOPMENT HIGHWAYS

SEC. 122. (A) SECTION 143 OF TITLE 23, UNITED STATES CODE, //84 STAT. 1729.// IS AMENDED BY STRIKING OUT "DEMONSTRATION PROJECTS" EACH PLACE IT APPEARS AND INSERTING IN LIEU THEREOF "PROJECTS", AND BY STRIKING OUT "DEMONSTRATION PROJECT" EACH PLACE IT APPEARS AND INSERTING IN LIEU THEREOF IN EACH SUCH PLACE "PROJECT", BY STRIKING OUT "THE FEDERAL-AID PRIMARY SYSTEM" IN EACH PLACE IT APPEARS AND INSERTING IN LIEU THEREOF IN EACH SUCH PLACE "A FEDERAL-AID SYSTEM (OTHER THAN THE INTERSTATE SYSTEM)", AND IN SUBSECTION (D) BY STRIKING OUT "FEDERAL-AID PRIMARY HIGHWAYS" AND INSERTING IN LIEU THEREOF "HIGHWAYS ON THE FEDERAL-AID SYSTEM ON WHICH SUCH DEVELOPMENT HIGHWAY IS LOCATED".

(B) SECTION 143(E) OF TITLE 23, UNITED STATES CODE, IS AMENDED TO READ AS FOLLOWS:

"(E) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE FEDERAL SHARE OF THE COST OF ANY PROJECT FOR CONSTRUCTION, RECONSTRUCTION, OR IMPROVEMENT OF A DEVELOPMENT HIGHWAY UNDER THIS SECTION SHALL BE THE SAME AS THAT PROVIDED UNDER THIS TITLE FOR ANY OTHER PROJECT ON THE FEDERAL-AID SYSTEM ON WHICH SUCH DEVELOPMENT HIGHWAY IS LOCATED."

(C) SECTION 143(A) OF TITLE 23, UNITED STATES CODE, IS AMENDED BY STRIKING OUT "TO DEMONSTRATE THE ROLE THAT HIGHWAYS CAN PLAY". FEDERAL-STATE RELATIONSHIP

SEC. 123. (A) CHAPTER 1 OF TITLE 23, UNITED STATES CODE, //72 STAT. 885; 84 STAT. 1741. 23 USC 101.// IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW SECTION:

" - 145. FEDERAL-SHARE RELATIONSHIP

"THE AUTHORIZATION OF THE APPROPRIATION OF FEDERAL FUNDS OR THEIR AVAILABILITY FOR EXPENDITURE UNDER THIS CHAPTER SHALL IN NO WAY INFRINGE ON THE SOVEREIGN RIGHTS OF THE STATES TO DETERMINE WHICH PROJECTS SHALL BE FEDERALLY FINANCED. //87 STAT. 262// THE PROVISIONS OF THIS CHAPTER PROVIDE FOR A FEDERALLY ASSISTED STATE PROGRAM."

(B) THE ANALYSIS OF CHAPTER 1 OF TITLE 23, UNITED STATES CODE, IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING: "145. FEDERAL-STATE RELATIONSHIP."

BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS

SEC. 124. (A) CHAPTER 2 OF TITLE 23, UNITED STATES CODE, //72 STAT. 906; 84 STAT. 1721. 23 USC 201.// IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW SECTION:

" - 217.

BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS

"(A) TO ENCOURAGE THE MULTIPLE USE OF HIGHWAY RIGHTS-OF-WAY, INCLUDING THE DEVELOPMENT, IMPROVEMENT, AND USE OF BICYCLE TRANSPORTATION AND THE DEVELOPMENT AND IMPROVEMENT OF PEDESTRIAN WALKWAYS ON OR IN CONJUNCTION WITH HIGHWAY RIGHTS-OF-WAY, THE STATES MAY, ON FEDERAL-AID HIGHWAY

PROJECTS, INCLUDE TO THE EXTENT PRACTICABLE, SUITABLE, AND FEASIBLE, THE CONSTRUCTION OF SEPARATE OR PREFERENTIAL BICYCLE LANES OR PATHS, BICYCLE TRAFFIC CONTROL DEVICES, SHELTERS AND PARKING FACILITIES TO SERVE BICYCLES AND PERSONS USING BICYCLES, AND PEDESTRIAN WALKWAYS IN CONJUNCTION OR CONNECTION WITH FEDERAL-AID HIGHWAYS. SUMS APPORTIONED IN ACCORDANCE WITH PARAGRAPHS (1), (2), (3), AND (6) OF SECTION 10418) //ANTE, P. 256; 77 STAT. 276-// OF THIS TITLE SHALL BE AVAILABLE FOR BICYCLE PROJECTS AND PEDESTRIAN WALKWAYS AUTHORIZED UNDER THIS SECTION AND SUCH PROJECTS SHALL BE LOCATED AND DESIGNED PURSUANT TO AN OVERALL PLAN WHICH WILL PROVIDE DUE CONSIDERATION FOR SAFETY AND CONTIGUOUS ROUTES.

"(B) FOR ALL PURPOSES OF THIS TITLE, A BICYCLE OR PEDESTRIAN WALKWAY PROJECT AUTHORIZED BY SUBSECTION (A) OF THIS SECTION SHALL BE DEEMED TO BE A HIGHWAY PROJECT, AND THE FEDERAL SHARE PAYABLE ON ACCOUNT OF SUCH BICYCLE PROJECT OR PEDESTRIAN WALKWAY SHALL BE THAT PROVIDED IN SECTION 120 OF THIS TITLE. //72 STAT. 898. 23 USC 120-//

"(C) FUNDS AUTHORIZED FOR FOREST HIGHWAYS, FOREST DEVELOPMENT ROADS AND TRAILS, PUBLIC LANDS DEVELOPMENT ROADS AND TRAILS, PARK ROADS AND TRAILS, PARKWAYS, INDIAN RESERVATION ROADS, AND PUBLIC LANDS HIGHWAYS SHALL BE AVAILABLE, AT THE DISCRETION OF THE DEPARTMENT CHARGED WITH THE ADMINISTRATION OF SUCH FUNDS, FOR THE CONSTRUCTION OF BICYCLE AND PEDESTRIAN ROUTES IN CONJUNCTION WITH SUCH TRAILS, ROADS, HIGHWAYS, AND PARKWAYS.

"(D) NO MOTORIZED VEHICLES SHALL BE PERMITTED ON TRAILS AND WALKWAYS AUTHORIZED UNDER THIS SECTION EXCEPT FOR MAINTENANCE PURPOSES AND, WHEN SNOW CONDITIONS AND STATE OR LOCAL REGULATIONS PERMIT, SNOWMOBILES.

"(E) NOT MORE THAN \$40,000,000 OF FUNDS AUTHORIZED TO BE APPROPRIATED IN ANY FISCAL YEAR MAY BE OBLIGATED FOR PROJECTS AUTHORIZED BY SUBSECTIONS (A) AND (C) OF THIS SECTION, AND NO STATE SHALL OBLIGATE MORE THAN \$2,000,000 FOR SUCH PROJECTS IN ANY FISCAL YEAR."

(B) THE ANALYSIS OF CHAPTER 2, TITLE 23, UNITED STATES CODE, IS AMENDED BY INSERTING AT THE END THEREOF THE FOLLOWING: "217. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS."

SPECIAL URBAN HIGH DENSITY TRAFFIC PROGRAM

SEC. 125. (A) CHAPTER 1 OF TITLE 23 OF THE UNITED STATES CODE IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW SECTION: // ANTE, P. 261-//

" 146. SPECIAL URBAN HIGH DENSITY TRAFFIC PROGRAM

"(A) THERE IS HEREBY AUTHORIZED TO BE APPROPRIATED OUT OF THE HIGHWAY TRUST FUND \$50,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, \$50,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, AND \$50,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1976, //87 STAT. 263// FOR THE CONSTRUCTION OF HIGHWAYS CONNECTED TO THE INTERSTATE SYSTEM IN PORTIONS OF URBANIZED AREAS WITH HIGH TRAFFIC DENSITY. THE SECRETARY SHALL DEVELOP GUIDELINES AND STANDARDS FOR THE DESIGNATION OF ROUTES AND THE ALLOCATION OF FUNDS FOR THIS PURPOSE WHICH INCLUDE THE FOLLOWING CRITERIA:

"(1) ROUTES DESIGNATED BY THE SECRETARY SHALL NOT BE LONGER THAN TEN MILES.

"(2) ROUTES DESIGNATED SHALL SERVE AREAS OF CONCENTRATED

POPULATION AND HEAVY TRAFFIC CONGESTION.

"(3) ROUTES DESIGNATED SHALL SERVE THE URGENT NEEDS OF COMMERCIAL, INDUSTRIAL, AIRPORT, OR NATIONAL DEFENSE INSTALLATIONS.

"(4) ANY ROUTES SHALL CONNECT WITH EXISTING ROUTES ON THE INTERSTATE SYSTEM.

"(5) ROUTES DESIGNATED UNDER THIS SECTION SHALL HAVE BEEN APPROVED THROUGH THE PLANNING PROCESS REQUIRED UNDER SECTION 134 OF THIS TITLE AND DETERMINED TO BE ESSENTIAL BY RESPONSIBLE LOCAL OFFICIALS. //76 STAT. 1148; 84 STAT. 1737, 23 USC 134.//

"(6) A ROUTE SHALL BE DESIGNATED UNDER THIS SECTION ONLY WHERE THE SECRETARY DETERMINES THAT NO FEASIBLE OR PRACTICABLE ALTERNATIVE MODE OF TRANSPORTATION WHICH COULD MEET THE NEEDS OF THE AREA TO BE SERVED IS NOW AVAILABLE OR COULD BECOME AVAILABLE IN THE FORESEEABLE FUTURE.

"(7) THE DESIGNATION OF ROUTES UNDER THIS SECTION SHALL COMPLY WITH SECTION 138 OF THIS TITLE, //82 STAT. 823. 23 USC 138.// AND NO ROUTE SHALL BE DESIGNATED WHICH SUBSTANTIALLY DAMAGES OR INFRINGES UPON ANY RESIDENTIAL AREA.

"(8) ROUTES SHALL BE DESIGNATED BY THE SECRETARY ON THE RECOMMENDATION OF THE STATE AND RESPONSIBLE LOCAL OFFICIALS.

"(9) NO MORE THAN ONE ROUTE IN ANY ONE STATE SHALL BE DESIGNATED BY THE SECRETARY.

"(10) ANY ROUTE DESIGNATED BY THE SECRETARY UNDER THIS SECTION MUST BE ON A FEDERAL-AID SYSTEM.

"(B) THE FEDERAL SHARE PAYABLE ON ACCOUNT OF ANY PROJECT AUTHORIZED PURSUANT TO THIS SECTION SHALL NOT EXCEED 90 PER CENTUM OF THE COST OF CONSTRUCTION OF SUCH PROJECT."

"(B) THE TABLE OF CONTENTS OF CHAPTER 1 OF TITLE 23 OF THE UNITED STATES CODE IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING: "146. SPECIAL URBAN HIGH DENSITY TRAFFIC PROGRAM."

PRIORITY PRIMARY ROUTES

SEC. 126. (A) CHAPTER 1 OF TITLE 23 OF THE UNITED STATES CODE IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW SECTION: // ANTE, P. 262.//

" - 147. PRIORITY PRIMARY ROUTES

"(A) HIGH TRAFFIC SECTIONS OF HIGHWAYS ON THE FEDERAL-AID PRIMARY SYSTEM WHICH CONNECT TO THE INTERSTATE SYSTEM SHALL BE SELECTED BY EACH STATE HIGHWAY DEPARTMENT, IN CONSULTATION WITH APPROPRIATE LOCAL OFFICIALS, SUBJECT TO APPROVAL BY THE SECRETARY, FOR PRIORITY OF IMPROVEMENT TO SUPPLEMENT THE SERVICE PROVIDED BY THE INTERSTATE SYSTEM BY FURNISHING NEEDED ADEQUATE TRAFFIC COLLECTOR AND DISTRIBUTOR FACILITIES. FOR THE PURPOSE OF THIS SECTION SUCH HIGHWAYS SHALL HEREAFTER IN THIS SECTION BE REFERRED TO AS "PRIORITY PRIMARY ROUTES".

"(B) THE FEDERAL SHARE OF ANY PROJECT ON A PRIORITY PRIMARY ROUTE SHALL BE THAT PROVIDED IN SECTION 120(A) OF THIS TITLE. //82 STAT. 835; 84 STAT. 1718. 23 USC 120.// ALL PROVISIONS OF THIS TITLE APPLICABLE TO THE FEDERAL-AID PRIMARY SYSTEM SHALL BE APPLICABLE TO PRIORITY PRIMARY ROUTES SELECTED UNDER THIS SECTION EXCEPT THAT ONE-HALF OF SUCH FUNDS SHALL BE

APPORTIONED AMONG THE STATES IN ACCORDANCE WITH SECTION 104(B)(1) OF THIS TITLE, //ANTE, P. 256.// AND ONE-HALF SHALL BE APPORTIONED AMONG THE STATES IN ACCORDANCE WITH SECTION 104(B)(3) OF THIS TITLE. //87 STAT. 264// //77 STAT. 276. 23 USC 104.// FUNDS AUTHORIZED TO CARRY OUT THIS SECTION SHALL BE DEEMED TO BE APPORTIONED ON JANUARY 1 NEXT PRECEDING THE COMMENCEMENT OF THE FISCAL YEAR FOR WHICH AUTHORIZED.

"(C) THE INITIAL SELECTION OF THE PRIORITY PRIMARY ROUTES AND THE ESTIMATED COST OF COMPLETING SUCH ROUTES SHALL BE REPORTED TO CONGRESS ON OR BEFORE JULY 1, 1974.

"(D) THERE IS AUTHORIZED TO BE APPROPRIATED OUT OF THE HIGHWAY TRUST FUND TO CARRY OUT THIS SECTION NOT TO EXCEED \$100,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, \$200,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, AND \$300,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1976."

(B) THE TABLE OF CONTENTS OF CHAPTER 1 OF TITLE 23 OF THE UNITED STATES CODE IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING: "147. PRIORITY PRIMARY ROUTES."

ALASKA HIGHWAY

SEC. 127. (A)(1) CHAPTER 2 OF TITLE 23 OF THE UNITED STATES CODE IS AMENDED BY INSERTING AT THE END THEREOF A NEW SECTION AS FOLLOWS: //ANTE, P. 262.//

" 218. ALASKA HIGHWAY

"(A) RECOGNIZING THE BENEFITS THAT WILL ACCRUE TO THE STATE OF ALASKA AND TO THE UNITED STATES FROM THE RECONSTRUCTION OF THE ALASKA HIGHWAY FROM THE ALASKAN BORDER TO HAINES JUNCTION IN CANADA AND THE HAINES CUTOFF HIGHWAY FROM HAINES JUNCTION IN CANADA TO THE SOUTH ALASKAN BORDER, THE SECRETARY IS AUTHORIZED OUT OF THE FUNDS APPROPRIATED FOR THE PURPOSE OF THIS SECTION TO PROVIDE FOR NECESSARY RECONSTRUCTION OF SUCH HIGHWAY. SUCH APPROPRIATIONS SHALL REMAIN AVAILABLE UNTIL EXPENDED. NO EXPENDITURES SHALL BE MADE FOR THE CONSTRUCTION OF SUCH HIGHWAYS UNTIL AN AGREEMENT HAS BEEN REACHED BY THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNITED STATES WHICH SHALL PROVIDE, IN PART, THAT THE CANADIAN GOVERNMENT--

"(1) WILL PROVIDE, WITHOUT PARTICIPATION OF FUNDS AUTHORIZED UNDER THIS TITLE ALL NECESSARY RIGHT-OF-WAY SHALL FOREVER BE HELD INVIOLATE AS A PART OF SUCH HIGHWAYS FOR PUBLIC USE;

"(2) WILL NOT IMPOSE ANY HIGHWAY TOLL, OR PERMIT ANY SUCH TOLL TO BE CHARGED FOR THE USE OF SUCH HIGHWAYS BY VEHICLES OR PERSONS;

"(3) WILL NOT LEVY OR ASSESS, DIRECTLY OR INDIRECTLY, ANY FEE, TAX, OR OTHER CHARGE FOR THE USE OF SUCH HIGHWAYS BY VEHICLES OR PERSONS FROM THE UNITED STATES THAT DOES NOT APPLY EQUALLY TO VEHICLES OR PERSONS OF CANADA;

"(4) WILL CONTINUE TO GRANT RECIPROCAL RECOGNITION OF VEHICLE REGISTRATION AND DRIVERS' LICENSES IN ACCORDANCE WITH AGREEMENTS BETWEEN THE UNITED STATES AND CANADA; AND

"(5) WILL MAINTAIN SUCH HIGHWAYS AFTER THEIR COMPLETION IN PROPER CONDITION ADEQUATELY TO SERVE THE NEEDS OF PRESENT AND FUTURE TRAFFIC.

"(B) THE SURVEY AND CONSTRUCTION WORK UNDERTAKEN PURSUANT TO THIS

SECTION SHALL BE UNDER THE GENERAL SUPERVISION OF THE SECRETARY."

(2) THE ANALYSIS OF CHAPTER 2 OF TITLE 23 OF THE UNITED STATES CODE IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING: "218. ALASKA HIGHWAY."

(B) FOR THE PURPOSE OF COMPLETING NECESSARY RECONSTRUCTION OF THE ALASKA HIGHWAY FROM THE ALASKAN BORDER TO HAINES JUNCTION IN CANADA AND THE HAINES CUTOFF HIGHWAY FROM HAINES JUNCTION IN CANADA TO THE SOUTH ALASKAN BORDER THERE IS AUTHORIZED TO BE APPROPRIATED THE SUM OF \$58,670,000 TO BE EXPENDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 218 OF TITLE 23 OF THE UNITED STATES CODE.

BRIDGES ON FEDERAL DAMS

SEC. 128. (A) //87 STAT. 265// SECTION 320(D) OF TITLE 23, UNITED STATES CODE, //73 STAT. 613; 84 STAT. 1724. 23 USC 320.// IS AMENDED BY STRIKING OUT "\$16,761,000" AND INSERTING IN LIEU THEREOF "\$25,261,000."

(B) ALL SUMS APPROPRIATED UNDER AUTHORITY OF THE INCREASED AUTHORIZATION OF \$8,500,000 ESTABLISHED BY THE AMENDMENT MADE BY SUBSECTION (A) OF THIS SECTION SHALL BE AVAILABLE FOR EXPENDITURE ONLY IN CONNECTION WITH THE CONSTRUCTION OF A BRIDGE ACROSS LOCK AND DAM NUMBERED 13 ON THE ARKANSAS RIVER NEAR FORTH SMITH, ARKANSAS, IN THE AMOUNT OF \$2,100,000 AND IN CONNECTION WITH RECONSTRUCTION OF A BRIDGE ACROSS THE CHICKAMAUGA DAM ON THE TENNESSEE RIVER NEAR CHATTANOOGA, TENNESSEE, IN THE AMOUNT OF \$6,400,000. NO SUCH SUMS SHALL BE APPROPRIATED UNTIL ALL APPLICABLE REQUIREMENTS OF SECTION 320 OF TITLE 23 OF THE UNITED STATES CODE HAVE BEEN COMPLIED WITH BY THE APPROPRIATE FEDERAL AGENCY, THE SECRETARY OF TRANSPORTATION, AND THE STATE OF ARKANSAS FOR THE FORTH SMITH PROJECT, AND THE STATE OF TENNESSEE FOR THE CHATTANOOGA PROJECT.

GREAT RIVER ROAD

SEC. 129. (A) SECTION 14 OF THE FEDERAL-AID HIGHWAY ACT OF 1954, AS AMENDED (69 STAT. 70; PUBLIC LAW 83 - 350), //78 STAT. 1092.// IS AMENDED BY STRIKING OUT "\$500,000" AND INSERTING IN LIEU THEREOF "\$600,000".

(B) CHAPTER 1 OF TITLE 23 OF THE UNITED STATES CODE IS AMENDED BY INSERTING AT THE END THEREOF A NEW SECTION AS FOLLOWS: //ANTE, P. 263.//

"148. DEVELOPMENT OF A NATIONAL SCENIC AND RECREATIONAL HIGHWAY
 "(A) AS SOON AS POSSIBLE AFTER THE DATE OF ENACTMENT OF THIS SECTION, THE SECRETARY SHALL ESTABLISH CRITERIA FOR THE LOCATION AND CONSTRUCTION OR RECONSTRUCTION OF THE GREAT RIVER ROAD BY THE TEN STATES BORDERING THE MISSISSIPPI RIVER. SUCH CRITERIA SHALL INCLUDE REQUIREMENTS THAT--

"(1) PRIORITY BE GIVEN IN THE LOCATION OF THE GREAT RIVER ROAD NEAR OR EASILY ACCESSIBLE TO THE LARGER POPULATION CENTERS OF THE STATE AND FURTHER PRIORITY BE GIVEN TO THE CONSTRUCTION AND IMPROVEMENT OF THE GREAT RIVER ROAD IN THE PROXIMITY OF THE CONFLUENCE OF THE MISSISSIPPI RIVER AND THE WISCONSIN RIVER;

"(2) THE GREAT RIVER ROAD BE CONNECTED WITH OTHER FEDERAL-AID HIGHWAYS AND PREFERABLY WITH THE INTERSTATE SYSTEM;

"(3) THE GREAT RIVER ROAD BE MARKED WITH UNIFORM IDENTIFYING SIGNS;

"(4) EFFECTIVE CONTROL, AS DEFINED IN SECTION 131 OF THIS TITLE,

//79 STAT. 1028. 23 USC 131.// OF SIGNS, DISPLAYS, AND DEVICES WILL BE PROVIDED ALONG THE GREAT RIVER ROAD:

"(5) THE PROVISIONS OF SECTION 129(A) //72 STAT. 902. 23 USC 129.// OF THIS TITLE SHALL NOT APPLY TO ANY BRIDGE OR TUNNEL ON THE GREAT RIVER AND NO FEES SHALL BE CHARGED FOR THE USE OF ANY FACILITY CONSTRUCTED WITH ASSISTANCE UNDER THIS SECTION.

"(B) FOR THE PURPOSE OF THIS SECTION, THE TERM 'CONSTRUCTION' INCLUDES THE ACQUISITION OF AREAS OF HISTORICAL, ARCHEOLOGICAL, OR SCIENTIFIC INTEREST, NECESSARY EASEMENTS FOR SCENIC PURPOSES, AND THE CONSTRUCTION OR RECONSTRUCTION OF ROADSIDE REST AREAS (INCLUDING APPROPRIATE RECREATIONAL FACILITIES), SCENIC VIEWING AREAS, AND OTHER APPROPRIATE FACILITIES AS DETERMINED BY THE SECRETARY. **

"(C) HIGHWAYS CONSTRUCTED OR RECONSTRUCTED PURSUANT TO THIS SECTION (EXCEPT SUBSECTION (F)) SHALL BE PART OF THE FEDERAL-AID SYSTEM.

"(D) FUNDS APPROPRIATED FOR EACH FISCAL YEAR PURSUANT TO SUBSECTION (G) SHALL BE APPORTIONED AMONG THE TEN STATES BORDERING THE MISSISSIPPI RIVER ON THE BASIS OF THEIR RELATIVE NEEDS AS DETERMINED BY THE SECRETARY FOR PAYMENTS TO CARRY OUT THIS SECTION.

"(E) THE FEDERAL SHARE OF THE COST OF ANY PROJECT FOR ANY CONSTRUCTION OR RECONSTRUCTION PURSUANT TO THE PRECEDING SUBSECTIONS OF THIS SECTION SHALL BE THAT PROVIDED IN SECTION 120 OF THIS TITLE FOR THE FEDERAL-AID SYSTEM ON WHICH SUCH PROJECT IS LOCATED, //87 STAT. 266// //72 STAT. 898. 23 USC 120.// AND IF SUCH PROJECT IS NOT ON SUCH A SYSTEM SUCH SHARE SHALL BE 70 PER CENTUM OF SUCH COST.

"(F) THE SECRETARY IS AUTHORIZED TO CONSULT WITH THE HEADS OF OTHER FEDERAL DEPARTMENTS AND AGENCIES HAVING JURISDICTION OVER FEDERAL LANDS OPEN TO THE PUBLIC IN ORDER TO ENTER INTO APPROPRIATE ARRANGEMENTS FOR NECESSARY CONSTRUCTION OR RECONSTRUCTION OF HIGHWAYS ON SUCH LANDS TO CARRY OUT THIS SECTION. HIGHWAYS CONSTRUCTED OR RECONSTRUCTED BY A STATE PURSUANT TO THIS SECTION WHICH ARE NOT ON A FEDERAL-AID SYSTEM, AND HIGHWAYS CONSTRUCTED OR RECONSTRUCTED UNDER THIS SUBSECTION, SHALL BE SUBJECT TO THE CRITERIA APPLICABLE TO HIGHWAYS CONSTRUCTED OR RECONSTRUCTED PURSUANT TO SUBSECTION (C) OF THIS SECTION. FUNDS AUTHORIZED PURSUANT TO SUBSECTION (G) SHALL BE USED TO PAY THE ENTIRE COST OF CONSTRUCTION OR RECONSTRUCTION PURSUANT TO THE FIRST SENTENCE OF THIS SUBSECTION.

"(G) THERE IS AUTHORIZED TO BE APPROPRIATED TO CARRY OUT THIS SECTION, OUT OF THE HIGHWAY TRUST FUND, FOR CONSTRUCTION OR RECONSTRUCTION OF ROADS ON A FEDERAL-AID HIGHWAY SYSTEM, NOT TO EXCEED \$10,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, \$25,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, AND \$25,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1976, FOR ALLOCATIONS TO THE STATES PURSUANT TO THIS SECTION, AND THERE IS AUTHORIZED TO BE APPROPRIATED TO CARRY OUT THIS SECTION OUT OF ANY MONEY IN THE TREASURY NOT OTHERWISE APPROPRIATED, NOT TO EXCEED \$10,000,000 FOR EACH OF THE FISCAL YEARS ENDING JUNE 30, 1974, JUNE 30, 1975, AND JUNE 30, 1976, FOR CONSTRUCTION AND RECONSTRUCTION OF ROADS NOT ON A FEDERAL-AID HIGHWAY SYSTEM."

(C) THE TABLE OF CONTENTS OF CHAPTER 1 OF TITLE 23 OF THE UNITED STATES

CODE IS AMENDED BY INSERTING AT THE END THEREOF THE FOLLOWING: "148. DEVELOPMENT OF A NATIONAL SCENIC AND RECREATIONAL HIGHWAY.- ALASKAN ASSISTANCE

SEC. 130. SUBSECTION (B) OF SECTION 7 OF THE FEDERAL-AID HIGHWAY ACT OF 1966 //84 STAT. 1735.// IS AMENDED BY STRIKING OUT AT THE END OF THE LAST SENTENCE "JUNE 30, 1972 AND JUNE 30, 1973." AND SUBSTITUTING "JUNE 30, 1972, JUNE 30, 1973, JUNE 30, 1974, JUNE 30, 1975, AND JUNE 30, 1976." ROUTE 101 IN NEW HAMPSHIRE

SEC. 131.(A) THE AMOUNT OF ALL FEDERAL-AID HIGHWAY FUNDS PAID ON ACCOUNT OF THOSE SECTIONS OF ROUTE 101 IN THE STATE OF NEW HAMPSHIRE REFERRED TO IN SUBSECTION (C) OF THIS SECTION SHALL, PRIOR TO THE COLLECTION OF ANY TOLLS THEREON, BE REPAID TO THE TREASURER OF THE UNITED STATES ON OR BEFORE OCTOBER 1, 1977. THE AMOUNT SO REPAID SHALL BE DEPOSITED TO THE CREDIT OF THE APPROPRIATION FOR "FEDERAL-AID HIGHWAYS (TRUST FUND):. AT THE TIME OF SUCH REPAYMENT, THE FEDERAL-AID PROJECTS WITH RESPECT TO WHICH SUCH FUNDS HAVE BEEN REPAID AND ANY OTHER FEDERAL-AID PROJECT LOCATED ON SAID SECTIONS OF SUCH TOLL ROAD AND PROGRAMED FOR EXPENDITURE ON ANY SUCH FUNDS HAVE BEEN REPAID AND ANY OTHER FEDERAL-AID PROJECT LOCATED ON SAID SECTIONS OF SUCH TOLL ROAD AND PROGRAMED FOR EXPENDITURE ON ANY SUCH PROJECT, SHALL BE CREDITED TO THE UNPROGRAMED BALANCE OF FEDERAL-AID HIGHWAYS FUNDS OF THE SAME CLASS LAST APPORTIONED TO THE STATE OF NEW HAMPSHIRE. THE AMOUNT SO CREDITED SHALL BE IN ADDITION TO ALL OTHER FUNDS THAN APPORTIONED TO SAID STATE AND SHALL BE AVAILABLE FOR EXPENDITURE IN ACCORDANCE WITH THE PROVISIONS OF TITLE 23, UNITED STATES CODE, //72 STAT. 885. 23 USC 101 ET SEQ.// AS AMENDED OR SUPPLEMENTED.

(B) UPON THE REPAYMENT OF FEDERAL-AID HIGHWAY FUNDS AND THE CANCELLATION AND WITHDRAWAL FROM THE FEDERAL-AID HIGHWAY PROGRAM OF THE PROJECTS ON SAID SECTIONS OF ROUTE 101 AS PROVIDED IN SUBSECTION (A) OF THIS SECTION, //87 STAT. 267// SUCH SECTIONS OF SAID ROUTE SHALL BECOME AND BE FREE OF ANY AND ALL RESTRICTIONS CONTAINED IN TITLE 23, UNITED STATES CODE, //72 STAT. 885. 23 USC 101// AS AMENDED OR SUPPLEMENTED, OR IN ANY REGULATION THEREUNDER, WITH RESPECT TO THE IMPOSITION AND COLLECTION OF TOLLS OR OTHER CHARGES THEREON OR FOR THE USE THEREOF.

(C) THE PROVISIONS OF THIS SECTION SHALL APPLY TO THE FOLLOWING SECTIONS:

(1) THAT SECTION OF ROUTE 101 FROM ROUTE 125 IN EPPING TO BRENTWOOD CORNERS, A DISTANCE OF APPROXIMATELY TWO AND THIRTY ONE-HUNDREDTHS CENTERLINE MILES.

(2) THAT SECTION OF ROUTE 101 IN THE VICINITY OF SELLS CORNER IN AUBURN, BEGINNING APPROXIMATELY TWO AND FORTY ONE-HUNDREDTHS CENTERLINE MILES EAST OF THE JUNCTION OF INTERSTATE ROUTE 93 AND RUNNING EASTERLY APPROXIMATELY TWO MILES.

FREELING INTERSTATE TOLL BRIDGES

SEC. 132. SECTION 129, TITLE 23, UNITED STATES CODE, AS AMENDED BY SECTION 139 OF THIS ACT, IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW SUBSECTION:

"(H) NOTWITHSTANDING THE PROVISIONS OF SECTION 301 OF THIS TITLE, //72

STAT. 912. 23 USC 301.// IN THE CASE OF EACH STATE WHICH, BEFORE JANUARY 1, 1975, SHALL HAVE CONSTRUCTED OR ACQUIRED ANY INTERSTATE TOLL BRIDGE (INCLUDING APPROACHES THERETO), WHICH BEFORE JANUARY 1, 1975, CAUSED SUCH TOLL BRIDGE TO BE MADE FREE, WHICH BRIDGE IS OWNED AND MAINTAINED BY SUCH STATE OR BY A POLITICAL SUBDIVISION THEREOF, AND WHICH BRIDGE IS ON THE FEDERAL-AID PRIMARY SYSTEM (OTHER THAN THE INTERSTATE SYSTEM), SUMS APPORTIONED TO SUCH STATE IN ACCORDANCE WITH PARAGRAPHS (1) AND (3) OF SUBSECTION (B) OF SECTION 104 OF THIS TITLE //ANTE, P. 256. 77 STAT. 276.// SHALL BE AVAILABLE TO PAY THE FEDERAL SHARE OF A PROJECT UNDER THIS SUBSECTION OF (1) SUCH AMOUNT AS THE SECRETARY DETERMINES TO BE THE REASONABLE VALUE OF SUCH BRIDGE AFTER DEDUCTING THEREFROM THAT PORTION OF SUCH VALUE ATTRIBUTABLE TO ANY GRANT OR CONTRIBUTION PREVIOUSLY PAID BY THE UNITED STATES IN CONNECTION WITH THE CONSTRUCTION OR ACQUISITION OF SUCH BRIDGE, AND EXCLUSIVE OF RIGHTS-OF-WAY, OR (2) THE AMOUNT BY WHICH THE PRINCIPAL AMOUNT OF THE OUTSTANDING UNPAID BONDS OR OTHER OBLIGATIONS CREATED AND ISSUED FOR THE CONSTRUCTION OR ACQUISITION OF SUCH BRIDGE EXCEEDS THE AMOUNT OF ANY FUNDS ACCUMULATED OR PROVIDED FOR THEIR AMORTIZATION, ON THE DATE SUCH BRIDGE IS MADE FREE, WHICHEVER IS THE LESSER AMOUNT."

STUDY OF TOLL BRIDGE AUTHORITY

SEC. 133. (A) THE SECRETARY OF TRANSPORTATION IF AUTHORIZED AND DIRECTED TO UNDERTAKE A FULL AND COMPLETE INVESTIGATION AND STUDY OF EXISTING FEDERAL STATUTES AND REGULATIONS GOVERNING TOLL BRIDGES OVER THE NAVIGABLE WATERS OF THE UNITED STATES FOR THE PURPOSE OF DETERMINING WHAT ACTION CAN AND SHOULD BE TAKEN TO ASSURE JUST AND REASONABLE TOLLS NATIONWIDE. THE SECRETARY SHALL SUBMIT A REPORT OF THE FINDINGS OF SUCH STUDY AND INVESTIGATION TO THE CONGRESS NOT LATER THAN JULY 1, 1975, TOGETHER WITH HIS RECOMMENDATIONS FOR MODIFICATIONS OR ADDITIONS TO EXISTING LAWS, REGULATIONS AND POLICIES, EXCEPT THAT IN THE CASE OF THE TOLL BRIDGE AT CHESTER, ILLINOIS, THE SECRETARY SHALL SUBMIT A REPORT TO THE CONGRESS NOT LATER THAN DECEMBER 31, 1973.

(B) THE SECRETARY OF TRANSPORTATION SHALL PROMULGATE REGULATIONS ESTABLISHING GUIDELINES GOVERNING ANY INCREASE IN TOLLS FOR USE OF ANY BRIDGE CONSTRUCTED PURSUANT TO EITHER THE GENERAL BRIDGE ACT OF 1926 OR THE GENERAL BRIDGE ACT OF 1946. //33 USC 491 NOTE. 33 USC 525 NOTE.//

NATIONAL SCENIC HIGHWAY SYSTEM STUDY

SEC. 134(A) //87 STAT. 268// THE SECRETARY OF TRANSPORTATION SHALL MAKE A FULL AND COMPLETE INVESTIGATION AND STUDY TO DETERMINE THE FEASIBILITY OF ESTABLISHING A NATIONAL SYSTEM OF SCENIC HIGHWAYS TO LINK TOGETHER AND MAKE MORE ACCESSIBLE TO THE AMERICAN PEOPLE RECREATIONAL, HISTORICAL, SCIENTIFIC, AND OTHER SIMILAR AREAS OF SCENIC INTEREST AND IMPORTANCE. IN THE CONDUCT OF SUCH INVESTIGATION AND STUDY, THE SECRETARY SHALL COOPERATE AND CONSULT WITH OTHER AGENCIES OF THE FEDERAL GOVERNMENT, THE COMMISSION ON HIGHWAY BEAUTIFICATION, THE STATES AND THEIR POLITICAL SUBDIVISIONS, AND OTHER INTERESTED PRIVATE ORGANIZATIONS, GROUPS, AND INDIVIDUALS. THE SECRETARY SHALL REPORT HIS FINDINGS AND RECOMMENDATIONS TO THE CONGRESS NOT LATER THAN JULY 1, 1974, INCLUDING AN ESTIMATE OF THE COST OF IMPLEMENTING SUCH A PROGRAM. THERE IS AUTHORIZED TO BE

APPROPRIATED \$250,000 FROM THE HIGHWAY TRUST FUND TO CARRY OUT THIS SUBSECTION.

(B) THE SECRETARY OF TRANSPORTATION SHALL MAKE A FULL AND COMPLETE INVESTIGATION AND STUDY TO EXAMINE PROBLEMS OF USER ACCESS TO PARKS, RECREATION AREAS (INCLUDING PUBLIC RECREATION AREA ON FEDERAL LAKES), HISTORIC SITES AND WILDLIFE REFUGES. SUCH STUDY AND INVESTIGATION SHALL INCLUDE, BUT NOT BE LIMITED TO, AN ANALYSIS OF THE DESIRABILITY AND FEASIBILITY OF A NATIONAL SCENIC ROAD AND PARKWAYS SYSTEM REFERRED TO IN SUBSECTION (A) INCLUDING BENEFITS TO THE USER IF ANY AND THE TOTAL LONG RANGE ENVIRONMENTAL IMPACT OF SUCH SYSTEM ON THE NATION'S RECREATION RESOURCES; ALTERNATIVES TO PRIVATE AUTOMOBILE ACCESS TO PARKS AND RECREATION RESOURCES, INCLUDING MASS TRANSIT; AND SPECIAL PROBLEMS OF SAFE ACCESS TO URBAN AND METROPOLITAN PARKS AND RECREATION RESOURCES. IN THE CONDUCT OF SUCH INVESTIGATIONS AND STUDY, THE SECRETARY SHALL COOPERATE AND CONSULT WITH OTHER AGENCIES OF THE FEDERAL GOVERNMENT, THE STATES AND THEIR POLITICAL SUBDIVISIONS, AND INTERESTED PRIVATE ORGANIZATIONS, GROUPS AND INDIVIDUALS. THE SECRETARY SHALL REPORT HIS FINDINGS AND RECOMMENDATIONS TO THE CONGRESS NOT LATER THAN JANUARY 1, 1975, INCLUDING AN ESTIMATE OF THE COST OF IMPLEMENTING ANY SUGGESTED PROGRAMS.

DISTRICT OF COLUMBIA

SEC. 135. NONE OF THE PROVISIONS OF THE ACT ENTITLED "AN ACT TO PROVIDE A PERMANENT SYSTEM OF HIGHWAYS IN THAT PART OF THE DISTRICT OF COLUMBIA LYING OUTSIDE OF CITIES", APPROVED MARCH 2, 1893 (27 STAT. 532), AS AMENDED, SHALL APPLY TO ANY SEGMENT OF THE INTERSTATE SYSTEM WITHIN THE DISTRICT OF COLUMBIA.

CORRIDOR HEARINGS

SEC. 136. (A) THE SECRETARY OF TRANSPORTATION SHALL PERMIT NO FURTHER ACTION ON INTERSTATE ROUTE 1-287 BETWEEN MONTVILLE AND MAHWAH, NEW JERSEY, UNTIL NEW CORRIDOR HEARINGS ARE HELD.

(B) THE SECRETARY OF TRANSPORTATION SHALL PERMIT NO FURTHER ACTION ON THE CORPORATION FREEWAY, WINSTON-SALEM, NORTH CAROLINA, UNTIL NEW CORRIDOR HEARINGS ARE HELD.

(C) THE NEW CORRIDOR HEARINGS REQUIRED BY THIS SECTION SHALL BE HELD AND THE REPORTS THEREON SHALL BE MADE NO LATER THAN ONE YEAR AFTER THE DATE OF ENACTMENT OF THIS SECTION.

INTERSTATE SYSTEM

SEC. 137. (A) PARAGRAPH (2) OF SUBSECTION (E) OF SECTION 103 OF TITLE 23, UNITED STATES CODE, IS AMENDED AS FOLLOWS: //81 STAT. 772; 84 STAT. 1716.//

(1) THE FIRST SENTENCE IS AMENDED BY STRIKING OUT "ADDITIONAL MILEAGE FOR THE INTERSTATE SYSTEM OF TWO HUNDRED MILES, //87 STAT. 269// TO BE USED IN MAKING MODIFICATIONS" AND INSERTING IN LIEU THEREOF "ADDITIONAL MILEAGE FOR THE INTERSTATE SYSTEM OF FIVE HUNDRED MILES, TO BE USED IN MAKING MODIFICATIONS."

(2) THE FOURTH SENTENCE IS AMENDED BY STRIKING OUT "THE 1968 INTERSTATE SYSTEM COST ESTIMATE SET FORTH IN HOUSE DOCUMENT NUMBERED 199, NINETIETH CONGRESS, AS REVISED." AND INSERTING IN LIEU THEREOF THE FOLLOWING: "THE

1972 INTERSTATE SYSTEM COST ESTIMATE SET FORTH IN HOUSE PUBLIC WORKS COMMITTEE PRINT NUMBERED 92 - 29, AS REVISED IN HOUSE REPORT NUMBERED 92 - 1443."

(3) THE FIFTH SENTENCE IS AMENDED BY STRIKING OUT "DUE REGARD" AND INSERTING IN LIEU THEREOF THE FOLLOWING: "PREFERENCE, ALONG WITH DUE REGARD FOR INTERSTATE HIGHWAY TYPE NEEDS ON A NATIONWIDE BASIS."

(8) SUBSECTION (E) OF SECTION 103 OF TITLE 23, UNITED STATES CODE, //ANTE, P. 268.// IS AMENDED BY ADDING THE FOLLOWING:

"(4) UPON THE JOINT REQUEST OF A STATE GOVERNOR AND THE LOCAL GOVERNMENTS CONCERNED, THE SECRETARY MAY WITHDRAW HIS APPROVAL OF ANY ROUTE OR PORTION THEREOF ON THE INTERSTATE SYSTEM WITHIN ANY URBANIZED AREA IN THAT STATE SELECTED AND APPROVED IN ACCORDANCE WITH THIS TITLE PRIOR TO THE ENACTMENT OF THIS PARAGRAPH, IF HE DETERMINES THAT SUCH ROUTE OR PORTION THEREOF IS NOT ESSENTIAL TO COMPLETION OF A UNIFIED AND CONNECTED INTERSTATE SYSTEM OR WILL NO LONGER BE ESSENTIAL BY REASON OF THE APPLICATION OF THIS PARAGRAPH AND WILL NOT BE CONSTRUCTED AS A PART OF THE INTERSTATE SYSTEM, AND IF HE RECEIVES ASSURANCES THAT THE STATE DOES NOT INTEND TO CONSTRUCT A TOLL ROAD IN THE TRAFFIC CORRIDOR WHICH WOULD BE SERVED BY SUCH ROUTE OR PORTION THEREOF. THE MILEAGE OF THE ROUTE OR PORTION THEREOF APPROVAL OF WHICH IS WITHDRAWN UNDER THIS PARAGRAPH SHALL BE AVAILABLE FOR DESIGNATION ON THE INTERSTATE SYSTEM IN ANY OTHER STATE IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION. AFTER THE SECRETARY HAS WITHDRAWN HIS APPROVAL OF ANY SUCH ROUTE OR PORTION THEREOF, WHENEVER RESPONSIBLE LOCAL OFFICIALS OF SUCH URBANIZED AREA NOTIFY THE STATE HIGHWAY DEPARTMENT THAT, IN LIEU OF A ROUTE OR PORTION THEREOF APPROVAL FOR WHICH IS WITHDRAWN UNDER THIS PARAGRAPH, THEIR NEEDS REQUIRE A NONHIGHWAY PUBLIC MASS TRANSIT PROJECT INVOLVING THE CONSTRUCTION OF FIXED RAIL FACILITIES, OR THE PURCHASE OF PASSENGER EQUIPMENT, INCLUDING ROLLING STOCK FOR ANY MODE OF MASS TRANSIT, OR BOTH, AND THE STATE HIGHWAY DEPARTMENT DETERMINES THAT SUCH PUBLIC MASS TRANSIT PROJECT IS IN ACCORDANCE WITH THE PLANNING PROCESS UNDER SECTION 134 OF THIS TITLE AND IS ENTITLED TO PRIORITY UNDER SUCH PLANNING PROCESS, SUCH PUBLIC MASS TRANSIT PROJECT SHALL BE SUBMITTED FOR APPROVAL TO THE SECRETARY. //76 STAT. 1148; 84 STAT. 1737. 23 USC 134.// APPROVAL OF THE PLANS, SPECIFICATIONS, AND ESTIMATES FOR SUCH PROJECT BY THE SECRETARY SHALL BE DEEMED A CONTRACTUAL OBLIGATION OF THE UNITED STATES FOR PAYMENT OUT OF THE GENERAL FUNDS IN THE TREASURY OF ITS PROPORTIONAL SHARE OF THE COST OF SUCH PROJECT IN AN AMOUNT EQUAL TO THE FEDERAL SHARE WHICH WOULD BE PAID FOR SUCH A PROJECT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, //78 STAT. 302. 49 USC 1601 NOTE.// EXCEPT THAT THE TOTAL FEDERAL COST OF ALL SUCH PROJECTS UNDER THIS PARAGRAPH WITH RESPECT TO SUCH ROUTE OR PORTION THEREOF APPROVAL OF WHICH IS WITHDRAWN UNDER THIS PARAGRAPH, SHALL NOT EXCEED THE FEDERAL SHARE OF THE COST WHICH WOULD HAVE BEEN PAID FOR SUCH ROUTE OR PORTION THEREOF, AS SUCH COST IS INCLUDED IN THE 1972 INTERSTATE SYSTEM COST ESTIMATE SET FORTH IN TABLE 5 OF HOUSE PUBLIC WORKS COMMITTEE PRINT NUMBERED 92 - 29, AS REVISED IN HOUSE REPORT NUMBERED 92 - 1443. FUNDS APPORTIONED TO SUCH STATE FOR THE INTERSTATE SYSTEM, WHICH APPORTIONMENT IS BASED UPON AN INTERSTATE SYSTEM COST ESTIMATE THAT

INCLUDES A ROUTE OR PORTION THEREOF APPROVAL OF WHICH IS WITHDRAWN UNDER THIS PARAGRAPH, SHALL BE REDUCED BY AN AMOUNT EQUAL TO THE FEDERAL SHARE OF SUCH PROJECT AS SUCH SHARE BECOMES A CONTRACTUAL OBLIGATION OF THE UNITED STATES. //87 STAT. 270// NO GENERAL FUNDS SHALL BE OBLIGATED UNDER AUTHORITY OF THIS PARAGRAPH AFTER JUNE 30, 1981. NO NONHIGHWAY PUBLIC MASS TRANSIT PROJECT SHALL BE APPROVED UNDER THIS PARAGRAPH UNLESS THE SECRETARY HAS RECEIVED ASSURANCES SATISFACTORY TO HIM FROM THE STATE THAT PUBLIC MASS TRANSPORTATION SYSTEMS WILL FULLY UTILIZE THE PROPOSED PROJECT. THE PROVISION OF ASSISTANCE UNDER THIS PARAGRAPH SHALL NOT BE CONSTRUED AS BRINGING WITHIN THE APPLICATION OF CHAPTER 15 OF TITLE 5, UNITED STATES CODE, //80 STAT. 403. 5 USC 1501// ANY NONSUPERVISORY EMPLOYEE OF AN URBAN MASS TRANSPORTATION SYSTEM (OR OF ANY ENTITY PERFORMING RELATED FUNCTIONS) TO WHOM SUCH CHAPTER IS OTHERWISE INAPPLICABLE. FUNDS AVAILABLE FOR EXPENDITURE TO CARRY OUT THE PURPOSES OF THIS PARAGRAPH SHALL BE SUPPLEMENTARY TO AND NOT IN SUBSTITUTION FOR FUNDS AUTHORIZED AND AVAILABLE FOR OBLIGATION PURSUANT TO THE URBAN MASS TRANSPORTATION ACT OF 1964, //78 STAT. 302. 49 USC 1601 NOTE// AS AMENDED. THE PROVISIONS OF SECTION 3(E)(4) OF THE URBAN MASS TRANSPORTATION ACT OF 1964, //49 USC 1602// AS AMENDED, SHALL APPLY IN CARRYING OUT THIS PARAGRAPH."

PUBLIC MASS TRANSPORTATION STUDIES

SEC. 138. (A) THE SECRETARY SHALL, IN COOPERATION WITH THE GOVERNOR OF EACH STATE AND APPROPRIATE LOCAL OFFICIALS, MAKE AN EVALUATION OF THAT PORTION OF THE 1972 NATIONAL TRANSPORTATION REPORT, PERTAINING TO PUBLIC MASS TRANSPORTATION. SUCH EVALUATION SHALL INCLUDE ALL URBAN AREAS. THE EVALUATION SHALL INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING:

- (1) REFINING THE PUBLIC MASS TRANSPORTATION NEEDS CONTAINED IN SUCH REPORT.
- (2) DEVELOPING A PROGRAM TO ACCOMPLISH THE NEEDS OF EACH URBAN AREA FOR PUBLIC MASS TRANSPORTATION.
- (3) ANALYZING THE EXISTING FUNDING CAPABILITIES OF FEDERAL, STATE, AND LOCAL GOVERNMENTS FOR MEETING SUCH NEEDS.
- (4) ANALYZING OTHER FUNDING CAPABILITIES OF FEDERAL, STATE, AND LOCAL GOVERNMENTS FOR MEETING SUCH NEEDS.
- (5) DETERMINING THE OPERATING AND MAINTENANCE COSTS RELATING TO THE PUBLIC MASS TRANSPORTATION SYSTEM.
- (6) DETERMINING AND COMPARING FARE STRUCTURES OF ALL PUBLIC MASS TRANSPORTATION SYSTEMS.

THE SECRETARY SHALL, NOT LATER THAN JULY 1, 1974, REPORT TO CONGRESS THE RESULTS OF THIS EVALUATION TOGETHER WITH HIS RECOMMENDATIONS FOR NECESSARY LEGISLATION.

(B) THE SECRETARY SHALL CONDUCT A STUDY OF REVENUE MECHANISMS, INCLUDING A TAX ON FUELS USED IN THE PROVISION OF URBAN MASS TRANSPORTATION SERVICE, AND AN ADDITIONAL GASOLINE TAX IMPOSED IN URBAN AREAS, WHICH COULD BE USED NOW OR IN THE FUTURE TO FINANCE TRANSPORTATION ACTIVITIES RECEIVING FINANCIAL ASSISTANCE FROM THE HIGHWAY TRUST FUND. SUCH STUDY SHALL INCLUDE AN ANALYSIS OF THE MAGNITUDE OF THE VARIOUS POTENTIAL SOURCES OF USER TAX REVENUES, THE RATES AT WHICH SUCH TAXES

COULD BE LEVIED (INCLUDING POSSIBLE DIFFERENTIAL RATES), THE MECHANISMS FOR COLLECTION OF SUCH TAXES, THE INCIDENCE OF SUCH TAXES, AND THE POTENTIAL IMPACT ON TRANSIT USAGE CAUSED BY SUCH TAXES. THE SECRETARY SHALL REPORT TO THE CONGRESS THE FINDINGS OF HIS STUDY BY NO LATER THAN THE 180TH DAY AFTER THE DATE OF ENACTMENT OF THIS SECTION.

(C) THERE IS HEREBY AUTHORIZED NOT TO EXCEED \$10,000,000 TO CARRY OUT THIS SECTION.

FERRY OPERATIONS

SEC. 139. (A) THE LAST SUBSECTION OF SECTION 129 OF TITLE 23, UNITED STATES CODE, //84 STAT. 1736.// IS HEREBY REDESIGNATED AS SUBSECTION (G). (B) PARAGRAPH (5) OF SUBSECTION (G) OF SECTION 129 OF TITLE 23, UNITED STATES CODE, AS REDESIGNATED IN SUBSECTION (A) OF THIS SECTION, IS AMENDED TO READ AS FOLLOWS: //87 STAT. 271// //ANTE, P. 270.//

"(5) SUCH FERRY MAY BE OPERATED ONLY WITHIN THE STATE (INCLUDING THE ISLANDS WHICH COMPRISE THE STATE OF HAWAII) OR BETWEEN ADJOINING STATES. EXCEPT WITH RESPECT TO OPERATIONS BETWEEN THE ISLANDS WHICH COMPRISE THE STATE OF HAWAII AND OPERATIONS BETWEEN THE STATES OF ALASKA AND WASHINGTON, OR BETWEEN ANY TWO POINTS WITHIN THE STATE OF ALASKA, NO PART OF SUCH A FERRY OPERATION SHALL BE IN ANY FOREIGN OR INTERNATIONAL WATERS."

METRO ACCESSIBILITY TO THE HANDICAPPED

SEC. 140. THE SECRETARY OF TRANSPORTATION IS AUTHORIZED TO MAKE PAYMENTS TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY IN AMOUNTS SUFFICIENT TO FINANCE 80 PER CENTUM OF THE COST OF PROVIDING SUCH FACILITIES FOR THE SUBWAY AND RAPID RAIL TRANSIT SYSTEM AUTHORIZED IN THE NATIONAL CAPITAL TRANSPORTATION ACT OF 1969 (83 STAT. 320) AS MAY BE NECESSARY TO MAKE SUCH SUBWAY AND SYSTEM ACCESSIBLE BY THE HANDICAPPED THROUGH IMPLEMENTATION OF PUBLIC LAWS 90 - 480 AND 91 - 205. THERE IS AUTHORIZED TO BE APPROPRIATED, TO CARRY OUT THIS SECTION, NOT TO EXCEED \$65,000,000. //82 STAT. 718; 84 STAT. 49. 42 USC 4151.//

ENVIRONMENTAL IMPACT STATEMENTS

SEC. 141. (A) THE SECRETARY OF TRANSPORTATION SHALL, NOT LATER THAN FORTY-FIVE DAYS AFTER THE DATE OF ENACTMENT OF THIS SECTION, COMPLETE ALL NECESSARY ACTION ON (1) THE ENVIRONMENTAL IMPACT STATEMENT PURSUANT TO SECTION 102(2) (3) OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1959, //83 STAT. 853. 42 USC 4332.// AND (2) THE APPLICATION FOR APPROVAL UNDER THE GENERAL BRIDGE ACT OF 1946, //60 STAT. 847. 33 USC 525 NOTE.// WITH RESPECT TO THE PROPOSAL FOR CONSTRUCTION BY THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF NEW JERSEY OF A BRIDGE OVER THE RARITAN RIVER IN SUCH STATE FOR THE PURPOSE OF SUCH STATE'S HIGHWAY ROUTE 18.

(B) THE SECRETARY OF TRANSPORTATION SHALL--

(1) BY OCTOBER 1, 1973--

(A) COMPLETE THE DRAFT ENVIRONMENTAL IMPACT STATEMENT PURSUANT TO SECTION 102(2)(C) OF THE NATIONAL ENVIRONMENTAL POLICY ACT AND HIS DETERMINATION UNDER SECTION 4(F) OF THE DEPARTMENT OF TRANSPORTATION ACT AND SECTION 138 OF TITLE 23 OF THE UNITED STATES CODE, //82 STAT. 824. 49 USC 1653. 82 STAT. 823.// ON THE PROJECT FOR INTERSTATE ROUTE NUMBERED 66 IN THE STATE OF VIRGINIA FROM THE

NATIONAL CAPITAL BELTWAY TO THE POTOMAC RIVER, WHICH PROJECT IS DESCRIBED IN THE 1972 ESTIMATE OF THE COST OF COMPLETING THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS AS ESTIMATE SECTION TERMINI E 10.4.2 AT THE BELTWAY TO E 10.11.1 IN ROSSLYN,

(B) CIRCULATE SUCH STATEMENT TO ALL INTERESTED FEDERAL, STATE, AND LOCAL AGENCIES AND TO THE PUBLIC FOR COMMENT WITHIN FORTY-FIVE DAYS, AND

(C) INSURE THAT NOTICE OF A PUBLIC HEARING ON THE DESIGN AND LOCATION OF SUCH PROJECT IS ISSUED:

(2) INSURE THAT A PUBLIC HEARING IS HELD WITHIN FORTY-FIVE DAYS AFTER ISSUANCE OF THE NOTICE PURSUANT TO PARAGRAPH (1)(C) OF THIS SUBSECTION; AND

(3) NOT LATER THAN DECEMBER 31, 1973, COMPLETE CONSIDERATION OF THE INFORMATION RECEIVED AT THE HEARING, REVIEW ANY COMMENTS ON THE STATEMENT RECEIVED WITHIN THE FORTY-FIVE-DAY NOTICE PERIOD REFERRED TO IN PARAGRAPH (1)(B) OF THIS SUBSECTION AND ANY OTHER INFORMATION RECEIVED BY THE END OF SUCH FORTY-FIVE-DAY PERIOD AND FILE THE FINAL VERSION OF SUCH STATEMENT ON THE BASIS OF SUCH COMMENTS AND INFORMATION, TOGETHER WITH ANY OTHER FINAL DETERMINATION WHICH HE IS REQUIRED BY LAW TO MAKE IN ORDER TO PERMIT THE CONSTRUCTION OF SUCH PROJECT TO PROCEED. //87 STAT. 272// THE DETERMINATION OF THE SECRETARY SHALL BE CONCLUSIVE WITH RESPECT TO ALL ISSUES OF FACT.

TRUCK LANES

SEC. 142.(A) CHAPTER 1 OF TITLE 23, UNITED STATES CODE, //ANTE, P. 265.// IS AMENDED BY ADDING TO THE END THEREOF THE FOLLOWING NEW SECTION: " 149. TRUCK LANES

"THE SECRETARY MAY APPROVE AS A PROJECT ON ANY FEDERAL-AID SYSTEM THE CONSTRUCTION OF EXCLUSIVE OR PREFERENTIAL TRUCK LANES."

(B) THE ANALYSIS OF CHAPTER 1 OF TITLE 23, UNITED STATES CODE, IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING: "149. TRUCK LANES." HIGHWAY STUDIES

SEC. 143. THE SECRETARY OF TRANSPORTATION SHALL REPORT TO CONGRESS BY JANUARY 1, 1975, ON THE FEASIBILITY AND NECESSITY FOR CONSTRUCTION TO APPROPRIATE STANDARDS PROPOSED HIGHWAYS ALONG THE FOLLOWING ROUTES: 577159830 (1) A ROUTE FROM BRUNSWICK, GEORGIA, OR ITS VICINITY, SO ALIGNED

TO SERVE THE FOLLOWING INTERMEDIATE LOCATIONS, OR VICINITIES THEREOF: COLUMBUS, GEORGIA; BIRMINGHAM, ALABAMA; TUPELO, MISSISSIPPI; MEMPHIS, TENNESSEE; BATESVILLE OR JONESBORO, ARKANSAS; AND SPRINGFIELD, MISSOURI.

(2) A ROUTE FROM KANSAS CITY, MISSOURI, OR ITS VICINITY TO CHICAGO, ILLINOIS, OR ITS VICINITY, SO ALIGNED AS TO CROSS THE MISSISSIPPI RIVER AT A POINT BETWEEN NAUVOO, ILLINOIS, ON THE NORTH, AND HANNIBAL, MISSOURI, ON THE SOUTH.

(3) A ROUTE FROM AMARILLO, TEXAS, OR ITS VICINITY TO LAS CRUCES, NEW MEXICO, OR ITS VICINITY, SO ALIGNED AS TO SERVE THE FOLLOWING INTERMEDIATE LOCATIONS, OR VICINITIES THEREOF: HEPEFORD, TEXAS; CLOVIS, NEW MEXICO; PORTALES, NEW MEXICO; ROSWELL, NEW MEXICO;

RUIDOSO, NEW MEXICO; TULAROSA, NEW MEXICO; AND ALAMOGORDO, NEW MEXICO TOGETHER WITH A BRANCH ROUTE FROM ALAMOGORDO, NEW MEXICO, OR ITS VICINITY, TO EL PASO, TEXAS, OR ITS VICINITY, TO CONNECT WITH INTERSTATE ROUTE NO. 10 AND THE PORT OF ENTRY WITH MEXICO.

(4) A ROUTE FROM THE PORT OF CATOOSA, CATTOOSA, OKLAHOMA, OR ITS VICINITY, TO INTERSTATE ROUTE NO. 35 TO PONCA CITY, OKLAHOMA OR ITS VICINITY.

(5) EXTENSION OF INTERSTATE HIGHWAY 70 FROM COVE FORT, UTAH, OR ITS VICINITY, IN A WESTERLY DIRECTION, SO ALIGNED TO SERVE THE INTERMEDIATE LOCATIONS OF ELY AND CARSON CITY, NEVADA, OR THEIR VICINITIES.

(6) A ROUTE FROM KANSAS CITY, MISSOURI, OR ITS VICINITY, TO BATON ROUTE, LOUISIANA, OR ITS VICINITY SO ALIGNED TO SERVE ONE OR BOTH OF THE FOLLOWING INTERMEDIATE LOCATIONS OR VICINITIES THEREOF: FAYETTEVILLE, FORT SMITH, AND TEXARKANA, ARKANSAS; OR LITTLE ROCK, ARKANSAS, OR ANY OTHER ROUTE THROUGH THE STATE OF ARKANSAS DETERMINED FEASIBLE BY SUCH STATE AND THE SECRETARY.

(7) A ROUTE FROM INTERSTATE HIGHWAY 380 FROM WATERLOO, IOWA, VIA DUBUQUE, IOWA, TO INTERSTATE HIGHWAY 90 AT ROCKFORD, ILLINOIS; AND AN EXTENSION OF INTERSTATE HIGHWAY 74 FROM THE DAVENPORT, IOWA-MOLINE, ILLINOIS, AREA THROUGH DUBUQUE, IOWA, TO INTERSTATE 90 AT LA CROSSE, WISCONSIN.

(8) EXTENSION OF INTERSTATE HIGHWAY 27 FROM LUBBOCK, TEXAS, OR ITS VICINITY IN A SOUTHERLY DIRECTION TO INTERSECT WITH INTERSTATE 20 AND, PROCEEDING FURTHER, TO INTERSECT WITH INTERSTATE 10. //87 STAT. 273//

(9) A ROUTE FROM SALINA, KANSAS, OR ITS VICINITY, IN A NORTHERLY DIRECTION TO INTERSECT WITH INTERSTATE 80 IN THE VICINITY OF YORK, NEBRASKA, AND PROCEEDING FURTHER, TO INTERSTATE 29 IN THE VICINITY OF WATERTOWN, SOUTH DAKOTA.

(10) A ROUTE FROM WICHITA, KANSAS, OR ITS VICINITY TO TUCUMCARI, NEW MEXICO, OR ITS VICINITY, SO ALIGNED TO SERVE THE FOLLOWING INTERMEDIATE LOCATIONS OR VICINITIES THEREOF: PRATT, KANSAS; MEADE, KANSAS; LIBERAL, KANSAS; GUYMON, OKLAHOMA; STAFFORD, TEXAS; DALHART, TEXAS; AND LOGAN, NEW MEXICO; OR ANY OTHER ROUTE THROUGH THE STATE OF KANSAS DETERMINED FEASIBLE BY SUCH STATE AND THE SECRETARY.

INTER-AMERICAN HIGHWAY

SEC. 144. SECTION 4 OF THE FEDERAL-AID HIGHWAY ACT OF 1962 (PUBLIC LAW 87 - 866; 76 STAT. 1145) IS AMENDED BY STRIKING OUT "\$32,000,000" AND INSERTING IN LIEU THEREOF "\$42,000,000".

DONATIONS

SEC. 145. (A) CHAPTER 3 OF TITLE 23 OF THE UNITED STATES CODE IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING: //72 STAT. 912; 84 STAT. 1742. 23 USC 301.//

" - 323. DONATIONS

"NOTHING IN THIS TITLE, OR IN ANY OTHER PROVISION OF LAW, SHALL BE CONSTRUED TO PREVENT A PERSON WHOSE REAL PROPERTY IS BEING ACQUIRED IN

CONNECTION WITH A PROJECT UNDER THIS TITLE, AFTER HE HAS BEEN TENDERED THE FULL AMOUNT OF THE ESTIMATED JUST COMPENSATION AS ESTABLISHED BY AN APPROVED APPRAISAL OF THE FAIR MARKET VALUE OF THE SUBJECT REAL PROPERTY, FROM MAKING A GIFT OR DONATION OF SUCH PROPERTY, OR ANY PART THEREOF, OR OF ANY OF THE COMPENSATION PAID THEREFOR, TO A FEDERAL AGENCY, A STATE OR A STATE AGENCY, OR A POLITICAL SUBDIVISION OF A STATE, AS SAID PERSON SHALL DETERMINE."

(B) THE ANALYSIS OF CHAPTER 3 OF TITLE 23, UNITED STATES CODE, IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING: "323. DONATIONS."

HIGH-SPEED TRANSPORTATION DEMONSTRATION

SEC. 146. THE SECRETARY IS AUTHORIZED TO UNDERTAKE A STUDY AND DEMONSTRATION PROGRAM FOR HIGH-SPEED BUS SERVICE FROM COLLECTION POINTS IN THE WASHINGTON, DISTRICT OF COLUMBIA AREA TO DULLES INTERNATIONAL AIRPORT, VIRGINIA. SUCH STUDY AND DEMONSTRATION SHALL UTILIZE EXCLUSIVE BUS TRANSPORTATION LANES BETWEEN POINTS OF ORIGIN AND TERMINATION OF SUCH SERVICE, AND INCLUDE, WHERE NECESSARY, THE CONSTRUCTION OF SUCH EXCLUSIVE BUS TRANSPORTATION LANES AS WELL AS TERMINAL AND PARKING FACILITIES. SUCH STUDY AND DEMONSTRATION SHALL ALSO INCLUDE THE PURCHASE OF HIGH-SPEED BUSES. AS NECESSARY TO IMPLEMENT THIS SECTION, THE SECRETARY SHALL UNDERTAKE RESEARCH INTO THE DEVELOPMENT OF BUSES DESIGNED TO MAINTAIN HIGH-SPEED, SAFE TRANSPORTATION. NOT TO EXCEED \$10,000,000 OF THE AMOUNT AUTHORIZED TO BE APPORTIONED UNDER SECTION 104(B)(6) OF TITLE 23, UNITED STATES CODE, //84 STAT. 1717.// FOR THE FISCAL YEAR ENDING JUNE 30, 1975, SHALL BE AVAILABLE TO THE SECRETARY TO CARRY OUT THIS SECTION AND SUCH SUM SHALL BE SET ASIDE FOR SUCH PURPOSE PRIOR TO THE APPORTIONMENT OF SUCH AMOUNT FOR SUCH FISCAL YEAR.

RURAL HIGHWAY PUBLIC TRANSPORTATION DEMONSTRATION PROGRAM

SEC. 147. //87 STAT. 274// TO ENCOURAGE THE DEVELOPMENT, IMPROVEMENT, AND USE OF PUBLIC MASS TRANSPORTATION SYSTEMS OPERATING VEHICLES ON HIGHWAYS FOR TRANSPORTATION OF PASSENGERS WITHIN RURAL AREAS, IN ORDER TO ENHANCE ACCESS OF RURAL POPULATIONS TO EMPLOYMENT, HEALTH CARE, RETAIL CENTERS, EDUCATION, AND PUBLIC SERVICES, THERE ARE AUTHORIZED TO BE APPROPRIATED \$30,000,000 FOR THE TWO-FISCAL-YEAR PERIOD ENDING JUNE 30, 1976, OF WHICH \$20,000,000 SHALL BE OUT OF THE HIGHWAY TRUST FUND, TO THE SECRETARY OF TRANSPORTATION TO CARRY OUT DEMONSTRATION PROJECTS FOR PUBLIC MASS TRANSPORTATION ON HIGHWAYS IN RURAL AREAS. PROJECTS ELIGIBLE FOR FEDERAL FUNDS UNDER THIS SECTION SHALL INCLUDE HIGHWAY TRAFFIC CONTROL DEVICES, THE CONSTRUCTION OF PASSENGER LOADING AREAS AND FACILITIES, INCLUDING SHELTERS, FRINGE AND TRANSPORTATION CORRIDOR PARKING FACILITIES TO SERVE BUS AND OTHER PUBLIC MASS TRANSPORTATION PASSENGERS, AND THE PURCHASE OF PASSENGER EQUIPMENT OTHER THAN ROLLING STOCK FOR FIXED RAIL.

FEDERAL-AID SYSTEMS REALIGNMENT

SEC. 148. (A) SECTION 103(B) OF TITLE 23, UNITED STATES CODE, //72 STAT. 887.// IS RENUMBERED AS SECTION 103(B)(1) AND A NEW SECTION 103(B)(2) IS ADDED TO READ AS FOLLOWS:

"(2) AFTER JUNE 30, 1976, THE FEDERAL-AID PRIMARY SYSTEM SHALL CONSIST OF AN ADEQUATE SYSTEM OF CONNECTED MAIN ROADS IMPORTANT TO INTERSTATE, STATEWIDE, AND REGIONAL TRAVEL, CONSISTING OF RURAL ARTERIAL ROUTES AND

THEIR EXTENSIONS INTO OR THROUGH URBAN AREAS. THE FEDERAL-AID PRIMARY SYSTEM SHALL BE DESIGNATED BY EACH STATE ACTING THROUGH ITS STATE HIGHWAY DEPARTMENT AND WHERE APPROPRIATE, SHALL BE IN ACCORDANCE WITH THE PLANNING PROCESS PURSUANT TO SECTION, 134 OF THIS TITLE, SUBJECT TO THE APPROVAL OF THE SECRETARY AS PROVIDED BY SUBSECTION (F) OF THIS SECTION."

(B) SECTION 130(C) OF TITLE 23, UNITED STATES CODE, //72 STAT. 888; 76 STAT. 1147.// IS RENUMBERED AS SECTION 103(C)(1) AND A NEW SUBSECTION 103(C)(2) IS ADDED TO READ AS FOLLOWS:

"(2) AFTER JUNE 30, 1976, THE FEDERAL-AID SECONDARY SYSTEM SHALL CONSIST OF RURAL MAJOR COLLECTOR ROUTES. THE FEDERAL-AID SECONDARY SYSTEM SHALL BE DESIGNATED BY EACH STATE THROUGH ITS STATE HIGHWAY DEPARTMENT AND APPROPRIATE LOCAL OFFICIALS IN COOPERATION WITH EACH OTHER, SUBJECT TO THE APPROVAL OF THE SECRETARY AS PROVIDED IN SUBSECTION (F) OF THIS SECTION."

(C) SECTION 103(D) OF TITLE 23, UNITED STATES CODE, //ANTE, P. 255.// IS RENUMBERED AS SECTION 103(D)(1) AND A NEW SUBSECTION 103(D)(2) IS ADDED TO READ AS FOLLOWS:

"(2) AFTER JUNE 30, 1976, THE FEDERAL-AID URBAN SYSTEM SHALL BE LOCATED IN EACH URBANIZED AREA AND SUCH OTHER URBAN AREAS AS THE STATE HIGHWAY DEPARTMENTS MAY DESIGNATE AND SHALL CONSIST OF ARTERIAL ROUTES AND COLLECTOR ROUTES, EXCLUSIVE OF URBAN EXTENSIONS OF THE FEDERAL-AID PRIMARY SYSTEM. THE ROUTES ON THE FEDERAL-AID URBAN SYSTEM SHALL BE DESIGNATED BY APPROPRIATE LOCAL OFFICIALS, WITH THE CONCURRENCE OF THE STATE HIGHWAY DEPARTMENTS, SUBJECT TO THE APPROVAL OF THE SECRETARY AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, //84 STAT. 1716.// AND IN THE CASE OF URBANIZED AREAS SHALL ALSO BE IN ACCORDANCE WITH THE PLANNING PROCESS REQUIRED PURSUANT TO THE PROVISIONS OF SECTION 134 OF THIS TITLE." //76 STAT. 1148; 84 STAT. 1737. 23 USC 134.//

(D) FEDERAL-AID SYSTEMS REALIGNMENT SHALL BE BASED UPON ANTICIPATED FUNCTIONAL USAGE IN THE YEAR 1980 OR A PLANNED CONNECTED SYSTEM.

(E) IN ADDITION TO THE FOREGOING AMENDMENTS, THE SECOND SENTENCE OF SECTION 103(C)(1) OF TITLE 23, UNITED STATES CODE, IS AMENDED TO INSERT, AFTER THE WORDS "LOCAL RURAL ROAD," THE PHRASE, "ACCESS ROADS TO AIRPORTS".

TOLL ROAD REIMBURSEMENT PROGRAM

SEC. 149. (A) //87 STAT. 275// WHENEVER THE STATE OF LOUISIANA HAS RECEIVED ITS FINAL APPOINTMENT OF SUMS AUTHORIZED TO BE APPROPRIATED FOR EXPENDITURE ON THE INTERSTATE SYSTEM, OR ON OR AFTER JULY 1, 1977, WHICHEVER FIRST OCCURS, THE SECRETARY SHALL, NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (B) OF SECTION 129 OF TITLE 23 OF THE UNITED STATES CODE, //ANTE, P. 259.// REIMBURSE THE FEDERAL SHARE OF THE ACTUAL COST OF CONSTRUCTION OF NEW TOLL HIGHWAYS OR IMPROVEMENTS TO EXISTING TOLL HIGHWAYS IN THAT STATE, CONSTRUCTION OF WHICH HIGHWAYS OR IMPROVEMENT IS BEGUN AFTER JULY 1, 1973, BUT NOT INCLUDING THE COST OF TOLL COLLECTION AND SERVICE FACILITIES, ON THE SAME BASIS AND IN THE SAME MANNER AS IN THE CONSTRUCTION OF FREE HIGHWAYS UNDER CHAPTER 1 OF TITLE 23 OF THE UNITED STATES CODE UPON COMPLIANCE WITH THE CONDITIONS CONTAINED IN THIS SECTION. //72 STAT. 885. 23 USC 101.//

(B) THE SECRETARY SHALL REIMBURSE THE FEDERAL SHARE OF THE COSTS OF

CONSTRUCTION AS APPLICABLE TO A PROJECT UNDER SECTION 120(A) OF TITLE 23 OF THE UNITED STATES CODE, //82 STAT. 835; 84 STAT. 1718.// FROM FUNDS APPORTIONED TO SUCH STATE PURSUANT TO PARAGRAPH (1) OF SUBSECTION (B) OF SECTION 104 OF TITLE 23 OF THE UNITED STATES CODE, //ANTE, P. 256.// WHENEVER THE STATE ENTERS INTO AN AGREEMENT WITH THE SECRETARY WHEREBY IT UNDERTAKES PERFORMANCE OF THE FOLLOWING OBLIGATIONS:

(1) TO PROVIDE FOR THE CONSTRUCTION OF SUCH HIGHWAY IN ACCORDANCE WITH STANDARDS APPROVED BY THE SECRETARY;

(2) ALL TOLLS RECEIVED FROM THE OPERATION OF SUCH HIGHWAY, LESS THE ACTUAL COST OF SUCH OPERATION AND MAINTENANCE, SHALL BE APPLIED BY THE STATE TO THE REPAYMENT OF THE ACTUAL COSTS OF CONSTRUCTION, EXCEPT FOR AN AMOUNT EQUAL TO THE FEDERAL SHARE PAYABLE OF SUCH ACTUAL COSTS OF A PROJECT; AND

(3) NO TOLLS SHALL BE CHARGED FOR THE USE OF SUCH HIGHWAY AFTER THE FEDERAL SHARE HAS BEEN PAID AND THE HIGHWAY SHALL BE MAINTAINED AND OPERATED AS A FREE HIGHWAY.

UPON THE ENACTMENT OF THIS SECTION THE SECRETARY SHALL, AT THE REQUEST OF THE STATE OF LOUISIANA, ENTER INTO AN AGREEMENT WITH THAT STATE IF SUCH AGREEMENT MEETS THE REQUIREMENTS OF THIS SUBSECTION. REIMBURSEMENTS SHALL NOT BE MADE UNTIL AFTER THE STATE RECEIVES ITS FINAL APPORTIONMENT OF SUMS AUTHORIZED TO BE APPROPRIATED FOR EXPENDITURE ON THE INTERSTATE SYSTEM OR JULY 1, 1977, WHICHEVER FIRST OCCURS.

(C) SUCH HIGHWAY SHALL BE DESIGNATED AS A PART OF THE FEDERAL-AID PRIMARY SYSTEM, OTHER THAN THE INTERSTATE SYSTEM, BEFORE THE PAYMENT OF ANY FEDERAL FUNDS UNDER THIS SECTION, NOTWITHSTANDING THE MILEAGE LIMITATIONS IN SUBSECTION (B) OF SECTION 103 OF TITLE 23 OF THE UNITED STATES CODE. //ANTE, P. 274.//

(D) THE FEDERAL SHARE PAYABLE OF SUCH ACTUAL COST OF THE PROJECT SHALL BE MADE IN NOT MORE THAN FIFTEEN EQUAL ANNUAL INSTALLMENTS, FROM THE FUNDS APPORTIONED TO THE STATE PURSUANT TO PARAGRAPH (1) OF SUBSECTION (B) OF SECTION 104 OF TITLE 23 OF THE UNITED STATES CODE, WITH THE FIRST INSTALLMENT BEING MADE EITHER (1) ONE YEAR AFTER THE PROJECT AGREEMENT HAS BEEN ENTERED INTO BETWEEN THE SECRETARY AND THE STATE HIGHWAY DEPARTMENT OR (2) EITHER ONE YEAR AFTER THE STATE RECEIVES ITS FINAL APPORTIONMENT OF SUMS AUTHORIZED TO BE APPROPRIATED FOR EXPENDITURE ON THE INTERSTATE SYSTEM, OR JULY 1, 1977, WHICHEVER FIRST OCCURS, WHICHEVER OF SUCH CLAUSE (1) OR (2) IS LAST TO OCCUR. SUCH PAYMENT SHALL BE APPLIED AGAINST THE OUTSTANDING OBLIGATIONS OF THE PROJECT.

PARKWAYS

SEC. 150. (A) SUBSECTION (A) OF SECTION 207 OF TITLE 23, UNITED STATES CODE, IS AMENDED TO READ AS FOLLOWS: //72 STAT. 908.//

"(A) FUNDS AVAILABLE FOR PARKWAYS SHALL BE USED TO PAY FOR THE COST OF CONSTRUCTION AND IMPROVEMENT THEREOF, INCLUDING THE ACQUISITION OF RIGHTS-OF-WAY AND RELATED SCENIC EASEMENTS." //87 STAT. 276.//

(B) SECTION 207 OF TITLE 23, UNITED STATES CODE, //ANTE, P. 275.// IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW SUBSECTION:

"(D) ANY PARKWAY PROJECT ON A FEDERAL-AID SYSTEM SHALL BE SUBJECT TO ALL OF THE REQUIREMENTS OF THIS TITLE AND OF ANY OTHER LAW APPLICABLE TO

HIGHWAYS ON SUCH SYSTEM."

RESEARCH AND PLANNING

SEC. 151. SUBSECTION (C)(1) OF SECTION 307 OF TITLE 23, UNITED STATES CODE, //77 STAT. 277-// IS AMENDED TO READ AS FOLLOWS:

"(C)(1) NOT TO EXCEED 1 1/2 PER CENTUM OF THE SUMS APPORTIONED FOR EACH FISCAL YEAR BEGINNING WITH FISCAL YEAR 1974 TO ANY STATE UNDER SECTION 104 OF THIS TITLE, //ANTE, P. 256.// SHALL BE AVAILABLE FOR EXPENDITURE UPON REQUEST OF THE STATE HIGHWAY DEPARTMENT, WITH THE APPROVAL OF THE SECRETARY, WITH OR WITHOUT STATE FUNDS, FOR ENGINEERING AND ECONOMIC SURVEYS AND INVESTIGATIONS; FOR THE PLANNING OF FUTURE HIGHWAY PROGRAMS AND LOCAL PUBLIC TRANSPORTATION SYSTEMS AND FOR PLANNING FOR THE FINANCING THEREOF; FOR STUDIES OF THE ECONOMY, SAFETY, AND CONVENIENCE OF HIGHWAY USAGE AND THE DESIRABLE REGULATION AND EQUITABLE TAXATION THEREOF; AND FOR RESEARCH AND DEVELOPMENT, NECESSARY IN CONNECTION WITH THE PLANNING, DESIGN, CONSTRUCTION, AND MAINTENANCE OF HIGHWAYS AND HIGHWAY SYSTEMS, AND THE REGULATION AND TAXATION OF THEIR USE."

TECHNICAL AMENDMENTS

SEC. 152. TITLE 23, UNITED STATES CODE, IS AMENDED AS FOLLOWS:

(1) SECTION 101(A) //72 STAT. 885.// IS AMENDED BY STRIKING OUT "SECRETARY OF COMMERCE" AND INSERTING IN LIEU THEREOF "SECRETARY OF TRANSPORTATION."

(2) SECTION 109(G) //84 STAT. 1734.// IS AMENDED BY STRIKING OUT "RET" AND INSERTING IN LIEU THEREOF "ACT."

(3) SECTIONS 126(A) //72 STAT. 902, 914.// AND 310 ARE AMENDED BY STRIKING OUT "COMMERCE" EACH PLACE IT APPEARS AND INSERTING IN LIEU THEREOF "TRANSPORTATION".

(4) THE HEADING OF SECTION 303 IS AMENDED TO READ: "ADMINISTRATION ORGANIZATION."

(5) SECTIONS 308(B), 309, 312, AND 314 ARE AMENDED BY STRIKING OUT "BUREAU OF PUBLIC ROADS" EACH PLACE IT APPEARS AND INSERTING IN LIEU THEREOF "FEDERAL HIGHWAY ADMINISTRATION".

(6) SECTIONS 312 AND 314 ARE AMENDED BY STRIKING OUT "COMMERCE" EACH PLACE IT APPEARS AND INSERTING IN LIEU THEREOF "TRANSPORTATION".

INCREASED FEDERAL SHARE--EFFECTIVE DATE

SEC. 153. SUBSECTION (B) OF SECTION 108 OF THE FEDERAL-AID HIGHWAY ACT OF 1970 IS AMENDED TO READ AS FOLLOWS: //84 STAT. 1718. 23 USC 120 NOTE.//

"(B) THE AMENDMENT MADE BY SUBSECTION (A) OF THIS SECTION SHALL TAKE EFFECT WITH RESPECT TO ALL OBLIGATIONS INCURRED AFTER JUNE 30, 1973."

TERMINATION OF FEDERAL-AID RELATIONSHIP

SEC. 154. (A) NOTWITHSTANDING ANY OTHER PROVISIONS OF FEDERAL LAW OR ANY COURT DECISION TO THE CONTRARY, THE CONTRACTUAL RELATIONSHIP BETWEEN THE FEDERAL AND STATE GOVERNMENTS SHALL BE ENDED WITH RESPECT TO ALL PORTIONS OF THE SAN ANTONIO NORTH EXPRESSWAY BETWEEN INTERSTATE HIGHWAY 35 AND INTERSTATE LOOP 410, AND THE EXPRESSWAY SHALL CEASE TO BE A FEDERAL-AID PROJECT.

(B) THE AMOUNT OF ALL FEDERAL-AID HIGHWAY FUNDS PAID ON ACCOUNT OF SECTIONS OF THE SAN ANTONIO NORTH EXPRESSWAY IN BEXAR COUNTY, TEXAS //87

STAT. 277// (FEDERAL-AID PROJECTS NUMBERED U 244(7), U 244(10), UG 244(9), U 244(8), AND U244 (11)), SHALL BE REPAYED TO THE TREASURER OF THE UNITED STATES AND THE AMOUNT SO REPAYED SHALL BE DEPOSITED TO THE CREDIT OF THE APPROPRIATION FOR "FEDERAL-AID HIGHWAYS (TRUST FUND)". AT THE TIME OF SUCH REPAYMENT THE FEDERAL-AID PROJECTS WITH RESPECT TO WHICH FUNDS HAVE BEEN REPAYED AND ANY OTHER FEDERAL-AID PROJECTS LOCATED ON SUCH EXPRESSWAY AND PROGRAMED FOR EXPENDITURE ON SUCH PROJECT, IF ANY, SHALL BE CANCELED AND WITHDRAWN FROM THE FEDERAL-AID HIGHWAY PROGRAM. ANY AMOUNT SO REPAYED, TOGETHER WITH THE UNPAID BALANCE OF ANY AMOUNT PROGRAMED FOR EXPENDITURE ON ANY SUCH PROJECT SHALL BE CREDITED TO THE UNPROGRAMED BALANCE OF FEDERAL-AID HIGHWAY FUNDS OF THE SAME CLASS LAST APPORTIONED TO THE STATES, RESPECTIVELY. THE AMOUNT SO CREDITED SHALL BE AVAILABLE FOR EXPENDITURE IN ACCORDANCE WITH THE PROVISIONS OF TITLE 23, UNITED STATES CODE, AS AMENDED. //72 STAT. 885. 23 USC 101 ET SEQ.//

HIGHWAY LITTER STUDY

SEC. 155. (A) THE SECRETARY IS DIRECTED TO UNDERTAKE A STUDY OF LITTER ACCUMULATION WITHIN THE RIGHTS-OF-WAY OF THE FEDERAL-AID HIGHWAY SYSTEMS AND RECOMMEND IMPROVED PROCEDURES TO BE USED BY THE SEVERAL STATES TO PREVENT AND CLEAN UP SUCH HIGHWAY LITTER ON A REGULAR BASIS. THE SECRETARY SHALL REPORT HIS FINDINGS AND RECOMMENDATIONS TO THE CONGRESS BY JUNE 30, 1974.

(B) FOR THE PURPOSES OF THIS SECTION, THE TERM "LITTER" MEANS BEVERAGE AND FOOD CONTAINERS, FOOD WASTES, PAPER PRODUCTS, SMOKING MATERIALS OR PACKAGING, AND ANY OTHER MATERIALS WHICH THE SECRETARY FINDS ARE COMMONLY USED AND DISCARDED BY THE TRAVELING PUBLIC AND WHICH, WHEN DISCARDED ALONG HIGHWAY RIGHTS-OF-WAY, CAUSE AN UNSIGHTLY APPEARANCE, A DANGER TO PUBLIC HEALTH OR SAFETY, OR AN UNREASONABLE EXPENDITURE OF PUBLIC FUNDS.

(C) FUNDS AUTHORIZED TO CARRY OUT SECTION 307 OF TITLE 23, UNITED STATES CODE, //72 STAT. 913.// ARE AUTHORIZED TO BE USED TO CARRY OUT THE INVESTIGATION AND STUDY REQUIRED BY THIS SECTION.

BRIDGE APPROACH STANDARDS

SEC. 156. SECTION 109 OF TITLE 23, UNITED STATES CODE, //84 STAT. 1734.// IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING SUBSECTION:

"(K) THE SECRETARY SHALL NOT APPROVE ANY PROJECT INVOLVING APPROACHES TO A BRIDGE UNDER THIS TITLE, IF SUCH PROJECT AND BRIDGE WILL SIGNIFICANTLY AFFECT THE TRAFFIC VOLUME AND THE HIGHWAY SYSTEM OF A CONTIGUOUS STATE WITHOUT FIRST TAKING INTO FULL CONSIDERATION THE VIEWS OF THAT STATE."

ALLOCATION OF URBAN SYSTEM FUNDS

SEC. 157. (A) CHAPTER 1 OF TITLE 23, UNITED STATES CODE, // ANTE. P. 272.// BY ADDING AT THE END THEREOF THE FOLLOWING NEW SECTION:

" - 150. ALLOCATION OF URBAN SYSTEM FUNDS.

THE FUNDS APPORTIONED TO ANY STATE UNDER PARAGRAPH (6) OF SUBSECTION (B) OF SECTION 104 OF THIS TITLE //84 STAT. 1717, 23 USC 104.// THAT ARE ATTRIBUTABLE TO URBANIZED AREAS OF 200,000 POPULATION OR MORE SHALL BE MADE AVAILABLE FOR EXPENDITURE IN SUCH URBANIZED AREAS FOR PROJECTS IN PROGRAMS APPROVED UNDER SUBSECTION (D) OF SECTION 105 OF THIS TITLE //ANTE. P. 255.// IN ACCORDANCE WITH A FAIR AND EQUITABLE FORMULA

DEVELOPED BY THE STATE WHICH FORMULA HAS BEEN APPROVED BY THE SECRETARY. SUCH FORMULA SHALL PROVIDE FOR FAIR AND EQUITABLE TREATMENT OF INCORPORATED MUNICIPALITIES OF 200,000 OR MORE POPULATION. WHENEVER SUCH A FORMULA HAS NOT BEEN DEVELOPED AND APPROVED FOR A STATE, //87 STAT. 278// THE FUNDS APPORTIONED TO ANY STATE UNDER PARAGRAPH (6) OF SUBSECTION (B) OF SECTION 104 OF THIS TITLE //84 STAT. 1717. 23 USC 104.// WHICH ARE ATTRIBUTABLE TO URBANIZED AREAS HAVING A POPULATION OF 200,000 OR MORE SHALL BE ALLOCATED AMONG SUCH URBANIZED AREAS WITHIN SUCH STATE. FOR PROJECTS IN PROGRAMS APPROVED UNDER SUBSECTION (D) OF SECTION 105 OF THIS TITLE IN THE RATIO THAT THE POPULATION WITHIN EACH SUCH URBANIZED AREA BEARS TO THE POPULATION OF ALL SUCH URBANIZED AREAS, OR PARTS THEREOF, WITHIN SUCH STATE. IN THE EXPENDITURE OF FUNDS ALLOCATED UNDER THE PRECEDING SENTENCE, FAIR AND EQUITABLE TREATMENT SHALL BE ACCORDED INCORPORATED MUNICIPALITIES OF 200,000 OR MORE POPULATION."

(B) THE TABLE OF CONTENTS OF CHAPTER 1 OF TITLE 23, UNITED STATES CODE, IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING: "150. ALLOCATION OF URBAN SYSTEM FUNDS."

FRANCONIA NOTCH, NEW HAMPSHIRE

SEC. 158. NOTWITHSTANDING SECTION 109(B) OF TITLE 23 OF THE UNITED STATES CODE, //77 STAT. 277; 80 STAT. 767.// THE SECRETARY OF TRANSPORTATION IS AUTHORIZED, UPON APPLICATION OF THE GOVERNOR OF THE STATE, TO APPROVE CONSTRUCTION OF THAT SECTION OF INTERSTATE ROUTE 93 FROM B20.6 AN INTERCHANGE WITH STATE ROUTE 3A IN NORTH WOODSTOCK, NEW HAMPSHIRE, TO B22.1 AN INTERCHANGE WITH U.S. ROUTE 3 IN FRANCONIA, NEW HAMPSHIRE, APPROXIMATELY TWELVE MILES IN LENGTH, AS A PARKWAY TYPE HIGHWAY TO GEOMETRIC AND CONSTRUCTION STANDARDS (WHETHER OR NOT IN ACCORDANCE WITH SECTION 109(B)) WHICH THE SECRETARY DETERMINES ARE NECESSARY FOR THE SAFETY OF THE TRAVELING PUBLIC, FOR THE PROTECTION OF THE ENVIRONMENT, AND FOR THE PRESERVATION OF THE PARK-LIKE AND HISTORIC CHARACTER OF THE FRANCONIA NOTCH AREA ADJACENT TO THE HIGHWAY. THE STATE OF NEW HAMPSHIRE, WITH THE CONCURRENCE OF THE SECRETARY, IS AUTHORIZED TO PERMIT THE USE OF THE ABOVE SECTION OF HIGHWAY TO SPECIFIED TYPES OF VEHICLES DURING SPECIFIED TIMES OF THE DAY AND OF THE YEAR.

DWIGHT D. EISENHOWER HIGHWAY

SEC. 159. (A) THE FOLLOWING SEGMENTS OF THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS WHICH FORM A CONTINUOUS INTERSTATE HIGHWAY LINK FROM COAST TO COAST ARE HEREBY DESIGNATED AS THE "DWIGHT D. EISENHOWER HIGHWAY":

(1) INTERSTATE ROUTE 70 BETWEEN WASHINGTON, DISTRICT OF COLUMBIA, AND DENVER, COLORADO;

(2) INTERSTATE ROUTE 25 BETWEEN DENVER, COLORADO, AND CHEYENNE, WYOMING; AND

(3) INTERSTATE ROUTE 80 BETWEEN CHEYENNE, WYOMING, AND SAN FRANCISCO, CALIFORNIA.

(B) ANY LAW, REGULATION, MAP, DOCUMENT, RECORD, OR OTHER PAPER OF THE UNITED STATES IN WHICH SUCH SEGMENTS ARE DESIGNATED OR REFERRED TO SHALL BE HELD TO DESIGNATE OR REFER TO SUCH SEGMENTS AS THE "DWIGHT D. EISENHOWER HIGHWAY".

CUMBERLAND GAP NATIONAL HISTORICAL PARK

SEC. 160. (A) NOTWITHSTANDING THE DEFINITION OF PARKWAYS IN SUBSECTION (A) OF SECTION 101, ///72 STAT. 885.// FUNDS AVAILABLE FOR PARKWAYS SHALL BE AVAILABLE TO FINANCE THE COST OF RECONSTRUCTION AND RELOCATION OF ROUTE 25E THROUGH THE CUMBERLAND GAP NATIONAL HISTORICAL PARK, INCLUDING CONSTRUCTION OF A TUNNEL AND THE APPROACHES THERETO, SO AS TO PERMIT RESTORATION OF THE GAP AND PROVIDE ADEQUATE TRAFFIC CAPACITY.

(B) UPON CONSTRUCTION, SUCH HIGHWAY AND TUNNEL AND ALL ASSOCIATED LANDS AND RIGHTS-OF-WAY SHALL BE TRANSFERRED TO THE NATIONAL PARK SERVICE AND MANAGED AS PART OF THE CUMBERLAND GAP NATIONAL HISTORICAL PARK.

HIGHLAND SCENIC HIGHWAY

SEC. 161. (A) THE SECRETARY OF AGRICULTURE (ACTING THROUGH THE FOREST SERVICE) IS AUTHORIZED TO DEVELOP AND CONSTRUCT AS A PARKWAY THE HIGHLAND SCENIC HIGHWAY FROM WEST VIRGINIA STATE ROUTE 39 TO U.S. 250 NEAR BARTON KNOB. ///87 STAT. 279// NOTWITHSTANDING SUBSECTION (C) OF SECTION 103 OF TITLE 23, UNITED STATES CODE, SUCH PARKWAY SHALL BE A ROUTE ON THE FEDERAL-AID SECONDARY SYSTEM. //ANTE, P. 274.//

(B) THE ROUTE FROM RICHWOOD, WEST VIRGINIA, TO U.S. 250 NEAR BARTON KNOB, VIA WEST VIRGINIA STATE ROUTE 39 AND THE PARKWAY AUTHORIZED BY SUBSECTION (A) OF THIS SECTION SHALL BE DESIGNATED AS THE HIGHLAND SCENIC HIGHWAY.

(C) THE SECRETARY OF AGRICULTURE IS AUTHORIZED TO ACQUIRE RIGHTS-OF-WAY, LAND CONTAINING SUCH RIGHTS-OF-WAY, AND INTERESTS IN LAND, INCLUDING SCENIC EASEMENTS AND MINERAL RIGHTS, NECESSARY TO CARRY OUT THE PURPOSE OF A SCENIC HIGHWAY. IN ADDITION TO THE ACQUISITION OF SUCH LANDS AND INTERESTS IN LANDS, FUNDS AVAILABLE FOR PARKWAYS SHALL BE AVAILABLE FOR THE RECLAMATION OF LANDS WITHIN THE SCENIC CORRIDOR OF THE HIGHLAND SCENIC HIGHWAY.

(D) FUNDS AVAILABLE FOR PARKWAYS SHALL BE AVAILABLE FOR SIGNS ON INTERSTATE HIGHWAYS, APPALACHIAN HIGHWAYS AND OTHER APPROPRIATE HIGHWAYS AT NATURAL POINTS OF ACCESS TO SUCH GEOGRAPHIC AREA, INDICATING THE DIRECTION AND DISTANCE TO THE HIGHLAND SCENIC HIGHWAY AND TO RICHWOOD AS "GATEWAY TO THE HIGHLAND SCENIC HIGHWAY".

(E) FUNDS AVAILABLE FOR PARKWAYS SHALL BE AVAILABLE FOR UPGRADING THAT PORTION OF WEST VIRGINIA STATE ROUTE 39 DESIGNATED AS THE HIGHLAND SCENIC HIGHWAY TO APPROPRIATE STANDARDS FOR A SCENIC AND RECREATIONAL HIGHWAY, INCLUDING THE CONSTRUCTION OF VISTAS AND OTHER SCENIC IMPROVEMENTS.

(F) THE HIGHLAND SCENIC HIGHWAY AS AUTHORIZED BY SUBSECTION (A) OF THIS SECTION AND ALL ASSOCIATED LANDS AND RIGHTS-OF-WAY SHALL BE MANAGED AS PART OF THE MONONGAHELA NATIONAL FOREST, SOLELY FOR SCENIC AND RECREATIONAL USE AND PASSENGER CAR TRAVEL.

(G) THE HIGHLAND SCENIC HIGHWAY AS AUTHORIZED BY SUBSECTION (A) OF THIS SECTION SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH STANDARDS APPROPRIATE FOR A SCENIC HIGHWAY, PROVIDING FOR MODERATE SPEEDS AND MINIMIZING MODIFICATION TO TOPOGRAPHIC CONTOURS AND NATURAL DRAINAGE.

(H) CONSTRUCTION OF THE PORTION OF THE HIGHLAND SCENIC HIGHWAY AS AUTHORIZED BY SUBSECTION (A) OF THIS SECTION WHICH IS PROPOSED TO BE CONSTRUCTED THROUGH THE UPPER SHAVERS FORK WATERSHED SHALL NOT BE

INITIATED UNTIL--

(1) THE FOREST SERVICE HAS ACQUIRED SUFFICIENT LANDS AND INTERESTS IN LAND (INCLUDING MINERAL RIGHTS) IN SUCH WATERSHED TO ASSURE AN ADEQUATE SCENIC CORRIDOR FOR THE HIGHLAND SCENIC HIGHWAY AND THE CONTROL OF WATER QUALITY IN SHAVERS FORK; AND

(2) THE COMPLETION OF A GEOLOGICAL AND SOIL SURVEY OF ANY PROPOSED ROUTE, CONDUCTED IN COOPERATION WITH THE DIVISION OF WATER RESOURCES OF THE WEST VIRGINIA DEPARTMENT OF NATURAL RESOURCES.

(I) ANY PARKWAY AUTHORIZED IN THE FUTURE TO PROCEED SOUTHWARD IN SUCH AREA SHALL BEGIN IN THE IMMEDIATE VICINITY OF RICHWOOD, WEST VIRGINIA.

(J) ANY CONNECTION OF THE HIGHLAND SCENIC HIGHWAY AS AUTHORIZED BY SUBSECTION (A) OF THIS SECTION WITH CORRIDOR H OF THE APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM OR ANY MORE NORTHERLY SEGMENT OF THE HIGHLAND SCENIC HIGHWAY SHALL UTILIZE EXISTING ROUTES AND NOT INVOLVE CONSTRUCTION THROUGH THE MONONGAHELA NATIONAL FOREST BETWEEN U.S. 250 AND CUNNINGHAM KNOB.

PROHIBITION OF DISCRIMINATION ON THE BASIS OF SEX

SEC. 162. (A) //87 STAT. 280// CHAPTER 3 OF TITLE 23, //ANTE, P. 273.// UNITED STATES CODE, IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW SECTION:

" 324. PROHIBITION OF DISCRIMINATION ON THE BASIS OF SEX
"NO PERSON SHALL ON THE GROUND OF SEX BE EXCLUDED FROM PARTICIPATION IN, BE DENIED THE BENEFITS OF, OR BE SUBJECTED TO DISCRIMINATION UNDER ANY PROGRAM OR ACTIVITY RECEIVING FEDERAL ASSISTANCE UNDER THIS TITLE OR CARRIED ON UNDER THIS TITLE. THIS PROVISION WILL BE ENFORCED THROUGH AGENCY PROVISIONS AND RULES SIMILAR TO THOSE ALREADY ESTABLISHED, WITH RESPECT TO RACIAL AND OTHER DISCRIMINATION, UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964. //78 STAT. 252. 42 USC 2000D.// HOWEVER, THIS REMEDY IS NOT EXCLUSIVE AND WILL NOT PREJUDICE OR CUT OFF ANY OTHER LEGAL REMEDIES AVAILABLE TO A DISCRIMINATEE."

(B) THE ANALYSIS OF CHAPTER 3, TITLE 23, UNITED STATES CODE, IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING: "324. PROHIBITION OF DISCRIMINATION ON THE BASIS OF SEX."

DEMONSTRATION PROJECT--RAILROAD-HIGHWAY CROSSINGS

SEC. 163. (A) THE SECRETARY OF TRANSPORTATION SHALL ENTER INTO SUCH ARRANGEMENTS AS MAY BE NECESSARY TO CARRY OUT DEMONSTRATION PROJECTS IN LINCOLN, NEBRASKA. WHEELING, WEST VIRGINIA, AND ELKO, NEVADA, FOR THE RELOCATION OF RAILROAD LINES FROM THE CENTRAL AREA OF THE CITIES IN CONFORMANCE WITH THE METHODOLOGY DEVELOPED UNDER PROPOSALS SUBMITTED TO THE SECRETARY BY THE RESPECTIVE CITIES. THE CITIES SHALL (1) HAVE A LOCAL AGENCY WITH LEGAL AUTHORITY TO RELOCATE RAILROAD FACILITIES, LEVY TAXES FOR SUCH PURPOSE, AND A RECORD OF PRIOR ACCOMPLISHMENT; AND (2) HAVE A CURRENT RELOCATION PLAN FOR SUCH LINES WHICH HAS A FAVORABLE BENEFIT-COST RATIO INVOLVING AND HAVING THE UNANIMOUS APPROVAL OF THREE OR MORE CLASS I RAILROADS IN LINCOLN, NEBRASKA, AND THE TWO CLASS I RAILROADS IN WHEELING, WEST VIRGINIA, AND ELKO, NEVADA, AND MULTICIVIC, LOCAL, AND STATE AGENCIES, AND WHICH PROVIDES FOR THE ELIMINATION OF A SUBSTANTIAL NUMBER OF THE EXISTING RAILWAY-ROAD CONFLICT POINTS WITHIN THE CITY.

(B) THE SECRETARY OF TRANSPORTATION SHALL CARRY OUT A DEMONSTRATION PROJECT FOR THE ELIMINATION OR PROTECTION OF CERTAIN PUBLIC GROUNDLEVEL RAIL-HIGHWAY CROSSINGS IN, OR IN THE VICINITY OF, SPRINGFIELD, ILLINOIS.

(C) THE SECRETARY OF TRANSPORTATION SHALL ENTER INTO SUCH ARRANGEMENTS AS MAY BE NECESSARY TO CARRY OUT DEMONSTRATION PROJECTS IN BROWNSVILLE, TEXAS, AND MATAMOROS, MEXICO, FOR THE RELOCATION OF RAILROAD LINES FROM THE CENTRAL AREA OF THE CITIES IN CONFORMANCE WITH THE METHODOLOGY DEVELOPED UNDER PROPOSALS SUBMITTED TO THE SECRETARY BY THE BROWNSVILLE NAVIGATION DISTRICT, PROVIDING FOR THE CONSTRUCTION OF AN INTERNATIONAL BRIDGE AND FOR THE ELIMINATION OF A SUBSTANTIAL NUMBER OF EXISTING RAILWAY-ROAD CONFLICT POINTS WITHIN THE CITIES.

(D) THE SECRETARY OF TRANSPORTATION SHALL ENTER INTO SUCH ARRANGEMENTS AS MAY BE NECESSARY TO CARRY OUT A DEMONSTRATION PROJECT IN EAST SAINT LOUIS, ILLINOIS, FOR THE RELOCATION OF RAIL LINES BETWEEN THIRTEENTH AND FORTY-THIRD STREETS, IN ACCORDANCE WITH METHODOLOGY APPROVED BY THE SECRETARY. THE SECRETARY OF TRANSPORTATION SHALL CARRY OUT A DEMONSTRATION PROJECT FOR THE RELOCATION OF RAIL LINES IN THE VICINITY OF CARBONDALE, ILLINOIS.

(E) THE SECRETARY OF TRANSPORTATION SHALL ENTER INTO SUCH ARRANGEMENTS AS MAY BE NECESSARY TO CARRY OUT A DEMONSTRATION PROJECT IN NEW ALBANY, INDIANA, FOR THE ELIMINATION OF THE EXISTING RAIL LOOP AND RELOCATION OF RAIL LINES TO A LOCATION BETWEEN VINCENNES STREET AND EAST EIGHTH STREET, //87 STAT. 281// IN ACCORDANCE WITH METHODOLOGY APPROVED BY THE SECRETARY.

(F) THE SECRETARY OF TRANSPORTATION SHALL CARRY OUT DEMONSTRATION PROJECTS FOR THE CONSTRUCTION OF AN OVERPASS AT THE RAIL-HIGHWAY GRADE CROSSING ON COTTAGE GROVE AVENUE BETWEEN ONE HUNDRED FORTY-SECOND STREET AND ONE HUNDRED THIRTY-EIGHTH STREET IN THE VILLAGE OF DOLTON, ILLINOIS, AND THE CONSTRUCTION OF AN OVERPASS AT THE RAIL-HIGHWAY GRADE CROSSING AT VERMONT STREET AND THE ROCK ISLAND RAILROAD TRACKS IN THE CITY OF BLUE ISLAND, ILLINOIS.

(G) THE SECRETARY OF TRANSPORTATION SHALL CARRY OUT A DEMONSTRATION PROJECT FOR THE ELIMINATION OF THE GROUND LEVEL RAILROAD HIGHWAY CROSSING ON UNITED STATES ROUTE 69 IN GREENVILLE, TEXAS.

(H) THE SECRETARY OF TRANSPORTATION SHALL CARRY OUT A DEMONSTRATION PROJECT IN ANOKA, MINNESOTA, FOR THE CONSTRUCTION OF AN UNDERPASS AT THE SEVENTH AVENUE AND COUNTY ROAD 7 RAILROAD-HIGHWAY GRADE CROSSING.

(I) THE FEDERAL SHARE PAYABLE ON ACCOUNT OF SUCH PROJECTS SHALL BE THAT PROVIDED IN SECTION 120 OF THIS TITLE. //72 STAT. 898. 23 USC 120.//

(J) THE SECRETARY SHALL MAKE ANNUAL REPORTS AND A FINAL REPORT TO THE PRESIDENT AND THE CONGRESS WITH RESPECT TO HIS ACTIVITIES PURSUANT TO THIS SECTION.

(K) THERE IS AUTHORIZED TO BE APPROPRIATED TO CARRY OUT THIS SECTION (OTHER THAN SUBSECTION (A)) NOT TO EXCEED \$15,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, \$25,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, AND \$50,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1976, EXCEPT THAT TWO-THIRDS OF ALL FUNDS AUTHORIZED AND EXPENDED UNDER AUTHORITY OF THIS SECTION IN ANY FISCAL YEAR SHALL BE APPROPRIATED OUT OF THE HIGHWAY TRUST FUND.

(L) THE SECRETARY, IN COOPERATION WITH STATE HIGHWAY DEPARTMENTS AND LOCAL OFFICIALS, SHALL CONDUCT A FULL AND COMPLETE INVESTIGATION AND STUDY OF THE PROBLEM OF PROVIDING INCREASED HIGHWAY SAFETY BY THE RELOCATION OF RAILROAD LINES FROM THE CENTRAL AREA OF CITIES ON A NATIONWIDE BASIS, AND REPORT TO THE CONGRESS HIS RECOMMENDATIONS RESULTING FROM SUCH INVESTIGATION AND STUDY NOT LATER THAN JULY 1, 1975, INCLUDING AN ESTIMATE OF THE COST OF SUCH A PROGRAM. FUNDS AUTHORIZED TO CARRY OUT SECTION 307 OF TITLE 23, //72 STAT. 913.// UNITED STATES CODE, ARE AUTHORIZED TO BE USED TO CARRY OUT THE INVESTIGATION AND STUDY REQUIRED BY THIS SUBSECTION.

FINANCIAL ASSISTANCE AGREEMENTS

SEC. 164. (A) NO FEDERAL FINANCIAL ASSISTANCE SHALL BE PROVIDED UNDER (1) SUBSECTION (A) OR (C) OF SECTION 142, TITLE 23, UNITED STATES CODE, //ANTE, P. 259.// (2) PARAGRAPH (4) OF SUBSECTION (E) OF SECTION 103, TITLE 23, UNITED STATES CODE, //ANTE, P. 269.// OR (3) THE URBAN MASS TRANSPORTATION ACT OF 1964, //78 STAT. 302. 49 USC 1601 NOTE.// FOR THE PURCHASE OF BUSES TO ANY APPLICANT FOR SUCH ASSISTANCE UNLESS SUCH APPLICANT AND THE SECRETARY OF TRANSPORTATION SHALL HAVE FIRST ENTERED INTO AN AGREEMENT THAT SUCH APPLICANT WILL NOT ENGAGE IN CHARTER BUS OPERATIONS IN COMPETITION WITH PRIVATE BUS OPERATORS OUTSIDE OF THE AREA WITHIN SUCH APPLICANT PROVIDES REGULARLY SCHEDULED MASS TRANSPORTATION SERVICE. A VIOLATION OF SUCH AGREEMENT SHALL BAR SUCH APPLICANT FROM RECEIVING ANY OTHER FEDERAL FINANCIAL ASSISTANCE UNDER THOSE PROVISIONS OF LAW REFERRED TO IN CLAUSES (1), (2), AND (3) OF THIS SUBSECTION.

(B) NO FEDERAL FINANCIAL ASSISTANCE SHALL BE PROVIDED UNDER (1) SUBSECTION (A) OR (C) OF SECTION 142, TITLE 23, UNITED STATES CODE, (2) PARAGRAPH (4) OF SUBSECTION (E) OF SECTION 103, TITLE 23, UNITED STATES CODE, OR (3) THE URBAN MASS TRANSPORTATION ACT OF 1964, FOR THE PURCHASE OF BUSES TO ANY APPLICANT FOR SUCH ASSISTANCE UNLESS SUCH APPLICANT AND THE SECRETARY OF TRANSPORTATION SHALL HAVE FIRST ENTERED INTO AN AGREEMENT THAT SUCH APPLICANT WILL NOT ENGAGE IN SCHOOL BUS OPERATIONS, //87 STAT. 282// EXCLUSIVELY FOR THE TRANSPORTATION OF STUDENTS AND SCHOOL PERSONNEL, IN COMPETITION WITH PRIVATE SCHOOL BUS OPERATORS. THIS SUBSECTION SHALL NOT APPLY TO AN APPLICANT WITH RESPECT TO OPERATION OF A SCHOOL BUS PROGRAM IF THE APPLICANT OPERATES A SCHOOL SYSTEM IN THE AREA TO BE SERVED AND OPERATES A SEPARATE AND EXCLUSIVE SCHOOL BUS PROGRAM FOR THIS SCHOOL SYSTEM. THIS SUBSECTION SHALL NOT APPLY UNLESS PRIVATE SCHOOL BUS OPERATORS ARE ABLE TO PROVIDE ADEQUATE TRANSPORTATION, AT REASONABLE RATES, AND IN CONFORMANCE WITH APPLICABLE SAFETY STANDARDS, AND THIS SUBSECTION SHALL NOT APPLY WITH RESPECT TO ANY STATE OR LOCAL PUBLIC BODY OR AGENCY THEREOF IF IT (OR A DIRECT PREDECESSOR IN INTEREST FROM WHICH IT ACQUIRED THE FUNCTION OF SO TRANSPORTING SCHOOL CHILDREN AND PERSONNEL ALONG WITH FACILITIES TO BE USED THEREFOR) WHO SO ENGAGED IN SCHOOL BUS

OPERATIONS ANY TIME DURING THE TWELVE-MONTH PERIOD IMMEDIATELY PRIOR TO THE DATE OF THE ENACTMENT OF THIS SUBSECTION. A VIOLATION OF AN AGREEMENT UNDER THIS SUBSECTION SHALL BAR SUCH APPLICANT FROM RECEIVING ANY OTHER FEDERAL FINANCIAL ASSISTANCE UNDER THOSE PROVISIONS OF LAW REFERRED TO IN CLAUSES (1), (2), AND (3) OF THIS SUBSECTION.

BUS AND OTHER PROJECT STANDARDS

SEC. 165. (A) THE SECRETARY OF TRANSPORTATION SHALL REQUIRE THAT BUSES ACQUIRED WITH FEDERAL FINANCIAL ASSISTANCE UNDER (1) SUBSECTION (A) OR (C) OF SECTION 142 OF TITLE 23, UNITED STATES CODE, //ANTE, P. 159.// (2) PARAGRAPH (4) OF SUBSECTION (E) OF SECTION 103, TITLE 23, UNITED STATES CODE, //ANTE, P. 269.// OR (3) SECTION 147 OF THE FEDERAL-AID HIGHWAY ACT OF 1973 //ANTE, P. 274.// MEET THE STANDARDS PRESCRIBED BY THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY UNDER SECTION 202 OF THE CLEAN AIR ACT, //84 STAT. 1690. 42 USC 1857F-1// AND UNDER SECTION 6 OF THE NOISE CONTROL ACT OF 1972, //86 STAT. 1237. 42 USC 4905.// AND SHALL AUTHORIZE THE ACQUISITION, WHEREVER PRACTICABLE, OF BUSES WHICH MEET THE SPECIAL CRITERIA FOR LOW-EMISSION VEHICLES SET FORTH IN SECTION 212 OF THE CLEAN AIR ACT, AND FOR LOW-NOISE-EMISSION PRODUCTS SET FORTH IN SECTION 15 OF THE NOISE CONTROL ACT OF 1972. //84 STAT. 1700. 42 USC 1857F-6E.//

(B) THE SECRETARY OF TRANSPORTATION SHALL ASSURE THAT PROJECTS RECEIVING FEDERAL FINANCIAL ASSISTANCE UNDER (1) SUBSECTION (A) OR (C) OF SECTION 142 OF TITLE 23, UNITED STATES CODE, //86 STAT. 1245. 42 USC 4914.// (2) PARAGRAPH (4) OF SUBSECTION (E) OF SECTION 103, TITLE 23, UNITED STATES CODE, OR (3) SECTION 147 OF THE FEDERAL-AID HIGHWAY ACT OF 1973 SHALL BE PLANNED AND DESIGNED SO THAT MASS TRANSPORTATION FACILITIES AND SERVICES CAN EFFECTIVELY BE UTILIZED BY ELDERLY AND HANDICAPPED PERSONS WHO, BY REASON OF ILLNESS, INJURY, AGE, COGENITAL MALFUNCTION, OR OTHER PERMANENT OR TEMPORARY INCAPACITY OR DISABILITY ARE UNABLE WITHOUT SPECIAL FACILITIES OR SPECIAL PLANNING OR DESIGN TO UTILIZE SUCH FACILITIES AND SERVICES AS EFFECTIVELY AS PERSONS NOT SO AFFECTED.

ITEM 16

00104.87.002501

PUBLIC LAW 93 - 87; 87 STAT. 250

HIGHWAY SAFETY ACT OF 1973 (TITLE II);

TITLES III AND IV

93RD CONGRESS, S. 502

AUGUST 13, 1973

TITLE II

SHORT TITLE

SEC. 201. THIS TITLE MAY BE CITED AS THE "HIGHWAY SAFETY ACT OF 1973".

HIGHWAY SAFETY

SEC. 202. THE FOLLOWING SUMS ARE HEREBY AUTHORIZED TO BE APPROPRIATED:

(1) FOR CARRYING OUT SECTION 402 OF TITLE 23, UNITED STATES CODE //POST, P. 290.// (RELATING TO HIGHWAY SAFETY PROGRAMS), BY THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, OUT OF THE HIGHWAY TRUST FUND, \$100,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, \$125,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, //87 STAT. 283// AND \$150,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1976.

(2) FOR CARRYING OUT SECTION 403 OF TITLE 23, UNITED STATES CODE //POST, P. 286.// (RELATING TO HIGHWAY SAFETY RESEARCH AND DEVELOPMENT) BY THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, OUT OF THE HIGHWAY TRUST FUND, \$42,500,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, \$55,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, AND \$65,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1976. **

(3) FOR CARRYING OUT SECTION 402 OF TITLE 23, UNITED STATES CODE //POST, P. 290.// (RELATING TO HIGHWAY SAFETY PROGRAMS), BY THE FEDERAL HIGHWAY ADMINISTRATION, OUT OF THE HIGHWAY TRUST FUND, \$25,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, \$30,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, AND \$35,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1976.

(4) FOR CARRYING OUT SECTIONS 307(A) AND 403 OF TITLE 23, UNITED STATES CODE //72 STAT. 913; 84 STAT. 1723.// (RELATING TO HIGHWAY SAFETY RESEARCH AND DEVELOPMENT). BY THE FEDERAL HIGHWAY ADMINISTRATION, OUT OF THE HIGHWAY TRUST FUND, FOR EACH OF THE FISCAL YEARS ENDING JUNE 30, 1974, JUNE 30, 1975 AND JUNE 30, 1976, NOT TO EXCEED \$10,000,000 PER FISCAL YEAR. **

RAIL-HIGHWAY CROSSINGS

SEC. 203. (A) EACH STATE SHALL CONDUCT AND SYSTEMATICALLY MAINTAIN A SURVEY OF ALL HIGHWAYS TO IDENTIFY THOSE RAILROAD CROSSINGS WHICH MAY REQUIRE SEPARATION, RELOCATION, OR PROTECTIVE DEVICES, AND ESTABLISH AND IMPLEMENT A SCHEDULE OF PROJECTS FOR THIS PURPOSE. AT A MINIMUM, SUCH A SCHEDULE SHALL PROVIDE SIGNS FOR ALL RAILROAD-HIGHWAY CROSSINGS.

(B) IN ADDITION TO FUNDS WHICH MAY BE OTHERWISE AVAILABLE TO CARRY OUT SECTION 130 OF TITLE 23, UNITED STATES CODE, //72 STAT. 903.// THERE IS AUTHORIZED TO BE APPROPRIATED OUT OF THE HIGHWAY TRUST FUND FOR PROJECTS FOR THE ELIMINATION OF HAZARDS OF RAILWAY-HIGHWAY CROSSINGS \$25,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, \$75,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, AND \$75,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1976. AT LEAST HALF OF THE FUNDS AUTHORIZED AND EXPENDED UNDER THIS

SECTION SHALL BE AVAILABLE FOR THE INSTALLATION OF PROTECTIVE DEVICES AT RAILWAY-HIGHWAY CROSSINGS. SUCH SUMS SHALL BE AVAILABLE FOR OBLIGATION IN THE SAME MANNER, AND TO THE SAME EXTENT AS IF SUCH FUNDS WERE APPORTIONED UNDER THIS CHAPTER.

(C) FUNDS AUTHORIZED BY THIS SECTION SHALL BE AVAILABLE SOLELY FOR EXPENDITURE FOR PROJECTS ON ANY FEDERAL-AID SYSTEM (OTHER THAN THE INTERSTATE SYSTEM).

(D) 50 PERCENT OF THE FUNDS MADE AVAILABLE IN ACCORDANCE WITH SUBSECTION (C) SHALL BE APPORTIONED TO THE STATES IN THE SAME MANNER AS SUMS AUTHORIZED TO BE APPROPRIATED UNDER SUBSECTION (A)(1) OF SECTION 104 OF THE FEDERAL-AID HIGHWAY ACT OF 1973 //ANTE, P. 251.// AND 50 PERCENT OF THE FUNDS MADE AVAILABLE IN ACCORDANCE WITH SUBSECTION (C) SHALL BE APPORTIONED TO THE STATES IN THE SAME MANNER AS SUMS AUTHORIZED TO BE APPROPRIATED UNDER SUBSECTION (A)(2) OF SECTION 104 OF THE FEDERAL-AID HIGHWAY ACT OF 1973. THE FEDERAL SHARE PAYABLE ON ACCOUNT OF ANY SUCH PROJECT SHALL BE 90 PER CENTUM OF THE COST THEREOF.

(E) EACH STATE SHALL REPORT TO THE SECRETARY OF TRANSPORTATION NOT LATER THAN SEPTEMBER 30, 1974, AND NOT LATER THAN SEPTEMBER 30 OF EACH YEAR THEREAFTER, ON THE PROGRESS BEING MADE TO IMPLEMENT THE RAILROAD-HIGHWAY CROSSINGS PROGRAM AUTHORIZED BY THIS SECTION AND THE EFFECTIVENESS OF SUCH IMPROVEMENTS. EACH STATE REPORT SHALL CONTAIN AN ASSESSMENT OF THE COSTS OF THE VARIOUS TREATMENTS EMPLOYED AND SUBSEQUENT ACCIDENT EXPERIENCE AT IMPROVED LOCATIONS. THE SECRETARY OF TRANSPORTATION SHALL SUBMIT A REPORT TO THE CONGRESS NOT LATER THAN JANUARY 1, 1975, AND NOT LATER THAN JANUARY 1, OF EACH YEAR THEREAFTER, ON THE PROGRESS BEING MADE BY THE STATES IN IMPLEMENTING PROJECTS TO IMPROVE RAILROAD-HIGHWAY CROSSINGS. //87 STAT. 284// THE REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE NUMBER OF PROJECTS UNDERTAKEN, THEIR DISTRIBUTION BY COST RANGE, ROAD SYSTEM, NATURE OF TREATMENT, AND SUBSEQUENT ACCIDENT EXPERIENCE AT IMPROVED LOCATIONS. IN ADDITION, THE SECRETARY'S REPORT SHALL ANALYZE AND EVALUATE EACH STATE PROGRAM, IDENTIFY ANY STATE FOUND NOT TO BE IN COMPLIANCE WITH THE SCHEDULE OF IMPROVEMENTS REQUIRED BY SUBSECTION (A), AND INCLUDE RECOMMENDATION FOR FUTURE IMPLEMENTATION OF THE RAILROAD-HIGHWAY CROSSINGS PROGRAM.

(F) FUNDS AUTHORIZED BY THIS SECTION MAY BE USED TO PROVIDE LOCAL GOVERNMENT WITH FUNDS TO BE USED ON A MATCHING BASIS WHEN STATE FUNDS ARE AVAILABLE WHICH MAY ONLY BE SPENT WHEN LOCAL GOVERNMENT PRODUCES MATCHING FUNDS FOR THE IMPROVEMENT OF RAILROAD CROSSINGS.

BRIDGE RECONSTRUCTION AND REPLACEMENT

SEC. 204. (A) SUBSECTION (E) OF SECTION 144 OF TITLE 23, UNITED STATES CODE, //84 STAT. 1741.// IS AMENDED BY STRIKING OUT "1972; AND" AND INSERTING IN LIEU THEREOF "1972"; BY INSERTING IMMEDIATELY AFTER "1973", THE FOLLOWING: "\$25,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, \$75,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, AND \$75,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1976".

(B) SUBSECTION (F) OF SECTION 144 OF TITLE 23, UNITED STATES CODE, IS RELETTERED AS SUBSECTION (G) (INCLUDING REFERENCES THERETO); AND IMMEDIATELY AFTER SUBSECTION (E) THE FOLLOWING NEW SUBSECTION (F) IS

INSERTED:

"(F) FUNDS AUTHORIZED BY THIS SECTION SHALL BE AVAILABLE SOLELY FOR EXPENDITURE FOR PROJECTS ON ANY FEDERAL-AID SYSTEM."

(C) EXISTING SUBSECTION (G) OF SECTION 144 OF TITLE 23, UNITED STATES CODE, IS RELETTERED AS SUBSECTION (H) INCLUDING REFERENCES THERETO).

PAVEMENT MARKING DEMONSTRATION PROGRAM

SEC. 205. (A) CHAPTER 1 OF TITLE 23, UNITED STATES CODE, //ANTE, P. 277,// IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW SECTION:

" 151. PAVEMENT MARKING DEMONSTRATION PROGRAM

"(A) CONGRESS HEREBY FINDS AND DECLARES IT TO BE IN THE VITAL INTEREST OF THE NATION THAT A PAVEMENT MARKING DEMONSTRATION PROGRAM BE ESTABLISHED TO ENABLE THE SEVERAL STATES TO IMPROVE THE PAVEMENT MARKING OF ALL HIGHWAYS TO PROVIDE FOR GREATER VEHICLE AND PEDESTRIAN SAFETY.

"(B) NOTWITHSTANDING THE PROVISIONS OF THE LAST SENTENCE OF SUBSECTION (A) OF SECTION 105 OF THIS TITLE, //72 STAT. 891, 23 USC 105,// THE SECRETARY MAY APPROVE UNDER THIS SECTION SUCH PAVEMENT MARKING PROJECTS ON ANY HIGHWAY WHETHER OR NOT ON ANY FEDERAL-AID SYSTEM, BUT NOT INCLUDED IN THE INTERSTATE SYSTEM, AS HE MAY FIND NECESSARY TO BRING SUCH HIGHWAY TO THE PAVEMENT MARKING STANDARDS ISSUED OR ENDORSED BY THE FEDERAL HIGHWAY ADMINISTRATOR.

"(C) IN APPROVING PROJECTS UNDER THIS SECTION, THE SECRETARY SHALL GIVE PRIORITY TO THOSE PROJECTS WHICH ARE LOCATED IN RURAL AREAS AND WHICH ARE EITHER ON THE FEDERAL-AID SECONDARY SYSTEM OR ARE NOT INCLUDED ON ANY FEDERAL-AID SYSTEM.

"(D) THE ENTIRE COST OF PROJECTS APPROVED UNDER SUBSECTIONS (B) AND (F) OF THIS SECTION SHALL BE PAID FROM SUMS AUTHORIZED TO CARRY OUT THIS SECTION.

"(E) FOR THE PURPOSE OF CARRYING OUT THE PROVISIONS OF THIS SECTION BY THE FEDERAL HIGHWAY ADMINISTRATION, THERE IS HEREBY AUTHORIZED TO BE APPROPRIATED FOR THE FISCAL YEAR ENDING JUNE 30, 1974, \$25,000,000, AND FOR EACH OF THE FISCAL YEARS ENDING JUNE 30, 1975, AND JUNE 30, 1976, OUT OF THE HIGHWAY TRUST FUND, THE SUM OF \$75,000,000. //87 STAT. 285// SUCH SUMS SHALL BE AVAILABLE FOR OBLIGATION IN THE SAME MANNER AND TO THE SAME EXTENT AS IF SUCH FUNDS WERE APPORTIONED UNDER THIS CHAPTER.

"(F) FUNDS NOT REQUIRED FOR PAVEMENT-MARKING PROJECTS AUTHORIZED BY THIS SECTION MAY BE RELEASED BY THE SECRETARY FOR EXPENDITURE FOR PROJECTS TO ELIMINATE OR REDUCE THE HAZARDS TO SAFETY AT SPECIFIC LOCATIONS OR SECTIONS OF HIGHWAYS WHICH ARE NOT LOCATED ON ANY FEDERAL-AID SYSTEM AND WHICH HAVE HIGH ACCIDENT EXPERIENCES OR HIGH ACCIDENT POTENTIALS. FUNDS MAY BE RELEASED BY THE SECRETARY UNDER THIS SUBSECTION ONLY IF THE SECRETARY HAS RECEIVED SATISFACTORY ASSURANCES FROM THE STATE HIGHWAY DEPARTMENT THAT ALL NONURBAN AREA HIGHWAYS WITHIN THE STATE ARE MARKED IN ACCORDANCE WITH THE PAVEMENT-MARKING STANDARDS ISSUED OR ENDORSED BY THE FEDERAL HIGHWAY ADMINISTRATOR FOR CARRYING OUT THIS PROGRAM.

"(G) EACH STATE SHALL REPORT TO THE SECRETARY OF TRANSPORTATION NOT LATER THAN SEPTEMBER 30, 1974, AND NOT LATER THAN SEPTEMBER 30, OF EACH YEAR THEREAFTER, ON THE PROGRESS BEING MADE IN IMPLEMENTING THE PROGRAM AND THE EFFECTIVENESS OF THE IMPROVEMENTS MADE UNDER IT. EACH REPORT

SHALL INCLUDE AN ANALYSIS AND EVALUATION OF THE NUMBER, RATE, AND SEVERITY OF ACCIDENTS AT IMPROVED LOCATIONS AND THE COST-BENEFIT RATIO OF SUCH IMPROVEMENTS, COMPARING AN ADEQUATE TIME PERIOD BEFORE AND AFTER TREATMENT IN ORDER TO PROPERLY ASSESS THE BENEFITS OCCURRING FROM SUCH PAVEMENT MARKINGS. THE SECRETARY OF TRANSPORTATION SHALL SUBMIT A REPORT TO THE CONGRESS NOT LATER THAN JANUARY 1, 1975, AND NOT LATER THAN JANUARY 1 OF EACH YEAR THEREAFTER, ON THE PROGRESS BEING MADE IN IMPLEMENTING THE PROGRAM AND THE SAFETY BENEFITS ACHIEVED UNDER IT."

(B) THE ANALYSIS OF CHAPTER 1 OF TITLE 23, UNITED STATES CODE IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING: "151. PAVEMENT MARKING DEMONSTRATION PROGRAM."

PAVEMENT MARKING RESEARCH AND DEMONSTRATION PROGRAMS

SEC. 206. (A) IN ADDITION TO THE RESEARCH AUTHORIZED BY SECTION 307(A) OF TITLE 23, UNITED STATES CODE, 1172 STAT. 913; 84 STAT. 1723, THE SECRETARY OF TRANSPORTATION IS AUTHORIZED TO CONDUCT RESEARCH AND DEMONSTRATION PROGRAMS TO IMPROVE THE EFFECTIVENESS AND DURABILITY OF VARIOUS TYPES OF PAVEMENT MARKINGS AND RELATED DELINEATORS, TO DEVELOP IMPROVED EQUIPMENT AND TECHNIQUES FOR APPLYING, ERECTING, AND MAINTAINING SUCH MARKINGS AND DELINEATORS, AND TO DEVELOP NEW TRAFFIC CONTROL MATERIALS, DEVICES, AND RELATED DELINEATORS TO ASSIST THE TRAVELING PUBLIC DURING ADVERSE WEATHER AND NIGHTTIME DRIVING CONDITIONS.

(B) THERE IS AUTHORIZED TO BE APPROPRIATED TO CARRY OUT THIS SECTION BY THE FEDERAL HIGHWAY ADMINISTRATION, OUT OF THE HIGHWAY TRUST FUND, \$10,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, AND \$10,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975.

HIGHWAY SAFETY ON INDIAN RESERVATIONS

SEC. 207. (A) SECTION 402 OF TITLE 23 OF THE UNITED STATES CODE IS AMENDED BY ADDING A NEW SUBSECTION (I) AS FOLLOWS: 1180 STAT. 731; 84 STAT. 1740.

"(I) FOR THE PURPOSE OF THE APPLICATION OF THIS SECTION ON INDIAN RESERVATIONS, 'STATE' AND 'GOVERNOR OF A STATE' INCLUDES THE SECRETARY OF THE INTERIOR AND 'POLITICAL SUBDIVISION OF A STATE' INCLUDES AN INDIAN TRIBE: PROVIDED, THAT, NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (C) OF SUBSECTION (B)(1) HEREOF, 95 PER CENTUM OF THE FUNDS APPORTIONED TO THE SECRETARY OF THE INTERIOR AFTER DATE OF ENACTMENT, SHALL BE EXPENDED BY INDIAN TRIBES TO CARRY OUT HIGHWAY SAFETY PROGRAMS WITHIN THEIR JURISDICTIONS: AND PROVIDED FURTHER, THAT THE PROVISIONS OF SUBPARAGRAPH (E) OF SUBSECTION (B)(1) 1180 STAT. 731; 84 STAT. 1740. SHALL BE APPLICABLE EXCEPT IN THOSE TRIBAL JURISDICTIONS IN WHICH THE SECRETARY DETERMINES SUCH PROGRAMS WOULD NOT BE PRACTICABLE." 1187 STAT. 286

(B) SUBSECTION (D) OF SECTION 402 OF TITLE 23, UNITED STATES CODE, 1180 STAT. 731; 84 STAT. 1740. IS AMENDED BY INSERTING BEFORE THE PERIOD AT THE END OF THE FIRST SENTENCE THEREOF THE FOLLOWING: "AND EXCEPT THAT, IN THE CASE OF A LOCAL HIGHWAY SAFETY PROGRAM CARRIED OUT BY AN INDIAN TRIBE, IF THE SECRETARY IS SATISFIED THAT AN INDIAN TRIBE DOES NOT HAVE SUFFICIENT FUNDS AVAILABLE TO MEET THE NON-FEDERAL SHARE OF THE COST OF SUCH PROGRAM, HE MAY INCREASE THE FEDERAL SHARE OF THE COST THEREOF PAYABLE UNDER THIS ACT TO THE EXTENT NECESSARY."

DRUG USE AND DRIVER BEHAVIOR HIGHWAY SAFETY RESEARCH

SEC. 208. (A) SECTION 403 OF TITLE 23, UNITED STATES CODE, //80 STAT. 733.// IS AMENDED BY INSERTING "(A)" IMMEDIATELY BEFORE THE FIRST SENTENCE THEREOF, AND BY STRIKING OUT "THIS SECTION" EACH PLACE IT APPEARS AND INSERTING IN LIEU THEREOF "THIS SUBSECTION", AND BY ADDING AT THE END THEREOF THE FOLLOWING NEW SUBSECTIONS:

"(B) IN ADDITION TO THE RESEARCH AUTHORIZED BY SUBSECTION (A) OF THIS SECTION, THE SECRETARY, IN CONSULTATION WITH SUCH OTHER GOVERNMENT AND PRIVATE AGENCIES AS MAY BE NECESSARY, IS AUTHORIZED TO CARRY OUT SAFETY RESEARCH ON THE FOLLOWING:

"(1) THE RELATIONSHIP BETWEEN THE CONSUMPTION AND USE OF DRUGS AND THEIR EFFECT UPON HIGHWAY SAFETY AND DRIVERS OF MOTOR VEHICLES; AND

"(2) DRIVER BEHAVIOR RESEARCH, INCLUDING THE CHARACTERISTICS OF DRIVER PERFORMANCE, THE RELATIONSHIPS OF MENTAL AND PHYSICAL ABILITIES OR DISABILITIES TO THE DRIVING TASK, AND THE RELATIONSHIP OF FREQUENCY OF DRIVER ACCIDENT INVOLVEMENT TO HIGHWAY SAFETY.

"(C) THE RESEARCH AUTHORIZED BY SUBSECTION (B) OF THIS SECTION MAY BE CONDUCTED BY THE SECRETARY THROUGH GRANTS AND CONTRACTS WITH PUBLIC AND PRIVATE AGENCIES, INSTITUTIONS, AND INDIVIDUALS."

(B) THERE IS AUTHORIZED TO BE APPROPRIATED TO CARRY OUT THE AMENDMENTS MADE BY THIS SECTION BY THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, OUT OF THE HIGHWAY TRUST FUND, THE SUM OF \$10,000,000 PER FISCAL YEAR FOR EACH OF THE FISCAL YEAR ENDING JUNE 30, 1974, JUNE 30, 1975, AND JUNE 30, 1976.

PROJECTS FOR HIGH-HAZARD LOCATIONS

SEC. 209. (A) CHAPTER 1 OF TITLE 23, UNITED STATES CODE, //ANTE, P. 284.// IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW SECTION:

" - 152. PROJECTS FOR HIGH-HAZARD LOCATIONS

"(A) EACH STATE SHALL CONDUCT AND SYSTEMATICALLY MAINTAIN AN ENGINEERING SURVEY OF ALL HIGHWAYS TO IDENTIFY HIGH-HAZARD LOCATIONS WHICH MAY CONSTITUTE A DANGER TO VEHICLES AND TO PEDESTRIANS, ASSIGN PRIORITIES FOR THE CORRECTION OF SUCH LOCATIONS, AND ESTABLISH AND IMPLEMENT A SCHEDULE OF PROJECTS FOR THEIR IMPROVEMENT.

"(B) FOR PROJECTS TO ELIMINATE OR REDUCE THE HAZARDS AT SPECIFIC LOCATIONS OR SECTIONS OF HIGHWAYS WHICH HAVE HIGH ACCIDENT EXPERIENCES OR HIGH ACCIDENT POTENTIALS, BY THE FEDERAL HIGHWAY ADMINISTRATION, THERE IS HEREBY AUTHORIZED TO BE APPROPRIATED, OUT OF THE HIGHWAY TRUST FUND, FOR THE FISCAL YEAR ENDING JUNE 30, 1974, \$50,000,000, AND FOR EACH OF THE FISCAL YEARS ENDING JUNE 30, 1975, AND JUNE 30, 1976, THE SUM OF \$75,000,000 SHALL BE APPROPRIATED OUT OF THE HIGHWAY TRUST FUND. SUCH SUMS SHALL BE AVAILABLE FOR OBLIGATIONS IN THE SAME MANNER AND TO THE SAME EXTENT AS IF SUCH SUMS WERE APPORTIONED UNDER THIS CHAPTER.

"(C) FUNDS AUTHORIZED BY THIS SECTION SHALL BE AVAILABLE SOLELY FOR EXPENDITURE FOR PROJECTS ON ANY FEDERAL-AID SYSTEM (OTHER THAN THE INTERSTATE SYSTEM) EXCEPT IN THE VIRGIN ISLANDS, GUAM, AND AMERICAN SAMOA. //87 STAT. 287//

"(D) FUNDS MADE AVAILABLE IN ACCORDANCE WITH SUBSECTION (B) SHALL BE

APPORTIONED TO THE STATES IN THE SAME MANNER AS IS PROVIDED IN SECTION 402(C) OF THIS TITLE, //POST, P. 290.// AND THE FEDERAL SHARE PAYABLE ON ACCOUNT OF ANY SUCH PROJECT SHALL BE 90 PER CENTUM OF THE COST THEREOF.

"(E) EACH STATE SHALL REPORT TO THE SECRETARY OF TRANSPORTATION NOT LATER THAN SEPTEMBER 30, 1974, AND NOT LATER THAN SEPTEMBER 30 OF EACH YEAR THEREAFTER, ON THE PROGRESS BEING MADE TO IMPLEMENT PROJECTS FOR HIGH-HAZARD LOCATIONS AND THE EFFECTIVENESS OF SUCH IMPROVEMENTS. EACH STATE REPORT SHALL CONTAIN AN ASSESSMENT OF THE COST OF, AND SAFETY BENEFITS DERIVED FROM, THE VARIOUS MEANS AND METHODS USED TO MITIGATE OR ELIMINATE HAZARDS AND THE PREVIOUS AND SUBSEQUENT ACCIDENT EXPERIENCE AT THESE LOCATIONS. THE SECRETARY OF TRANSPORTATION SHALL SUBMIT A REPORT TO THE CONGRESS NOT LATER THAN JANUARY 1, 1975, AND NOT LATER THAN JANUARY 1 OF EACH YEAR THEREAFTER, ON THE PROGRESS BEING MADE BY THE STATES IN IMPLEMENTING PROJECTS FOR IMPROVEMENTS AT HIGH-HAZARD LOCATIONS. THE REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE NUMBER OF PROJECTS UNDERTAKEN, THEIR DISTRIBUTION BY COST RANGE, ROAD SYSTEM, MEANS AND METHODS USED, AND THE PREVIOUS AND SUBSEQUENT ACCIDENT EXPERIENCE AT IMPROVED LOCATIONS. IN ADDITION, THE SECRETARY'S REPORT SHALL ANALYZE AND EVALUATE EACH STATE PROGRAM, IDENTIFY ANY STATE FOUND NOT TO BE IN COMPLIANCE WITH THE SCHEDULE OF IMPROVEMENTS REQUIRED BY SUBSECTION (A) AND INCLUDE RECOMMENDATIONS FOR FUTURE IMPLEMENTATION OF THE SPOT IMPROVEMENTS PROGRAM."

"(B) THE ANALYSIS OF CHAPTER 1 OF TITLE 23, UNITED STATES CODE, IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING: "152. PROJECTS FOR HIGH-HAZARD LOCATIONS."

PROGRAM FOR THE ELIMINATION OF ROADSIDE OBSTACLES

SEC. 210. (A) CHAPTER 1 OF TITLE 23, UNITED STATES CODE, //ANTE, P. 286.// IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW SECTION:

" 153. PROGRAM FOR THE ELIMINATION OF ROADSIDE OBSTACLES

"(A) EACH STATE SHALL CONDUCT AND SYSTEMATICALLY MAINTAIN AN ENGINEERING SURVEY OF ALL HIGHWAYS TO IDENTIFY ROADSIDE OBSTACLES WHICH MAY CONSTITUTE A HAZARD TO VEHICLES AND TO PEDESTRIANS, ASSIGN PRIORITIES FOR THE CORRECTION OF SUCH OBSTACLES AND ESTABLISH AND IMPLEMENT A SCHEDULE OF PROJECTS FOR THEIR ELIMINATION. SUCH A SCHEDULE SHALL PROVIDE FOR THE REPLACEMENT, TO THE EXTENT NECESSARY, OF EXISTING SIGN AND LIGHT SUPPORTS WHICH ARE NOT DESIGNED TO YIELD OR BREAK AWAY UPON IMPACT. YIELDING OR BREAKAWAY SIGN AND LIGHT SUPPORTS SHALL BE USED, WHERE APPROPRIATE, ON ALL NEW CONSTRUCTION OR RECONSTRUCTION OF HIGHWAYS.

"(B) FOR PROJECTS TO CORRECT ROADSIDE HAZARDS BY THE FEDERAL HIGHWAY ADMINISTRATION, THERE IS HEREBY AUTHORIZED TO BE APPROPRIATED, OUT OF THE HIGHWAY TRUST FUND, FOR THE FISCAL YEAR ENDING JUNE 30, 1974, \$25,000,000, AND FOR EACH OF THE FISCAL YEARS ENDING JUNE 30, 1975, AND JUNE 30, 1976, THE SUM OF \$75,000,000. SUCH SUMS SHALL BE AVAILABLE FOR OBLIGATION IN THE SAME MANNER AND TO THE SAME EXTENT AS IF SUCH FUNDS WERE APPORTIONED UNDER THIS CHAPTER.

"(C) FUNDS AUTHORIZED BY THIS SECTION SHALL BE AVAILABLE SOLELY FOR EXPENDITURE FOR PROJECTS ON ANY FEDERAL-AID SYSTEM (OTHER THAN THE INTERSTATE SYSTEM) EXCEPT IN THE VIRGIN ISLANDS, GUAM, AND AMERICAN SAMOA.

"(D) FUNDS MADE AVAILABLE IN ACCORDANCE WITH SUBSECTION (C) //87 STAT. 288// SHALL BE APPORTIONED TO THE STATES IN THE SAME MANNER AS IS PROVIDED IN SECTION 402(C) OF THIS TITLE, AND THE FEDERAL SHARE PAYABLE ON ACCOUNT OF ANY SUCH PROJECT SHALL BE 90 PER CENTUM OF THE COST THEREOF.

"(E) EACH STATE SHALL REPORT TO THE SECRETARY OF TRANSPORTATION NOT LATER THAN SEPTEMBER 30, 1974, AND NOT LATER THAN SEPTEMBER 30 OF EACH YEAR THEREAFTER, ON THE PROGRESS BEING MADE IN IMPLEMENTING THE PROGRAM FOR THE REMOVAL OF ROADSIDE OBSTACLES AND THE EFFECTIVENESS OF SUCH IMPROVEMENTS. EACH REPORT SHALL CONTAIN AN ASSESSMENT OF THE COSTS AND SAFETY BENEFITS OF THE AVARIOUS MEANS AND METHODS USED TO MITIGATE OR ELIMINATE ROADSIDE OBSTACLES. THE SECRETARY OF TRANSPORTATION SHALL SUBMIT A REPORT TO THE CONGRESS NOT LATER THAN JANUARY 1, 1975, AND NOT LATER THAN JANUARY 1 OF EACH YEAR THERAFTER, ON THE PROGRESS BEING MADE BY THE STATES IN ELIMINATING ROADSIDE OBSTACLES AND THE EFFECTIVENESS OF THE IMPROVEMENTS MADE UNDER THIS PROGRAM. THE SECRETARY'S REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, AN ANALYSIS AND EVALUATION OF EACH STATE PROGRAM, IDENTIFICATION OF ANY STATE FOUND NOT TO BE IN COMPLIANCE WITH THE SCHEDULE OF IMPROVEMENTS REQUIRED BY SUBSECTION (A) AND SHALL INCLUDE RECOMMENDATIONS FOR FUTURE IMPLEMENTATION OF THE ROADSIDE OBSTACLE REMOVAL PROGRAM. IN ADDITION, TO ASSESS THE SAFETY BENEFITS OF VARYING ROADSIDE OBSTACLE TREATMENTS, THE REPORT SHALL CONTAIN AN ASSFSMENT OF THE COSTS AND SAFETY BENEFITS OF THE VARIOUS MEANS AND METHODS USED TO MITIGATE OR ELIMINATE ROADSIDE OBSTACLES."

(B) THE ANALYSIS OF CHAPTER 1 OF TITLE 23, UNITED STATES CODE, IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING: "153. PROGRAM FOR THE ELIMINATION OF ROADSIDE OBSTACLES."

HIGHWAY SAFETY EDUCATIONAL PROGRAMING AND STUDY

SEC. 211. (A) THE SECRETARY OF TRANSPORTATION, IN COOPERATION WITH INTERESTED GOVERNMENT AND NONGOVERNMENT AUTHORITIES, AGENCIES, ORGANIZATIONS, INSTITUTIONS, BUSINESSES, AND INDIVIDUALS, SHALL CONDUCT A FULL AND COMPLETE INVESTIGATION AND STUDY OF THE USE OF MASS MEDIA FOR INFORMING AND EDUCATING THE PUBLIC OF WAYS AND MEANS FOR REDUCING THE NUMBER AND SEVERITY OF HIGHWAY ACCIDENTS. SUCH A STUDY SHALL INCLUDE, BUT NOT BE LIMITED TO, WAYS AND MEANS FOR ENCOURAGING THE PARTICIPATION AND COOPERATION OF TELEVISION AND RADIO STATION LICENSEES, FOR MEASURING AUDIENCE REACTIONS TO CURRENT EDUCATIONAL PROGRAMS, FOR EVALUATING THE EFFECTIVENESS OF SUCH PROGRAMS, AND FOR DEVELOPING NEW PROGRAMS FOR THE PROMOTION OF HIGHWAY SAFETY. THE SECRETARY SHALL REPORT TO THE CONGRESS HIS FINDINGS AND RECCMMENDATIONS BY JUNE 30, 1974.

(B) FOR THE PURPOSE OF CARRYING OUT SUBSECTION (A) OF THIS SECTION, THERE IS HEREBY AUTHORIZED TO BE APPROPRIATED THE SUM OF \$1,000,000 OUT OF THE HIGHWAY TRUST FUND.

(C) THE SECRETARY OF TRANSPORTATION, IN CONSULTATION WITH STATE AND LOCAL HIGHWAY SAFETY OFFICIALS, SHALL DEVELOP A SERIES OF HIGHWAY SAFETY TELEVISION PROGRAMS OF VARYING LENGTH, UP TO AND INCLUDING FIVE MINUTES, FOR USE IN ACCORDANCE WITH THE PROVISIONS OF THE COMMUNICATIONS ACT OF 1934. AT LEAST 50 PER CENTUM OF THE FUNDS AUTHORIZED AND EXPENDED UNDER SUBSECTION (D) OF THIS SECTION SHALL BE ALLOCATED TO THE STATES AT THE

DISCRETION OF THE SECRETARY FOR APPROVED PROGRAMING PROJECTS. TO THE MAXIMUM EXTENT FEASIBLE, THE SERVICES OF PRIVATE INDIVIDUALS SHALL BE UTILIZED IN CARRYING OUT THIS SUBSECTION.

(D) FOR THE PURPOSE OF CARRYING OUT SUBSECTION (C) OF THIS SECTION, THERE IS HEREBY AUTHORIZED TO BE APPROPRIATED THE SUM OF \$4,000,000 OUT OF THE HIGHWAY TRUST FUND.

CITIZEN PARTICIPATION STUDY

SEC. 212. (A) THE SECRETARY OF TRANSPORTATION, 7787 STAT. 289// IN COOPERATION WITH STATE AND LOCAL HIGHWAY SAFETY AUTHORITIES, SHALL CONDUCT A FULL AND COMPLETE INVESTIGATION AND STUDY OF WAYS AND MEANS FOR ENCOURAGING GREATER CITIZEN PARTICIPATION AND INVOLVEMENT IN HIGHWAY SAFETY PROGRAMS, WITH PARTICULAR EMPHASIS ON TRAFFIC ENFORCEMENT AND ACCIDENT DETECTION, RESPONSE, AND REPORTING, INCLUDING, BUT NOT LIMITED TO, THE CREATION OF CITIZEN ADJUNCTS TO ASSIST PROFESSIONAL TRAFFIC ENFORCEMENT AGENCIES AND HIGHWAY RESCUE AGENCIES IN THE PERFORMANCE OF THEIR DUTIES. THE SECRETARY SHALL REPORT TO THE CONGRESS HIS FINDINGS AND RECOMMENDATIONS BY JUNE 30, 1974.

(B) FOR THE PURPOSES OF CARRYING OUT THIS SECTION, THERE IS AUTHORIZED TO BE APPROPRIATED THE SUM OF \$1,000,000 OUT OF THE HIGHWAY TRUST FUND.

FEASIBILITY STUDY--NATIONAL CENTER FOR STATISTICAL ANALYSIS OF HIGHWAY OPERATIONS

SEC. 213. (A) THE SECRETARY OF TRANSPORTATION SHALL MAKE A STUDY OF THE FEASIBILITY OF ESTABLISHING A NATIONAL CENTER FOR STATISTICAL ANALYSIS OF HIGHWAY OPERATIONS DESIGNED TO ACQUIRE, STORE, AND RETRIEVE HIGHWAY ACCIDENT DATA AND STANDARDIZE THE INFORMATION AND PROCEDURES FOR REPORTING ACCIDENTS ON A NATIONWIDE BASIS. SUCH STUDY SHOULD INCLUDE, BUT NOT BE LIMITED TO, AN ESTIMATE OF THE COST OF ESTABLISHING AND MAINTAINING SUCH A CENTER, INCLUDING THE MEANS OF ACQUIRING THE ACCIDENT INFORMATION TO BE STORED WITHIN, THE METHODS TO BE USED FOR ITS EVALUATION AND THE CRITERIA NEEDED TO ASSURE ITS PROPER UTILIZATION BY APPROPRIATE PUBLIC AND PRIVATE AGENCIES AND GROUPS. THE SECRETARY SHALL REPORT TO THE CONGRESS HIS FINDINGS AND RECOMMENDATIONS NOT LATER THAN JANUARY 1, 1975.

(B) FOR THE PURPOSE OF CARRYING OUT THIS SECTION, THERE IS AUTHORIZED TO BE APPROPRIATED THE SUM OF \$5,000,000 OUT OF THE HIGHWAY TRUST FUND.

PEDESTRIAN AND BICYCLE SAFETY STUDY

SEC. 214. (A) THE SECRETARY OF TRANSPORTATION SHALL MAKE A FULL AND COMPLETE INVESTIGATION AND STUDY OF PEDESTRIAN AND BICYCLE SAFETY. SUCH AN INVESTIGATION AND STUDY SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

- (1) A REVIEW AND EVALUATION OF STATE AND LOCAL ORDINANCES, REGULATIONS, AND LAWS AND THE ENFORCEMENT POLICIES, PROCEDURES, METHODS, PRACTICES, AND CAPABILITIES FOR ENFORCING THEM.
- (2) THE RELATIONSHIP BETWEEN ALCOHOL AND PEDESTRIAN AND BICYCLE SAFETY, WITH SPECIAL EMPHASIS ON PROBLEM DRINKERS, BOTH DRIVERS AND PEDESTRIANS.
- (3) AN EVALUATION OF WAYS AND MEANS OF IMPROVING PEDESTRIAN AND BICYCLE SAFETY PROGRAMS.
- (4) AN ANALYSIS OF PRESENT FUNDING ALLOCATIONS FOR PEDESTRIAN AND

BICYCLE SAFETY PROGRAMS AND AN ASSESSMENT OF CAPABILITIES OF FEDERAL, STATE, AND LOCAL GOVERNMENTS TO FUND SUCH ACTIVITIES AND PROGRAMS.

IN THE CONDUCT OF SUCH INVESTIGATION AND STUDY, THE SECRETARY SHALL COOPERATE AND CONSULT WITH OTHER AGENCIES OF THE FEDERAL GOVERNMENT, THE STATES, AND THEIR POLITICAL SUBDIVISIONS, AND OTHER INTERESTED PRIVATE ORGANIZATIONS, GROUPS, AND INDIVIDUALS.

(B) THE SECRETARY SHALL, NOT LATER THAN JANUARY 31, 1975, REPORT TO THE CONGRESS THE RESULTS OF THIS INVESTIGATION AND STUDY TOGETHER WITH HIS CONCLUSIONS AND RECOMMENDATIONS FOR APPROPRIATE LEGISLATION.

(C) THERE IS HEREBY AUTHORIZED NOT TO EXCEED \$5,000,000 FROM THE HIGHWAY TRUST FUND TO CARRY OUT THIS SECTION. //87 STAT. 290//

MANPOWER TRAINING AND DEMONSTRATIONS PROGRAMS

SEC. 215. THE FIRST SENTENCE OF SUBSECTION (C) OF SECTION 402 OF TITLE 23, UNITED STATES CODE, //80 STAT. 731// IS AMENDED BY INSERTING IMMEDIATELY AFTER "APPROVED IN ACCORDANCE WITH SUBSECTION (A), "THE FOLLOWING: "INCLUDING DEVELOPMENT AND IMPLEMENTATION OF MANPOWER TRAINING PROGRAMS, AND OF DEMONSTRATION PROGRAMS THAT THE SECRETARY DETERMINES WILL CONTRIBUTE DIRECTLY TO THE REDUCTION OF ACCIDENTS, AND DEATHS AND INJURIES RESULTING THEREFROM. SUCH FUNDS."

PUBLIC ROAD MILEAGE

SEC. 216. SUBSECTION (C) OF SECTION 402 OF TITLE 23, UNITED STATES CODE, //84 STAT. 1740// IS AMENDED BY INSERTING IMMEDIATELY AFTER THE THIRD SENTENCE THE FOLLOWING: "PUBLIC ROAD MILEAGE AS USED IN THIS SUBSECTION SHALL BE DETERMINED AS OF THE END OF THE CALENDAR YEAR PRECEDING THE YEAR IN WHICH THE FUNDS ARE APPORTIONED AND SHALL BE CERTIFIED TO BY THE GOVERNOR OF THE STATE AND SUBJECT TO APPROVAL BY THE SECRETARY."

MINIMUM APPORTIONMENT

SEC. 217. SUBSECTION (C) OF SECTION 402 OF TITLE 23, UNITED STATES CODE, IS AMENDED BY STRIKING "ONE-THIRD OF 1 PER CENTUM" IN THE FIFTH SENTENCE THEREOF, AND INSERTING "ONE-HALF OF 1 PER CENTUM".

HIGHWAY SAFETY PROGRAM APPLICABILITY

SEC. 218. SECTION 401, TITLE 23, UNITED STATES CODE, //80 STAT. 731. "STATE."// IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING: "FOR THE PURPOSES OF THIS CHAPTER, THE TERM 'STATE' MEANS ANY ONE OF THE FIFTY STATES, THE DISTRICT OF COLUMBIA, PUERTO RICO, THE VIRGIN ISLANDS, GUAM, AND AMERICAN SAMOA, EXCEPT THAT ALL EXPENDITURES FOR CARRYING OUT THIS CHAPTER IN THE VIRGIN ISLANDS, GUAM, AND AMERICAN SAMOA SHALL BE PAID OUT OF MONEY IN THE TREASURY NOT OTHERWISE APPROPRIATED."

INCENTIVES FOR COMPLIANCE WITH HIGHWAY SAFETY PROGRAMS

SEC. 219. SECTION 402 OF TITLE 23, UNITED STATES CODE, //ANTE, P. 285.// IS AMENDED BY ADDING THE FOLLOWING NEW SUBSECTION:

"(J)(1) IN ADDITION TO OTHER GRANTS AUTHORIZED BY THIS SECTION, THE SECRETARY MAY MAKE INCENTIVE GRANTS IN EACH FISCAL YEAR TO THOSE STATES WHICH HAVE ADOPTED LEGISLATION REQUIRING THE USE OF SEATBELTS IN ACCORDANCE WITH CRITERIA WHICH THE SECRETARY SHALL ESTABLISH AND PUBLISH. SUCH GRANTS MAY ONLY BE USED BY RECIPIENT STATES TO FURTHER THE PURPOSES

OF THIS CHAPTER. SUCH GRANTS SHALL BE IN ADDITION TO OTHER FUNDS AUTHORIZED BY THIS SECTION. THERE IS HEREBY AUTHORIZED TO BE APPROPRIATED TO CARRY OUT THIS PARAGRAPH, OUT OF THE HIGHWAY TRUST FUND, NOT TO EXCEED \$25,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, NOT TO EXCEED \$32,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, AND NOT TO EXCEED \$37,500,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1976.

"(2) IN ADDITION TO OTHER GRANTS AUTHORIZED BY THIS SECTION, THE SECRETARY MAY MAKE ADDITIONAL INCENTIVE GRANTS TO THOSE STATES WHICH HAVE MADE THE MOST SIGNIFICANT PROGRESS IN REDUCING TRAFFIC FATALITIES BASED ON THE REDUCTION IN THE RATE OF SUCH FATALITIES PER ONE HUNDRED MILLION-VEHICLE MILES DURING THE CALENDAR YEAR IMMEDIATELY PRECEDING THE FISCAL YEAR FOR WHICH SUCH INCENTIVE FUNDS ARE AUTHORIZED COMPARED WITH THE AVERAGE ANNUAL RATE OF SUCH FATALITIES FOR THE FOUR CALENDAR YEAR PERIOD PRECEDING SUCH CALENDAR YEAR. //87 STAT. 291// SUCH INCENTIVE GRANTS SHALL BE MADE IN ACCORDANCE WITH CRITERIA WHICH THE SECRETARY SHALL ESTABLISH AND PUBLISH. SUCH GRANTS MAY ONLY BE USED BY RECIPIENT STATES TO FURTHER THE PURPOSES OF THIS CHAPTER. SUCH GRANTS SHALL BE IN ADDITION TO OTHER FUNDS AUTHORIZED BY THIS SECTION. THERE IS HEREBY AUTHORIZED TO BE APPROPRIATED TO CARRY OUT THIS PARAGRAPH, OUT OF THE HIGHWAY TRUST FUND, NOT TO EXCEED \$12,500,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, NOT TO EXCEED \$16,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, AND NOT TO EXCEED \$19,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1976.

"(3) INCENTIVE AWARDS AUTHORIZED BY THIS SECTION SHALL NOT EXCEED 25 PER CENTUM OF EACH STATE'S APPORTIONMENT AS AUTHORIZED BY THIS CHAPTER."

HIGHWAY SAFETY RESEARCH AND DEVELOPMENT

SEC. 220. THE SECOND SENTENCE OF SUBSECTION (A) OF SECTION 403 OF TITLE 23, UNITED STATES CODE, //ANTE, P. 286.// IS AMENDED TO READ AS FOLLOWS: "IN ADDITION, THE SECRETARY MAY USE THE FUNDS APPROPRIATED TO CARRY OUT THIS SECTION, EITHER INDEPENDENTLY OR IN COOPERATION WITH OTHER FEDERAL DEPARTMENTS OR AGENCIES, FOR MAKING GRANTS TO OR CONTRACTING WITH STATE OR LOCAL AGENCIES, INSTITUTIONS, AND INDIVIDUALS FOR (1) TRAINING OR EDUCATION OF HIGHWAY SAFETY PERSONNEL, (2) RESEARCH FELLOWSHIPS IN HIGHWAY SAFETY, (3) DEVELOPMENT OF IMPROVED ACCIDENT INVESTIGATION PROCEDURES, (4) EMERGENCY SERVICE PLANS, (5) DEMONSTRATION PROJECTS, AND (6) RELATED ACTIVITIES WHICH THE SECRETARY DEEMS WILL PROMOTE THE PURPOSES OF THIS SECTION. THE SECRETARY SHALL ASSURE THAT NO FEES ARE CHARGED FOR ANY MEETING OR SERVICES ATTENDANT THERETO OR OTHER ACTIVITIES RELATING TO TRAINING AND EDUCATION OF HIGHWAY SAFETY PERSONNEL."

TRANSFER OF DEMONSTRATION PROJECT EQUIPMENT

SEC. 221. SECTION 403 OF TITLE 23, UNITED STATES CODE, IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW SUBSECTION: "(D) THE SECRETARY MAY, WHERE HE DEEMS IT TO BE IN FURTHERANCE OF THE PURPOSES OF SECTION 402 OF THIS TITLE, //ANTE, P. 290.// VEST IN STATE OR LOCAL AGENCIES, ON SUCH TERMS AND CONDITIONS AS HE DEEMS APPROPRIATE, TITLE TO EQUIPMENT PURCHASED FOR DEMONSTRATION PROJECTS WITH FUNDS AUTHORIZED BY THIS SECTION."

ADMINISTRATIVE ADJUDICATION OF TRAFFIC INFRACTIONS

SEC. 222. SECTION 403 OF TITLE 23, UNITED STATES CODE, //SUPRA// IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW SUBSECTION:

"(E) IN ADDITION TO THE RESEARCH AUTHORIZED BY SUBSECTION (A) OF THIS SECTION, THE SECRETARY SHALL, EITHER INDEPENDENTLY OR IN COOPERATION WITH OTHER FEDERAL DEPARTMENTS OR AGENCIES, CONDUCT RESEARCH INTO, AND MAKE GRANTS TO OR CONTRACTS WITH STATE OR LOCAL AGENCIES, INSTITUTIONS, AND INDIVIDUALS FOR PROJECTS TO DEMONSTRATE THE ADMINISTRATIVE ADJUDICATION OF TRAFFIC INFRACTIONS. SUCH ADMINISTRATIVE ADJUDICATION DEMONSTRATION PROJECTS SHALL BE DESIGNED TO IMPROVE HIGHWAY SAFETY BY DEVELOPING FAIR, EFFICIENT, AND EFFECTIVE PROCESSES AND PROCEDURES FOR TRAFFIC INFRACTION ADJUDICATION, UTILIZING APPROPRIATE PUNISHMENT, TRAINING, AND REHABILITATIVE MEASURES FOR TRAFFIC OFFENDERS. THE SECRETARY SHALL REPORT TO CONGRESS BY JULY 1, 1975, AND EACH YEAR THEREAFTER DURING THE CONTINUANCE OF THE PROGRAM, ON THE RESEARCH AND DEMONSTRATION PROJECTS AUTHORIZED BY THIS SUBSECTION, AND SHALL INCLUDE IN SUCH REPORT A COMPARISON OF THE FAIRNESS, EFFICIENCY, AND EFFECTIVENESS OF ADMINISTRATIVE ADJUDICATION OF TRAFFIC INFRACTIONS WITH OTHER METHODS OF HANDLING SUCH INFRACTIONS."

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NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

SEC. 223. //87 STAT. 292// SUBSECTION (A)(1) OF SECTION 404 OF TITLE 23, UNITED STATES CODE, //81 STAT. 507// IS AMENDED BY INSERTING IMMEDIATELY AFTER "FEDERAL HIGHWAY ADMINISTRATOR," THE FOLLOWING "THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATOR,".

DATE OF ANNUAL REPORT

SEC. 224. THE FIRST SENTENCE OF SUBSECTION (A) OF SECTION 202 OF THE HIGHWAY SAFETY ACT OF 1966 (80 STAT. 736) //23 USC 401 NOTE// IS AMENDED BY DELETING "MARCH 1" AND SUBSTITUTING IN LIEU THEREOF THE FOLLOWING: "JULY 1".

HIGHWAY SAFETY NEEDS STUDY

SEC. 225. IN ORDER TO PROVIDE THE BASIS FOR EVALUATING THE CONTINUING HIGHWAY SAFETY PROGRAMS AUTHORIZED IN TITLE 23, UNITED STATES CODE, //72 STAT. 885. 23 USC 101 ET SEQ.// AND TO FURNISH CONGRESS WITH THE INFORMATION NECESSARY FOR THE AUTHORIZATION OF APPROPRIATIONS FOR SUCH PROGRAMS, THE SECRETARY OF TRANSPORTATION, IN COOPERATION WITH THE GOVERNORS AND APPROPRIATE STATE AND LOCAL HIGHWAY OFFICIALS, SHALL MAKE A FULL AND COMPLETE STUDY OF HIGHWAY SAFETY NEEDS AND SHALL PREPARE RECOMMENDATIONS AND ESTIMATES OF THE COSTS FOR MEETING SUCH NEEDS. SUCH ESTIMATES AND RECOMMENDATIONS SHALL IDENTIFY THE REQUIREMENTS TO MEET HIGHWAY SAFETY NEEDS OF THE STATES, PUERTO RICO, AND THE DISTRICT OF COLUMBIA AND WOULD ALSO CONSIDER THOSE OF GUAM, AMERICAN SAMOA, THE VIRGIN ISLANDS AND SUCH OTHER UNITED STATES TERRITORIES AS THE SECRETARY SHALL DETERMINE. THE SECRETARY SHALL SUBMIT SUCH DETAILED ESTIMATES AND RECOMMENDATIONS TO THE CONGRESS NOT LATER THAN JANUARY 10, 1976.

DRIVER EDUCATION EVALUATION PROGRAM

SEC. 226. (A) SECTION 403 OF TITLE 23, UNITED STATES CODE, //ANTE, P. 291.// IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW SUBSECTION:

"(F) IN ADDITION TO THE RESEARCH AUTHORIZED BY SUBSECTION (A) OF THIS

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SECTION, THE SECRETARY SHALL CARRY OUT RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROJECTS TO IMPROVE AND EVALUATE THE EFFECTIVENESS OF VARIOUS TYPES OF DRIVER EDUCATION PROGRAMS IN REDUCING TRAFFIC ACCIDENTS AND DEATHS, INJURIES, AND PROPERTY DAMAGE RESULTING THEREFROM. THE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROJECTS AUTHORIZED BY THIS SUBSECTION MAY BE CARRIED OUT BY THE SECRETARY THROUGH GRANTS AND CONTRACTS WITH PUBLIC AND PRIVATE AGENCIES, INSTITUTIONS, AND INDIVIDUALS. THE SECRETARY SHALL REPORT TO THE CONGRESS BY JULY 1, 1975, AND EACH YEAR THEREAFTER DURING THE CONTINUANCE OF THE PROGRAM, ON THE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROJECTS AUTHORIZED BY THIS SUBSECTION, AND SHALL INCLUDE IN SUCH REPORT AN EVALUATION OF THE EFFECTIVENESS OF DRIVER EDUCATION PROGRAMS IN REDUCING TRAFFIC ACCIDENTS AND DEATHS, INJURIES, AND PROPERTY DAMAGE RESULTING THEREFROM."

(B) FOR THE PURPOSE OF CARRYING OUT THE AMENDMENT MADE BY SUBSECTION (A) OF THIS SECTION, THERE IS AUTHORIZED TO BE APPROPRIATED \$10,000,000 OUT OF THE HIGHWAY TRUST FUND.

TRANSFER OF FUNDS AMONG HIGHWAY SAFETY PROGRAMS

SEC. 227. SECTION 104 OF TITLE 23, UNITED STATES CODE, //ANTE, P. 257.// IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW SUBSECTION:

"(G) NOT MORE THAN 30 PER CENTUM OF THE AMOUNT APPORTIONED IN ANY FISCAL YEAR TO EACH STATE IN ACCORDANCE WITH SECTIONS 144, 152, AND 153 OF THIS TITLE, OR SECTION 203(D) OF THE HIGHWAY SAFETY ACT OF 1973, //84 STAT. 1741; ANTE, PP. 286, 287, 283.// MAY BE TRANSFERRED FROM THE APPORTIONMENT UNDER ONE SECTION TO THE APPORTIONMENT UNDER ANY OTHER OF SUCH SECTIONS IF SUCH A TRANSFER IS REQUESTED BY THE STATE HIGHWAY DEPARTMENT AND IS APPROVED BY THE SECRETARY AS BEING IN THE PUBLIC INTEREST. //87 STAT. 293// THE SECRETARY MAY APPROVE SUCH TRANSFER ONLY IF HE HAS RECEIVED SATISFACTORY ASSURANCES FROM THE STATE HIGHWAY DEPARTMENT THAT THE PURPOSES OF THE PROGRAM FROM WHICH SUCH FUNDS ARE TO BE TRANSFERRED HAVE BEEN MET."

CURB RAMPS FOR THE HANDICAPPED

SEC. 228. PARAGRAPH (1) OF SUBSECTION (B) OF SECTION 402 OF TITLE 23, UNITED STATES CODE, //80 STAT. 731.// IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING:

"(F) PROVIDE ADEQUATE AND REASONABLE ACCESS FOR THE SAFE AND CONVENIENT MOVEMENT OF PHYSICALLY HANDICAPPED PERSONS, INCLUDING THOSE IN WHEELCHAIRS, ACROSS CURB CONSTRUCTED OR REPLACED ON OR AFTER JULY 1, 1976, AT ALL PEDESTRIAN CROSSWALKS THROUGHOUT THE STATE."

HIGHWAY SAFETY STANDARDS

SEC. 229. SUBSECTION (H) OF SECTION 402 OF TITLE 23, UNITED STATES CODE, //84 STAT. 1740.// IS AMENDED TO READ AS FOLLOWS:

"(H) EACH UNIFORM SAFETY STANDARD PROMULGATED UNDER THIS SECTION ON OR BEFORE JULY 1, 1973, SHALL CONTINUE IN EFFECT UNLESS OTHERWISE SPECIFICALLY PROVIDED BY LAW ENACTED AFTER THE DATE OF ENACTMENT OF THE FEDERAL-AID HIGHWAY ACT OF 1973. THE SECRETARY SHALL NOT PROMULGATE ANY OTHER UNIFORM SAFETY STANDARD UNDER THIS SECTION (INCLUDING BY REVISION OF

A STANDARD CONTINUED IN EFFECT BY THE PRECEDING SENTENCE) UNLESS OTHERWISE SPECIFICALLY PROVIDED BY LAW ENACTED AFTER THE DATE OF ENACTMENT OF THE FEDERAL-AID HIGHWAY ACT OF 1973."

FEDERAL-AID SAFER ROADS DEMONSTRATION PROGRAM

SEC. 230. (A) CHAPTER 4 OF TITLE 23, UNITED STATES CODE, //80 STAT. 731. 23 USC 401.// IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW SECTION:

" 405. FEDERAL-AID SAFER ROADS DEMONSTRATION PROGRAM

"(A) THE FEDERAL-AID SAFER ROADS DEMONSTRATION PROGRAM SHALL CONSIST OF ALL PUBLIC ROADS OR SEGMENTS THEREOF NOT ON A FEDERAL-AID SYSTEM NEEDING IMPROVEMENTS TO CORRECT SAFETY HAZARDS SELECTED OR DESIGNATED BY EACH STATE SUBJECT TO THE APPROVAL OF THE SECRETARY.

"(B) NOT LATER THAN JUNE 30, 1974, EACH STATE SHALL IDENTIFY PROJECTS FOR THE FEDERAL-AID SAFER ROADS DEMONSTRATION PROGRAM FOR ALL PUBLIC ROADS IN SUCH STATE NOT ON THE FEDERAL-AID SYSTEM, INCLUDING PROJECTS TO IMPROVE HIGHWAY MARKING AND SIGNING, TO ELIMINATE ROADSIDE OBSTACLES, TO ELIMINATE HAZARDS AT RAILROAD-HIGHWAY GRADE CROSSINGS, AND TO CORRECT HIGH-HAZARD LOCATIONS, IDENTIFIED BY ACCIDENT REPORTING, TRAFFIC RECORDS AND HAZARDS ANALYSIS SYSTEMS ESTABLISHED IN ACCORDANCE WITH STANDARDS PROMULGATED UNDER SUBSECTION (A) OF SECTION 402 OF THIS TITLE. //POST, P. 294.// EACH STATE SHALL ASSIGN PRIORITIES FOR AND UNDERTAKE THE SYSTEMATIC CORRECTION OF IDENTIFIED HAZARDS, TO PROVIDE FOR THE MOST EFFECTIVE IMPROVEMENT IN HIGHWAY SAFETY.

"(C) THERE IS AUTHORIZED TO BE APPROPRIATED FOR THE FEDERAL-AID SAFER ROADS DEMONSTRATION PROGRAM FOR PROJECTS ON PUBLIC ROADS NOT ON THE FEDERAL-AID SYSTEM FOR THE REMOVAL OF ROADSIDE OBSTACLES, THE ELIMINATION OF HAZARDS AT RAILROAD-HIGHWAY GRADE CROSSINGS, AND THE PROPER MARKING AND SIGNING OF HIGHWAYS IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION, OUT OF THE HIGHWAY TRUST FUND, \$50,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, AND \$100,000,000 PER FISCAL YEAR FOR EACH OF THE FISCAL YEARS ENDING JUNE 30, 1975, AND JUNE 30, 1976. //87 STAT. 294// SUCH SUMS SHALL BE APPORTIONED AMONG THE STATES IN ACCORDANCE WITH THE FORMULA ESTABLISHED UNDER SUBSECTION (C) OF SECTION 402 OF THIS TITLE. //ANTE, P. 290.// THE FEDERAL SHARE PAYABLE ON ACCOUNT OF ANY SUCH PROJECT SHALL BE 90 PER CENTUM OF THE COST THEREOF. THE PROVISIONS OF CHAPTER 1 OF THIS TITLE RELATING TO THE OBLIGATION, PERIOD OF AVAILABILITY, AND EXPENDITURE FOR FEDERAL-AID PRIMARY HIGHWAY FUNDS SHALL APPLY TO FUNDS APPORTIONED TO CARRY OUT THIS SUBSECTION. PRIOR TO JUNE 30, 1974, FUNDS SHALL BE AVAILABLE FOR SUCH PROJECTS AS DETERMINED BY THE STATE, SUBJECT TO THE APPROVAL OF THE SECRETARY.

"(D) FOR THE PURPOSES OF THIS SECTION, THE TERM 'PUBLIC ROAD' MEANS ANY ROAD UNDER THE JURISDICTION OF AND MAINTAINED BY A PUBLIC AUTHORITY AND OPEN TO PUBLIC TRAVEL AND WHICH IS NOT ON A FEDERAL-AID SYSTEM.

"(E) IT SHALL BE THE RESPONSIBILITY OF EACH STATE TO MAINTAIN ADEQUATE PAVEMENT MARKINGS ON ANY PUBLIC ROAD MARKED WITH FUNDS AVAILABLE UNDER THIS SECTION IN SUCH STATE.

"(F) IN ANY STATE WHEREIN THE STATE IS WITHOUT LEGAL AUTHORITY TO CONSTRUCT OR MAINTAIN A PROJECT UNDER THIS SECTION, SUCH STATE SHALL ENTER

INTO A FORMAL AGREEMENT FOR SUCH CONSTRUCTION OR MAINTENANCE WITH THE APPROPRIATE LOCAL OFFICIALS OF THE COUNTY OF MUNICIPALITY IN WHICH SUCH PROJECT IS LOCATED.

"(G) IN CARRYING OUT THE FEDERAL-AID SAFER ROADS DEMONSTRATION PROGRAM AUTHORIZED BY THIS SECTION, THE SECRETARY SHALL COORDINATE SUCH PROGRAM WITH THE PROGRAMS AND PROJECTS AUTHORIZED IN SECTIONS 144, 152, AND 153, OF THIS TITLE AND SECTION 203(D) OF THE HIGHWAY SAFETY ACT OF 1973. //84 STAT. 1741; ANTE, PP. 286, 287.//

"(H) THE SECRETARY SHALL FILE AN INTERIM REPORT WITH THE CONGRESS ON JANUARY 1, 1975, CONCERNING THE PROGRESS MADE UNDER THE DEMONSTRATION PROGRAM AUTHORIZED BY THIS SECTION AND ITS EFFECTIVENESS. THE SECRETARY SHALL REPORT TO CONGRESS ON OR BEFORE JANUARY 1, 1976, A COMPREHENSIVE REPORT ON THE PROGRAM AUTHORIZED BY THIS SECTION. SUCH REPORTS SHALL INCLUDE, BUT NOT BE LIMITED TO, THE NUMBER OF PROJECTS UNDERTAKEN, THEIR DISTRIBUTION BY COST RANGE, ROADS SYSTEM, MEANS AND METHODS USED, AND PREVIOUS AND SUBSEQUENT ACCIDENT EXPERIENCE AT IMPROVED LOCATIONS. IN ADDITION SUCH REPORTS SHALL ANALYZE AND EVALUATE THE PROGRAM STATE BY STATE, AND SHALL INCLUDE SUCH RECOMMENDATIONS AS HE DETERMINES NECESSARY FOR THE FURTHER IMPLEMENTATION OF THIS PROGRAM."

(B) THE TABLE OF CONTENTS OF CHAPTER 4 OF TITLE 23, UNITED STATES CODE, IS AMENDED BY ADDING AT THE END THEREOF: "405. FEDERAL-AID SAFER ROADS DEMONSTRATION PROGRAM.".

BICYCLE SAFETY

SEC. 231. (A) THE FOURTH SENTENCE OF SUBSECTION (A) OF SECTION 402 OF TITLE 23, UNITED STATES CODE, //80 STAT. 731.// IS AMENDED BY STRIKING OUT THE PERIOD AT THE END THEREOF AND INSERTING IN LIEU THEREOF THE FOLLOWING: "AND BICYCLE SAFETY."

(B) PARAGRAPH (B)(1)(E) OF SECTION 402 OF TITLE 23, UNITED STATES CODE, IS AMENDED BY STRIKING OUT "AND" BEFORE "(5)" AND BY STRIKING OUT THE PERIOD AT THE END OF SUCH PARAGRAPH AND INSERTING IN LIEU THEREOF A COMMA AND THE FOLLOWING: "AND (6) DRIVER EDUCATION PROGRAMS, INCLUDING RESEARCH, THAT WILL ASSURE GREATER SAFETY FOR BICYCLISTS USING PUBLIC ROADS IN SUCH STATE." **

TITLE III

URBAN MASS TRANSPORTATION ACT OF 1964

SEC. 301. (A) //87 STAT. 295// THE FIFTH SENTENCE OF SECTION 4(A) OF THE URBAN MASS TRANSPORTATION ACT OF 1964 IS AMENDED TO READ AS FOLLOWS "THE FEDERAL GRANT FOR ANY SUCH PROJECT TO BE ASSISTED UNDER SECTION 3 SHALL BE IN AN AMOUNT EQUAL TO 90 PER CENTUM OF THE NET PROJECT COST." //78 STAT. 304. 49 USC 1603.//

(B) THE AMENDMENT MADE BY SUBSECTION (A) SHALL APPLY ONLY WITH RESPECT TO PROJECTS WHICH WERE NOT SUBJECT TO ADMINISTRATIVE RESERVATION ON OR BEFORE JULY 1, 1973.

(C) SECTION 4(C) OF THE URBAN MASS TRANSPORTATION ACT OF 1964 IS AMENDED BY STRIKING OUT "\$3,000,000" IN THE FIRST AND THIRD SENTENCE AND INSERTING IN LIEU THEREOF "\$6,000,000,000". //84 STAT. 965.//

(D) SECTION 9 OF THE URBAN MASS TRANSPORTATION ACT OF 1964 IS AMENDED-- //80 STAT. 715. 49 USC 1607A.//

(1) BY STRIKING OUT "TO MAKE GRANTS" IN THE FIRST SENTENCE AND INSERTING IN LIEU THEREOF "TO CONTRACT FOR AND MAKE GRANTS";

(2) BY STRIKING OUT "AND DESIGNING" IN THE FIRST SENTENCE AND INSERTING IN LIEU THEREOF "DESIGNING, AND EVALUATION";

(3) BY STRIKING OUT "AND (3)" IN THE SECOND SENTENCE AND INSERTING IN LIEU THEREOF "(3) EVALUATION OF PREVIOUSLY FUNDED PROJECTS; AND (4)";

(4) BY INSERTING "OR CONTRACT" AFTER "A GRANT" IN THE THIRD SENTENCE; AND

(5) BY STRIKING OUT ALL THAT FOLLOWS "SECRETARY" IN THE THIRD SENTENCE AND INSERTING IN LIEU THEREOF A PERIOD.

(E) THE PROVISION OF ASSISTANCE UNDER THE AMENDMENTS MADE BY THIS SECTION SHALL NOT BE CONSTRUED AS BRINGING WITHIN THE APPLICATION OF CHAPTER 15 OF TITLE 5, UNITED STATES CODE, //80 STAT. 403. 5 USC 1501.// ANY NONSUPERVISORY EMPLOYEE OF AN URBAN MASS TRANSPORTATION SYSTEM (OR OF ANY OTHER AGENCY OR ENTITY PERFORMING RELATED FUNCTIONS) TO WHOM SUCH CHAPTER IS OTHERWISE INAPPLICABLE.

(F) SECTION 12 OF THE URBAN MASS TRANSPORTATION ACT OF 1964 IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW SUBSECTION: // 78 STAT. 306; 79 STAT. 507; 80 STAT. 715. 49 USC 1608.//

"(F) NO PERSON SHALL ON THE GROUND OF SEX BE EXCLUDED FROM PARTICIPATION IN, BE DENIED THE BENEFITS OF, OR BE SUBJECTED TO DISCRIMINATION UNDER ANY PROGRAM OR ACTIVITY RECEIVING FEDERAL ASSISTANCE UNDER THIS ACT OR CARRIED ON UNDER THIS ACT. THIS PROVISION WILL BE ENFORCED THROUGH AGENCY PROVISIONS AND RULES SIMILAR TO THOSE ALREADY ESTABLISHED, WITH RESPECT TO RACIAL AND OTHER DISCRIMINATION, UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964. //78 STAT. 252. 42 USC 2000D.// HOWEVER, THIS REMEDY IS NOT EXCLUSIVE AND WILL NOT PREJUDICE OR CUT OFF ANY OTHER LEGAL REMEDIES AVAILABLE TO A DISCRIMINATEE."

(G) SECTION 16(B) OF THE URBAN MASS TRANSPORTATION ACT OF 1964 IS AMENDED TO READ AS FOLLOWS:

"(B) IN ADDITION TO THE GRANTS AND LOANS OTHERWISE PROVIDED FOR UNDER THIS ACT, THE SECRETARY IS AUTHORIZED TO MAKE GRANTS AND LOANS-- //84 STAT. 967. 49 USC 1612.//

"(1) TO STATES AND LOCAL PUBLIC BODIES AND AGENCIES THEREOF FOR THE SPECIFIC PURPOSE OF ASSISTING THEM IN PROVIDING MASS TRANSPORTATION SERVICES WHICH ARE PLANNED, DESIGNED, AND CARRIED OUT SO AS TO MEET THE SPECIAL NEEDS OF ELDERLY AND HANDICAPPED PERSONS, WITH SUCH GRANTS AND LOANS BEING SUBJECT TO ALL OF THE TERMS, CONDITIONS, REQUIREMENTS, AND PROVISIONS APPLICABLE TO GRANTS AND LOANS MADE UNDER SECTION 3(A) AND BEING CONSIDERED FOR THE PURPOSES OF ALL OTHER LAWS TO HAVE BEEN MADE UNDER SUCH SECTION; //84 STAT. 962 49 USC 1602.// AND

"(2) TO PRIVATE NONPROFIT CORPORATIONS AND ASSOCIATIONS FOR THE SPECIFIC PURPOSE OF ASSISTING THEM IN PROVIDING TRANSPORTATION SERVICES MEETING THE SPECIAL NEEDS OF ELDERLY AND HANDICAPPED PERSONS FOR WHOM MASS TRANSPORTATION SERVICES PLANNED, DESIGNED, AND CARRIED OUT UNDER PARAGRAPH (1) ARE UNAVAILABLE, INSUFFICIENT, OR

INAPPROPRIATE, WITH SUCH GRANTS AND LOANS BEING SUBJECT TO SUCH TERMS, CONDITIONS, REQUIREMENTS, AND PROVISIONS (SIMILAR SO FAR AS MAY BE APPROPRIATE TO THOSE APPLICABLE TO GRANTS AND LOANS UNDER PARAGRAPH (1)) AS THE SECRETARY MAY DETERMINE TO BE NECESSARY OR APPROPRIATE FOR PURPOSES OF THIS PARAGRAPH. //87 STAT. 296// OF THE TOTAL AMOUNT OF THE OBLIGATIONS WHICH THE SECRETARY IS AUTHORIZED TO INCUR ON BEHALF OF THE UNITED STATES UNDER THE FIRST SENTENCE OF SECTION 4(C), //ANTE, P. 295.// 2 PER CENTUM MAY BE SET ASIDE AND USED EXCLUSIVELY TO FINANCE THE PROGRAMS AND ACTIVITIES AUTHORIZED BY THIS SUBSECTION (INCLUDING ADMINISTRATIVE COSTS)."

TITLE IV

INAPPLICABILITY OF TIME REQUIREMENTS

SEC. 401. THE TIME REQUIREMENTS IN SECTION 104(8) OF TITLE 23, UNITED STATES CODE, //ANTE, P. 256.// SHALL NOT BE APPLICABLE TO THE APPORTIONMENT OF SUMS AUTHORIZED FOR THE FISCAL YEAR ENDING JUNE 30, 1974, IN ANY TITLE OF THIS ACT, AND THE SECRETARY SHALL APPORTION SUCH SUMS FOR SUCH FISCAL YEAR AS SOON AS PRACTICABLE AFTER THE DATE OF ENACTMENT OF THIS ACT.

CONFORMING ADJUSTMENTS

SEC. 402. ALL SUMS AUTHORIZED IN PUBLIC LAW 93 - 61 ARE INCLUDED WITHIN THE AUTHORIZATIONS CONTAINED IN THIS ACT FOR THE FISCAL YEAR ENDING JUNE 30, 1974, //ANTE, P. 145.// AND THE SECRETARY SHALL MAKE SUCH ADJUSTMENTS IN APPORTIONMENTS MADE UNDER PUBLIC LAW 93 - 61 AS MAY BE NECESSARY TO CONFORM SUCH APPORTIONMENTS TO THIS ACT.

LEGISLATIVE HISTORY:

HOUSE REPORTS: NO. 93 - 118 (COMM. ON PUBLIC WORKS) AND NO. 94 - 410 (COMM. OF CONFERENCE).

SENATE REPORTS: NO. 93 - 61 (COMM. ON PUBLIC WORKS) AND NO. 93 - 355 (COMM. OF CONFERENCE).

CONGRESSIONAL RECORD, VOL. 119 (1973):

MAR. 14, 15, CONSIDERED AND PASSED SENATE. APR. 17 - 19, CONSIDERED AND PASSED HOUSE, AMENDED. AUG. 1, SENATE AGREED TO CONFERENCE REPORT. AUG. 3, HOUSE AGREED TO CONFERENCE REPORT.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, VOL. 9, NO. 33:

AUG. 13, PRESIDENTIAL STATEMENT.

ITEM 20

00104.87.003550

PUBLIC LAW 93 - 112; 87 STAT. 355;

REHABILITATION ACT OF 1973 (PART 1)

93RD CONGRESS, H.R. 8070

SEPTEMBER 26, 1973

AN ACT

TO REPLACE THE VOCATIONAL REHABILITATION ACT, TO EXTEND AND REVISE THE AUTHORIZATION OF GRANTS TO STATES FOR VOCATIONAL REHABILITATION SERVICES, WITH SPECIAL EMPHASIS ON SERVICES TO THOSE WITH THE MOST SEVERE HANDICAPS, TO EXPAND SPECIAL FEDERAL RESPONSIBILITIES AND RESEARCH AND TRAINING PROGRAMS WITH RESPECT TO HANDICAPPED INDIVIDUALS, TO ESTABLISH SPECIAL RESPONSIBILITIES IN THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE FOR COORDINATION OF ALL PROGRAMS WITH RESPECT TO HANDICAPPED INDIVIDUALS WITHIN THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, AND FOR OTHER PURPOSES.

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BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, THAT THIS ACT, WITH THE FOLLOWING TABLE OF CONTENTS, MAY BE CITED AS THE "REHABILITATION ACT OF 1973":
"TABLE OF CONTENTS OMITTED"

DECLARATION OF PURPOSE

SEC. 2. THE PURPOSE OF THIS ACT IS TO PROVIDE A STATUTORY BASIS FOR THE REHABILITATION SERVICES ADMINISTRATION, AND TO AUTHORIZE PROGRAMS TO--

(1) DEVELOP AND IMPLEMENT COMPREHENSIVE AND CONTINUING STATE PLANS FOR MEETING THE CURRENT AND FUTURE NEEDS FOR PROVIDING VOCATIONAL REHABILITATION SERVICES TO HANDICAPPED INDIVIDUALS AND TO PROVIDE SUCH SERVICES FOR THE BENEFIT OF SUCH INDIVIDUALS, SERVING FIRST THOSE WITH THE MOST SEVERE HANDICAPS, SO THAT THEY MAY PREPARE FOR AND ENGAGE IN GAINFUL EMPLOYMENT;

(2) EVALUATE THE REHABILITATION POTENTIAL OF HANDICAPPED INDIVIDUALS;

(3) CONDUCT A STUDY TO DEVELOP METHODS OF PROVIDING REHABILITATION SERVICES TO MEET THE CURRENT AND FUTURE NEEDS OF HANDICAPPED INDIVIDUALS FOR WHOM A VOCATIONAL GOAL IS NOT POSSIBLE OR FEASIBLE SO THAT THEY MAY IMPROVE THEIR ABILITY TO LIVE WITH GREATER INDEPENDENCE AND SELF-SUFFICIENCY;

(4) ASSIST IN THE CONSTRUCTION AND IMPROVEMENT OF REHABILITATION FACILITIES;

(5) DEVELOP NEW AND INNOVATIVE METHODS OF APPLYING THE MOST ADVANCED MEDICAL TECHNOLOGY, SCIENTIFIC ACHIEVEMENT, AND PSYCHOLOGICAL AND SOCIAL KNOWLEDGE TO SOLVE REHABILITATION PROBLEMS AND DEVELOP NEW AND INNOVATIVE METHODS OF PROVIDING REHABILITATION SERVICES TO HANDICAPPED INDIVIDUALS THROUGH RESEARCH, SPECIAL PROJECTS, AND DEMONSTRATIONS;

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(6) INITIATE AND EXPAND SERVICES TO GROUPS OF HANDICAPPED INDIVIDUALS (INCLUDING THOSE WHO ARE HOMEBOUND OR INSTITUTIONALIZED) WHO HAVE BEEN UNDERSERVED IN THE PAST.

(7) CONDUCT VARIOUS STUDIES AND EXPERIMENTS TO FOCUS ON LONG NEGLECTED PROBLEM AREAS;

(8) PROMOTE AND EXPAND EMPLOYMENT OPPORTUNITIES IN THE PUBLIC AND PRIVATE SECTORS FOR HANDICAPPED INDIVIDUALS AND TO PLACE SUCH INDIVIDUALS IN EMPLOYMENT;

(9) ESTABLISH CLIENT ASSISTANCE PILOT PROJECTS;

(10) PROVIDE ASSISTANCE FOR THE PURPOSE OF INCREASING THE NUMBER OF REHABILITATION PERSONNEL AND INCREASING THEIR SKILLS THROUGH TRAINING; AND

(11) EVALUATE EXISTING APPROACHES TO ARCHITECTURAL AND TRANSPORTATION BARRIERS CONFRONTING HANDICAPPED INDIVIDUALS, DEVELOP NEW SUCH APPROACHES, ENFORCE STATUTORY AND REGULATORY STANDARDS AND REQUIREMENTS REGARDING BARRIER-FREE CONSTRUCTION OF PUBLIC FACILITIES AND STUDY AND DEVELOP SOLUTIONS TO EXISTING ARCHITECTURAL AND TRANSPORTATION BARRIERS IMPEDING HANDICAPPED INDIVIDUALS.

REHABILITATION SERVICES ADMINISTRATION

SEC. 3. (A) THERE IS ESTABLISHED IN THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE A REHABILITATION SERVICES ADMINISTRATION WHICH SHALL BE HEADED BY A COMMISSIONER (HEREINAFTER IN THIS ACT REFERRED TO AS THE "COMMISSIONER") APPOINTED BY THE PRESIDENT. EXCEPT FOR TITLES IV AND V AND AS OTHERWISE SPECIFICALLY PROVIDED IN THIS ACT, //87 STAT. 357// SUCH ADMINISTRATION SHALL BE THE PRINCIPAL AGENCY FOR CARRYING OUT THIS ACT. //87 STAT. 358// THE SECRETARY SHALL NOT APPROVE ANY DELEGATION OF THE FUNCTIONS OF THE COMMISSIONER TO ANY OTHER OFFICER NOT DIRECTLY RESPONSIBLE TO THE COMMISSIONER UNLESS THE SECRETARY SHALL FIRST SUBMIT A PLAN FOR SUCH DELEGATION TO THE CONGRESS. SUCH DELEGATION IS EFFECTIVE AT THE END OF THE FIRST PERIOD OF SIXTY CALENDAR DAYS OF CONTINUOUS SESSION OF CONGRESS AFTER THE DATE ON WHICH THE PLAN FOR SUCH DELEGATION IS TRANSMITTED TO IT: PROVIDED, HOWEVER, THAT WITHIN THIRTY DAYS OF SUCH TRANSMITTAL, THE SECRETARY SHALL CONSULT WITH THE COMMITTEE ON LABOR AND PUBLIC WELFARE OF THE SENATE AND THE COMMITTEE ON EDUCATION AND LABOR OF THE HOUSE OF REPRESENTATIVES RESPECTING SUCH PROPOSED DELEGATION. FOR THE PURPOSES OF THIS SECTION, CONTINUITY OF SESSION IS BROKEN ONLY BY AN ADJOURNMENT OF CONGRESS SINE DIE, AND THE DAYS ON WHICH EITHER HOUSE IS NOT IN SESSION BECAUSE OF AN ADJOURNMENT OF MORE THAN THREE DAYS TO A DAY CERTAIN ARE EXCLUDED IN THE COMPUTATION OF THE THIRTY-DAY AND SIXTY-DAY PERIODS.

(B) THE SECRETARY, THROUGH THE COMMISSIONER IN COORDINATION WITH OTHER APPROPRIATE PROGRAMS IN THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, IN CARRYING OUT RESEARCH UNDER THIS ACT SHALL ESTABLISH THE EXPERTISE AND TECHNOLOGICAL COMPETENCE TO, AND SHALL, IN CONSULTATION WITH, THE NATIONAL SCIENCE FOUNDATION AND THE NATIONAL ACADEMY OF SCIENCES DEVELOP AND SUPPORT, AND STIMULATE THE DEVELOPMENT AND UTILIZATION (INCLUDING PRODUCTION AND DISTRIBUTION OF NEW AND EXISTING DEVICES) OF, INNOVATIVE METHODS OF APPLYING ADVANCED MEDICAL TECHNOLOGY, SCIENTIFIC ACHIEVEMENT, AND PSYCHOLOGICAL AND SOCIAL KNOWLEDGE TO SOLVE REHABILITATION PROBLEMS, AND BE RESPONSIBLE FOR CARRYING OUT THE ACTIVITIES DESCRIBED IN SECTION 202 (B) (2).

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(C) THE SECRETARY SHALL TAKE WHATEVER ACTION IS NECESSARY TO INSURE THAT FUNDS APPROPRIATED PURSUANT TO THIS ACT, AS WELL AS UNEXPENDED APPROPRIATIONS FOR CARRYING OUT THE VOCATIONAL REHABILITATION ACT (29 U.S.C. 31 - 42), ARE EXPENDED ONLY FOR THE PROGRAMS, PERSONNEL, AND ADMINISTRATION OF PROGRAMS CARRIED OUT UNDER THIS ACT. //68 STAT. 652.//
ADVANCE FUNDING

SEC. 4. (A) FOR THE PURPOSE OF AFFORDING ADEQUATE NOTICE OF FUNDING AVAILABLE UNDER THIS ACT, APPROPRIATIONS UNDER THIS ACT ARE AUTHORIZED TO BE INCLUDED IN THE APPROPRIATION ACT FOR THE FISCAL YEAR PRECEDING THE FISCAL YEAR FOR WHICH THEY ARE AVAILABLE FOR OBLIGATION.

(B) IN ORDER TO EFFECT A TRANSITION TO THE ADVANCE FUNDING METHOD OF TIMING APPROPRIATION ACTION, THE AUTHORITY PROVIDED BY SUBSECTION (A) OF THIS SECTION SHALL APPLY NOTWITHSTANDING THAT ITS INITIAL APPLICATION WILL RESULT IN THE ENACTMENT IN THE SAME YEAR (WHETHER IN THE SAME APPROPRIATION ACT OR OTHERWISE) OF TWO SEPARATE APPROPRIATIONS, ONE FOR THE THEN CURRENT FISCAL YEAR AND ONE FOR THE SUCCEEDING FISCAL YEAR.
JOINT FUNDING

SEC. 5. PURSUANT TO REGULATIONS PRESCRIBED BY THE PRESIDENT, AND TO THE EXTENT CONSISTENT WITH THE OTHER PROVISIONS OF THIS ACT, WHERE FUNDS ARE PROVIDED FOR A SINGLE PROJECT BY MORE THAN ONE FEDERAL AGENCY TO AN AGENCY OR ORGANIZATION ASSISTED UNDER THIS ACT, THE FEDERAL AGENCY PRINCIPALLY INVOLVED MAY BE DESIGNATED TO ACT FOR ALL IN ADMINISTERING THE FUNDS PROVIDED, AND, IN SUCH CASES, A SINGLE NON-FEDERAL SHARE REQUIREMENT MAY BE ESTABLISHED ACCORDING TO THE PROPORTION OF FUNDS ADVANCED BY EACH AGENCY. WHEN THE PRINCIPAL AGENCY INVOLVED IS THE REHABILITATION SERVICES ADMINISTRATION, IT MAY WAIVE ANY GRANT OR CONTRACT REQUIREMENT (AS DEFINED BY SUCH REGULATIONS) UNDER OR PURSUANT TO ANY LAW OTHER THAN THIS ACT, WHICH REQUIREMENT IS INCONSISTENT WITH THE SIMILAR REQUIREMENTS OF THE ADMINISTERING AGENCY UNDER OR PURSUANT TO THIS ACT.

CONSOLIDATED REHABILITATION PLAN

SEC. 6. (A) IN ORDER TO SECURE INCREASED FLEXIBILITY TO RESPOND TO THE VARYING NEEDS AND LOCAL CONDITIONS WITHIN THE STATE, AND IN ORDER TO PERMIT MORE EFFECTIVE AND INTERRELATED PLANNING AND OPERATION OF ITS REHABILITATION PROGRAMS, THE STATE MAY SUBMIT A CONSOLIDATED REHABILITATION PLAN WHICH INCLUDES THE STATE'S PLAN UNDER SECTION 101 (A) OF THIS ACT AND ITS PROGRAM FOR PERSONS WITH DEVELOPMENTAL DISABILITIES UNDER THE DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES CONSTRUCTION AMENDMENTS OF 1970: //84 STAT. 1316. 42 USC 2670 NOTE.// PROVIDED, THAT THE AGENCY ADMINISTERING SUCH STATE'S PROGRAM UNDER SUCH ACT CONCURS IN THE SUBMISSION OF SUCH A CONSOLIDATED REHABILITATION PLAN.

(B) SUCH A CONSOLIDATED REHABILITATION PLAN MUST COMPLY WITH, AND BE ADMINISTERED IN ACCORDANCE WITH, ALL THE REQUIREMENTS OF THIS ACT AND THE DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES CONSTRUCTION AMENDMENTS OF 1970. IF THE SECRETARY FINDS THAT ALL SUCH REQUIREMENTS ARE SATISFIED, HE MAY APPROVE THE PLAN TO SERVE IN ALL RESPECTS AS THE SUBSTITUTE FOR THE SEPARATE PLANS WHICH WOULD OTHERWISE BE REQUIRED WITH RESPECT TO EACH OF THE PROGRAMS INCLUDED THEREIN, OR HE MAY ADVISE THE STATE TO SUBMIT SEPARATE PLANS FOR SUCH PROGRAMS.

(C) FINDINGS OF NONCOMPLIANCE IN THE ADMINISTRATION OF AN APPROVED CONSOLIDATED REHABILITATION PLAN, AND ANY REDUCTIONS, SUSPENSIONS, OR TERMINATIONS OF ASSISTANCE AS A RESULT THEREOF, SHALL BE CARRIED OUT IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN SUBSECTIONS (C) AND (D) OF SECTION 101 OF THIS ACT.

DEFINITIONS

SEC. 7. FOR THE PURPOSES OF THIS ACT:

(1) THE TERM "CONSTRUCTION" MEANS THE CONSTRUCTION OF NEW BUILDINGS, THE ACQUISITION, EXPANSION, REMODELING, ALTERATION, AND RENOVATION OF EXISTING BUILDINGS, AND INITIAL EQUIPMENT OF SUCH BUILDINGS, AND THE TERM "COST OF CONSTRUCTION" INCLUDES ARCHITECTS' FEES AND ACQUISITION OF LAND IN CONNECTION WITH CONSTRUCTION BUT DOES NOT INCLUDE THE COST OF OFFSITE IMPROVEMENTS.

(2) THE TERM "CRIMINAL ACT" MEANS ANY CRIME, INCLUDING AN ACT, OMISSION, OR POSSESSION UNDER THE LAWS OF THE UNITED STATES OF A STATE OR UNIT OF GENERAL LOCAL GOVERNMENT WHICH POSES A SUBSTANTIAL THREAT OF PERSONAL INJURY, NOTWITHSTANDING THAT BY REASON OF AGE, INSANITY, INTOXICATION OR OTHERWISE THE PERSON ENGAGING IN THE ACT, OMISSION, OR POSSESSION WAS LEGALLY INCAPABLE OF COMMITTING A CRIME.

(3) THE TERM "ESTABLISHMENT OF A REHABILITATION FACILITY" MEANS THE ACQUISITION, EXPANSION, REMODELING, OR ALTERATION OF EXISTING BUILDINGS NECESSARY TO ADAPT THEM TO REHABILITATION FACILITY PURPOSES OR TO INCREASE THEIR EFFECTIVENESS FOR SUCH PURPOSES (SUBJECT, HOWEVER, TO SUCH LIMITATIONS AS THE SECRETARY MAY DETERMINE, IN ACCORDANCE WITH REGULATIONS HE SHALL PRESCRIBE, IN ORDER TO PREVENT IMPAIRMENT OF THE OBJECTIVES OF, OR DUPLICATION OF, OTHER FEDERAL LAWS PROVIDING FEDERAL ASSISTANCE IN THE CONSTRUCTION OF SUCH FACILITIES), AND THE INITIAL EQUIPMENT FOR SUCH BUILDINGS, AND MAY INCLUDE THE INITIAL STAFFING THEREOF.

(4) THE TERM "EVALUATION OF REHABILITATION POTENTIAL" MEANS, AS APPROPRIATE IN EACH CASE:

(A) A PRELIMINARY DIAGNOSTIC STUDY TO DETERMINE THAT THE INDIVIDUAL HAS A SUBSTANTIAL HANDICAP TO EMPLOYMENT, AND THAT VOCATIONAL REHABILITATION SERVICES ARE NEEDED;

(B) A DIAGNOSTIC STUDY CONSISTING OF A COMPREHENSIVE EVALUATION OF PERTINENT MEDICAL, PSYCHOLOGICAL, VOCATIONAL, EDUCATIONAL, CULTURAL, SOCIAL, AND ENVIRONMENTAL FACTORS WHICH BEAR ON THE INDIVIDUAL'S HANDICAP TO EMPLOYMENT AND REHABILITATION POTENTIAL INCLUDING, TO THE DEGREE NEEDED, AN EVALUATION OF THE INDIVIDUAL'S PERSONALITY, INTELLIGENCE LEVEL, EDUCATIONAL ACHIEVEMENTS, WORK EXPERIENCE, VOCATIONAL APTITUDES AND INTERESTS, PERSONAL AND SOCIAL ADJUSTMENTS, EMPLOYMENT OPPORTUNITIES, AND OTHER PERTINENT DATA HELPFUL IN DETERMINING THE NATURE AND SCOPE OF SERVICES NEEDED;

(C) AN APPRAISAL OF THE INDIVIDUAL'S PATTERNS OF WORK ATTITUDES, WORK HABITS, WORK TOLERANCE, AND SOCIAL AND BEHAVIOR PATTERNS SUITABLE FOR SUCCESSFUL JOB PERFORMANCE, INCLUDING THE UTILIZATION OF WORK, SIMULATED OR REAL, TO ASSESS AND DEVELOP THE INDIVIDUAL'S CAPACITIES TO PERFORM ADEQUATELY IN A WORK ENVIRONMENT;

(D) ANY OTHER GOODS OR SERVICES PROVIDED FOR THE PURPOSE OF

ASCERTAINING THE NATURE OF THE HANDICAP AND WHETHER IT MAY REASONABLY BE EXPECTED THAT THE INDIVIDUAL CAN BENEFIT FROM VOCATIONAL REHABILITATION SERVICES;

(E) REFERRAL;

(F) THE ADMINISTRATION OF THESE EVALUATION SERVICES; AND

(G) (I) THE PROVISION OF VOCATIONAL REHABILITATION SERVICES TO ANY INDIVIDUAL FOR A TOTAL PERIOD NOT IN EXCESS OF EIGHTEEN MONTHS FOR THE PURPOSE OF DETERMINING WHETHER SUCH INDIVIDUAL IS A HANDICAPPED INDIVIDUAL, A HANDICAPPED INDIVIDUAL FOR WHOM A VOCATIONAL GOAL IS NOT POSSIBLE OR FEASIBLE (AS DETERMINED IN ACCORDANCE WITH SECTION 102 (C)), OR, NEITHER SUCH INDIVIDUAL; AND (II) AN ASSESSMENT, AT LEAST ONCE IN EVERY NINETY-DAY PERIOD DURING WHICH SUCH SERVICES ARE PROVIDED, OF THE RESULTS OF THE PROVISIONS OF SUCH SERVICES TO AN INDIVIDUAL TO ASCERTAIN WHETHER ANY OF THE DETERMINATIONS DESCRIBED IN SUBCLAUSE (I) MAY BE MADE.

(5) THE TERM "FEDERAL SHARE" MEANS 80 PER CENTUM, EXCEPT THAT IT SHALL MEAN 90 PER CENTUM FOR THE PURPOSES OF PART C OF TITLE I OF THIS ACT AND AS SPECIFICALLY SET FORTH IN SECTION 301 (B) (3): PROVIDED, THAT ANY STATE WHICH ARE USED TO MEET THE COSTS OF CONSTRUCTION OF THOSE REHABILITATION FACILITIES IDENTIFIED IN SECTION 103 (B) (2) IN SUCH STATE, THE FEDERAL SHARE SHALL BE THE PERCENTAGES DETERMINED IN ACCORDANCE WITH THE PROVISIONS OF SECTION (B) (3) APPLICABLE WITH RESPECT TO THAT STATE AND THAT, FOR THE PURPOSE OF DETERMINING THE NON-FEDERAL SHARE WITH RESPECT TO ANY STATE, EXPENDITURES BY A POLITICAL SUBDIVISION THEREOF OR BY A LOCAL AGENCY SHALL, SUBJECT TO SUCH LIMITATIONS AND CONDITIONS AS THE SECRETARY SHALL BY REGULATION PRESCRIBE, BE REGARDED AS EXPENDITURES BY SUCH STATE.

(6) THE TERM "HANDICAPPED INDIVIDUAL" MEANS ANY INDIVIDUAL WHO (A) HAS A PHYSICAL OR MENTAL DISABILITY WHICH FOR SUCH INDIVIDUAL CONSTITUTES OR RESULTS IN A SUBSTANTIAL HANDICAP TO EMPLOYMENT AND (B) CAN REASONABLY BE EXPECTED TO BENEFIT IN TERMS OF EMPLOYABILITY FROM VOCATIONAL REHABILITATION SERVICES PROVIDED PURSUANT TO TITLES I AND III OF THIS ACT.

(7) THE TERM "LOCAL AGENCY" MEANS AN AGENCY OF A UNIT OF GENERAL LOCAL GOVERNMENT OR OF AN INDIAN TRIBAL ORGANIZATION (OR COMBINATION OF SUCH UNITS OR ORGANIZATIONS) WHICH HAS AN AGREEMENT WITH THE STATE AGENCY DESIGNATED PURSUANT TO SECTION 101 (A) (1) TO CONDUCT A VOCATIONAL REHABILITATION PROGRAM UNDER THE SUPERVISION OF SUCH STATE AGENCY IN ACCORDANCE WITH THE STATE PLAN APPROVED UNDER SECTION 101. NOTHING IN THE PRECEDING SENTENCE OF THIS PARAGRAPH OR IN SECTION 101 SHALL BE CONSTRUED TO PREVENT THE LOCAL AGENCY FROM UTILIZING ANOTHER LOCAL PUBLIC OR NONPROFIT AGENCY TO PROVIDE VOCATIONAL REHABILITATION SERVICES: PROVIDED, THAT SUCH AN ARRANGEMENT IS MADE PART OF THE AGREEMENT SPECIFIED IN THIS PARAGRAPH.

(8) THE TERM "NONPROFIT", WHEN USED WITH RESPECT TO A REHABILITATION FACILITY, MEANS A REHABILITATION FACILITY OWNED AND OPERATED BY A CORPORATION OR ASSOCIATION, NO PART OF THE NET EARNINGS OF WHICH INURFS, OR MAY LAWFULLY INURE, TO THE BENEFIT OF ANY PRIVATE SHAREHOLDER OR INDIVIDUAL AND THE INCOME OF WHICH IS EXEMPT FROM TAXATION UNDER SECTION

501 (C) (3) OF THE INTERNAL REVENUE CODE OF 1954. //68A STAT. 163. 26 USC 501-//

(9) THE TERM "PUBLIC SAFETY OFFICER" MEANS A PERSON SERVING THE UNITED STATES OR A STATE OR UNIT OF GENERAL LOCAL GOVERNMENT, WITH OR WITHOUT COMPENSATION, IN ANY ACTIVITY PERTAINING TO--

(A) THE ENFORCEMENT OF THE CRIMINAL LAWS, INCLUDING HIGHWAY PATROL, OR THE MAINTENANCE OF CIVIL PEACE BY THE NATIONAL GUARD OR THE ARMED FORCES,

(B) A CORRECTIONAL PROGRAM, FACILITY, OR INSTITUTION WHERE THE ACTIVITY IS POTENTIALLY DANGEROUS BECAUSE OF CONTACT WITH CRIMINAL SUSPECTS, DEFENDANTS, PRISONERS, PROBATIONERS, OR PAROLEES,

(C) A COURT HAVING CRIMINAL OR JUVENILE DELINQUENT JURISDICTION WHERE THE ACTIVITY IS POTENTIALLY DANGEROUS BECAUSE OF CONTACT WITH CRIMINAL SUSPECTS, DEFENDANTS, PRISONERS, PROBATIONERS, OR PAROLEES, OR

(D) FIREFIGHTING, FIRE PREVENTION, OR EMERGENCY RESCUE MISSIONS.

(10) THE TERM "REHABILITATION FACILITY" MEANS A FACILITY WHICH IS OPERATED FOR THE PRIMARY PURPOSE OF PROVIDING VOCATIONAL REHABILITATION SERVICES TO HANDICAPPED INDIVIDUALS, AND WHICH PROVIDES SINGLY OR IN COMBINATION ONE OR MORE OF THE FOLLOWING SERVICES FOR HANDICAPPED INDIVIDUALS:

(A) VOCATIONAL REHABILITATION SERVICES WHICH SHALL INCLUDE, UNDER ONE MANAGEMENT, MEDICAL, PSYCHOLOGICAL, SOCIAL, AND VOCATIONAL SERVICES, (B) TESTING, FITTING, OR TRAINING IN THE USE OF PROSTHETIC AND ORTHOTIC DEVICES, (C) PREVOCATIONAL CONDITIONING OR RECREATIONAL THERAPY, (D) PHYSICAL AND OCCUPATIONAL THERAPY, (E) SPEECH AND HEARING THERAPY, (F) PSYCHOLOGICAL AND SOCIAL SERVICES, (G) EVALUATION OF REHABILITATION POTENTIAL, (H) PERSONAL AND WORK ADJUSTMENT, (I) VOCATIONAL TRAINING WITH A VIEW TOWARD CAREER ADVANCEMENT (IN COMBINATION WITH OTHER REHABILITATION SERVICES), (J) EVALUATION OR CONTROL OF SPECIFIC DISABILITIES, (K) ORIENTATION AND MOBILITY SERVICES TO THE BLIND, AND (L) EXTENDED EMPLOYMENT FOR THOSE HANDICAPPED INDIVIDUALS WHO CANNOT BE READILY ABSORBED IN THE COMPETITIVE LABOR MARKET, BY, OR UNDER THE FORMAL SUPERVISION OF, PERSONS LICENSED TO PRESCRIBE OR SUPERVISE THE PROVISION OF SUCH SERVICES IN THE STATE.

(11) THE TERM "SECRETARY", EXCEPT WHEN THE CONTEXT OTHERWISE REQUIRES, MEANS THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE.

(12) THE TERM "SEVERE HANDICAP" MEANS THE DISABILITY WHICH REQUIRES MULTIPLE SERVICES OVER AN EXTENDED PERIOD OF TIME AND RESULTS FROM AMPUTATION, BLINDNESS, CANCER, CEREBRAL PALSY, CYSTIC FIBROSIS, DEAFNESS, HEART DISEASE, HEMIPLEGIA, MENTAL RETARDATION, MENTAL ILLNESS, MULTIPLE SCLEROSIS, MUSCULAR DYSTROPHY, NEUROLOGICAL DISORDERS (INCLUDING STROKE AND EPILEPSY), PARAPLEGIA, QUADRIPLEGIA AND OTHER SPINAL CORD CONDITIONS, RENAL FAILURE, RESPIRATORY OR PULMONARY DYSFUNCTION, AND ANY OTHER DISABILITY SPECIFIED BY THE SECRETARY IN REGULATIONS HE SHALL PRESCRIBE.

(13) THE TERM "STATE" INCLUDES THE DISTRICT OF COLUMBIA, THE VIRGIN ISLANDS, PUERTO RICO, GUAM, AMERICAN SAMOA, AND THE TRUST TERRITORY OF THE PACIFIC ISLANDS, AND FOR THE PURPOSES OF AMERICAN SAMOA AND THE TRUST TERRITORY OF THE PACIFIC ISLANDS, THE APPROPRIATE STATE AGENCY DESIGNATED

AS PROVIDED IN SECTION 101 (A) (1) SHALL BE THE GOVERNOR OF AMERICAN SAMOA OR THE HIGH COMMISSIONER OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS, AS THE CASE MAY BE.

(14) THE TERM "VOCATIONAL REHABILITATION SERVICES" MEANS THOSE SERVICES IDENTIFIED IN SECTION 103 WHICH ARE PROVIDED TO HANDICAPPED INDIVIDUALS UNDER THIS ACT.

ALLOTMENT PERCENTAGE

SEC. 8. (A) (1) THE ALLOTMENT PERCENTAGE FOR ANY STATE SHALL BE 100 PER CENTUM LESS THAT PERCENTAGE WHICH BEARS THE SAME RATIO TO 50 PER CENTUM AS THE PER CAPITA INCOME OF SUCH STATE BEARS TO THE PER CAPITA INCOME OF THE UNITED STATES, EXCEPT THAT (A) THE ALLOTMENT PERCENTAGE SHALL IN NO CASE BE MORE THAN 75 PER CENTUM OR LESS THAN 33 1/3 PER CENTUM, AND (B) THE ALLOTMENT PERCENTAGE FOR THE DISTRICT OF COLUMBIA, PUERTO RICO, GUAM, THE VIRGIN ISLANDS, AMERICAN SAMOA, AND THE TRUST TERRITORY OF THE PACIFIC ISLANDS SHALL BE 75 PER CENTUM.

(2) THE ALLOTMENT PERCENTAGES SHALL BE PROMULGATED BY THE SECRETARY BETWEEN JULY 1 AND SEPTEMBER 30 OF EACH EVEN-NUMBERED YEAR, ON THE BASIS OF THE AVERAGE OF THE PER CAPITA INCOMES OF THE STATES AND OF THE UNITED STATES FOR THE THREE MOST RECENT CONSECUTIVE YEARS FOR WHICH SATISFACTORY DATA ARE AVAILABLE FROM THE DEPARTMENT OF COMMERCE. SUCH PROMULGATION SHALL BE CONCLUSIVE FOR EACH OF THE TWO FISCAL YEARS IN THE PERIOD BEGINNING ON THE JULY 1 NEXT SUCCEEDING SUCH PROMULGATION.

(3) THE TERM "UNITED STATES" MEANS (BUT ONLY FOR PURPOSES OF THIS SUBSECTION) THE FIFTY STATES AND THE DISTRICT OF COLUMBIA.

(B) THE POPULATION OF THE SEVERAL STATES AND OF THE UNITED STATES SHALL BE DETERMINED ON THE BASIS OF THE MOST RECENT DATA AVAILABLE, TO BE FURNISHED BY THE DEPARTMENT OF COMMERCE BY OCTOBER 1 OF THE YEAR PRECEDING THE FISCAL YEAR FOR WHICH FUNDS ARE APPROPRIATED PURSUANT TO STATUTORY AUTHORIZATIONS.

AUDIT

SEC. 9. EACH RECIPIENT OF A GRANT OR CONTRACT UNDER THIS ACT SHALL KEEP SUCH RECORDS AS THE SECRETARY MAY PRESCRIBE, INCLUDING RECORDS WHICH FULLY DISCLOSE THE AMOUNT AND DISPOSITION BY SUCH RECIPIENT OF THE PROCEEDS OF SUCH GRANT OR CONTRACT, THE TOTAL COST OF THE PROJECT OR UNDERTAKING IN CONNECTION WITH WHICH SUCH GRANT OR CONTRACT IS MADE OR FUNDS THEREUNDER USED, THE AMOUNT OF THAT PORTION OF THE COST OF THE PROJECT OR UNDERTAKING SUPPLIED BY OTHER SOURCES, AND SUCH RECORDS AS WILL FACILITATE AN EFFECTIVE AUDIT. THE SECRETARY AND THE COMPTROLLER GENERAL OF THE UNITED STATES, OR ANY OF THEIR DULY AUTHORIZED REPRESENTATIVES, SHALL HAVE ACCESS FOR THE PURPOSE OF AUDIT AND EXAMINATION TO ANY BOOKS, DOCUMENTS, PAPERS, AND RECORDS OF THE RECIPIENT OF ANY GRANT OR CONTRACT UNDER THIS ACT WHICH ARE PERTINENT TO SUCH GRANT OR CONTRACT.

NONDUPLICATION

SEC. 10. IN DETERMINING THE AMOUNT OF ANY STATE'S FEDERAL SHARE OF EXPENDITURES FOR PLANNING, ADMINISTRATION, AND SERVICES INCURRED BY IT UNDER A STATE PLAN APPROVED IN ACCORDANCE WITH SECTION 101, THERE SHALL BE DISREGARDED (1) ANY PORTION OF SUCH EXPENDITURES WHICH ARE FINANCED BY FEDERAL FUNDS PROVIDED UNDER ANY OTHER PROVISION OF LAW, AND (2) THE

AMOUNT OF ANY NON-FEDERAL FUNDS REQUIRED TO BE EXPENDED AS A CONDITION OF RECEIPT OF SUCH FEDERAL FUNDS. NO PAYMENT MAY BE MADE FROM FUNDS PROVIDED UNDER ONE PROVISION OF THIS ACT RELATING TO ANY COST WITH RESPECT TO WHICH ANY PAYMENT IS MADE UNDER ANY OTHER PROVISION OF THIS ACT.

TITLE I--VOCATIONAL REHABILITATION SERVICES

PART A--GENERAL PROVISIONS DECLARATION OF PURPOSE; AUTHORIZATION OF

APPROPRIATIONS

SEC. 100. (A) THE PURPOSE OF THIS TITLE IS TO AUTHORIZE GRANTS TO ASSIST STATES TO MEET THE CURRENT AND FUTURE NEEDS OF HANDICAPPED INDIVIDUALS, SO THAT SUCH INDIVIDUALS MAY PREPARE FOR AND ENGAGE IN GAINFUL EMPLOYMENT TO THE EXTENT OF THEIR CAPABILITIES.

(B) (1) FOR THE PURPOSE OF MAKING GRANTS TO STATES UNDER PART B OF THIS TITLE TO ASSIST THEM IN MEETING COSTS OF VOCATIONAL REHABILITATION SERVICES PROVIDED IN ACCORDANCE WITH STATE PLANS UNDER SECTION 101, THERE IS AUTHORIZED TO BE APPROPRIATED \$650,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, AND \$680,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975.

(2) FOR THE PURPOSE OF CARRYING OUT PART C OF THIS TITLE (RELATING TO GRANTS TO STATES AND PUBLIC AND NONPROFIT AGENCIES TO ASSIST THEM IN MEETING THE COST OF PROJECTS TO INITIATE OR EXPAND SERVICES TO HANDICAPPED INDIVIDUALS, ESPECIALLY THOSE WITH THE MOST SEVERE HANDICAPS) AND PART D OF THIS TITLE (RELATING TO THE STUDY OF COMPREHENSIVE SERVICE NEEDS OF INDIVIDUALS WITH THE MOST SEVERE HANDICAPS), THERE IS AUTHORIZED TO BE APPROPRIATED \$37,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, AND \$39,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, AND THERE IS FURTHER AUTHORIZED TO BE APPROPRIATED FOR SUCH PURPOSES FOR EACH SUCH YEAR SUCH ADDITIONAL SUMS AS THE CONGRESS MAY DETERMINE TO BE NECESSARY. OF THE SUMS APPROPRIATED UNDER THIS PARAGRAPH FOR EACH SUCH FISCAL YEAR, \$1,000,000 IN EACH SUCH YEAR SHALL BE AVAILABLE ONLY FOR THE PURPOSE OF CARRYING OUT PART D OF THIS TITLE.

STATE PLANS

SEC. 101. (A) FOR EACH FISCAL YEAR IN WHICH A STATE DESIRES TO PARTICIPATE IN PROGRAMS UNDER THIS TITLE, A STATE SHALL SUBMIT TO THE SECRETARY FOR HIS APPROVAL AN ANNUAL PLAN FOR VOCATIONAL REHABILITATION SERVICES WHICH SHALL--

(1) (A) DESIGNATE A STATE AGENCY AS THE SOLE STATE AGENCY TO ADMINISTER THE PLAN, OR TO SUPERVISE ITS ADMINISTRATION BY A LOCAL AGENCY, EXCEPT THAT (I) WHERE UNDER THE STATE'S LAW THE STATE AGENCY FOR THE BLIND OR OTHER AGENCY WHICH PROVIDES ASSISTANCE OR SERVICES TO THE ADULT BLIND, IS AUTHORIZED TO PROVIDE VOCATIONAL REHABILITATION SERVICES TO SUCH INDIVIDUALS, SUCH AGENCY MAY BE DESIGNATED AS THE SOLE STATE AGENCY TO ADMINISTER THE PART OF THE PLAN UNDER WHICH VOCATIONAL REHABILITATION SERVICES ARE PROVIDED FOR THE BLIND (OR TO SUPERVISE THE ADMINISTRATION OF SUCH PART BY A LOCAL AGENCY) AND A SEPARATE STATE AGENCY MAY BE DESIGNATED AS THE SOLE STATE AGENCY WITH RESPECT TO THE REST OF THE STATE PLAN, AND (II) THE SECRETARY, UPON THE REQUEST OF A STATE, MAY AUTHORIZE SUCH AGENCY TO SHARE FUNDING AND ADMINISTRATIVE RESPONSIBILITY WITH

ANOTHER AGENCY OF THE STATE OR WITH A LOCAL AGENCY IN ORDER TO PERMIT SUCH AGENCIES TO CARRY OUT A JOINT PROGRAM TO PROVIDE SERVICES TO HANDICAPPED INDIVIDUALS, AND MAY WAIVE COMPLIANCE WITH RESPECT TO VOCATIONAL REHABILITATION SERVICES FURNISHED UNDER SUCH PROGRAMS WITH THE REQUIREMENT OF CLAUSE (4) OF THIS SUBSECTION THAT THE PLAN BE IN EFFECT IN ALL POLITICAL SUBDIVISIONS OF THAT STATE;

(B) PROVIDE THAT THE STATE AGENCY SO DESIGNATED TO ADMINISTER OR SUPERVISE THE ADMINISTRATION OF THE STATE PLAN, OR (IF THERE ARE TWO STATE AGENCIES DESIGNATED UNDER SUBCLAUSE (A) OF THIS CLAUSE) TO SUPERVISE OR ADMINISTER THE PART OF THE STATE PLAN THAT DOES NOT RELATE TO SERVICES FOR THE BLIND, SHALL BE (I) A STATE AGENCY PRIMARILY CONCERNED WITH VOCATIONAL REHABILITATION, OR VOCATIONAL AND OTHER REHABILITATION, OF HANDICAPPED INDIVIDUALS, (II) THE STATE AGENCY ADMINISTERING OR SUPERVISING THE ADMINISTRATION OF EDUCATION OR VOCATIONAL EDUCATION IN THE STATE, OR (III) A STATE AGENCY WHICH INCLUDES AT LEAST TWO OTHER MAJOR ORGANIZATIONAL UNITS EACH OF WHICH ADMINISTERS ONE OR MORE OF THE MAJOR PUBLIC EDUCATION, PUBLIC HEALTH, PUBLIC WELFARE, OR LABOR PROGRAMS OF THE STATE;

(2) PROVIDE, EXCEPT IN THE CASE OF AGENCIES DESCRIBED IN CLAUSE (1) (B)

(1)--

(A) THAT THE STATE AGENCY DESIGNATED PURSUANT TO PARAGRAPH (1) (OR EACH STATE AGENCY IF TWO ARE SO DESIGNATED) SHALL INCLUDE A VOCATIONAL REHABILITATION BUREAU, DIVISION, OR OTHER ORGANIZATIONAL UNIT WHICH (I) IS PRIMARILY CONCERNED WITH VOCATIONAL REHABILITATION, OR VOCATIONAL AND OTHER REHABILITATION, OF HANDICAPPED INDIVIDUALS, AND IS RESPONSIBLE FOR THE VOCATIONAL REHABILITATION PROGRAM OF SUCH STATE AGENCY, (II) HAS A FULL-TIME DIRECTOR, AND (III) HAS A STAFF EMPLOYED ON SUCH REHABILITATION WORK OF SUCH ORGANIZATIONAL UNIT ALL OR SUBSTANTIALLY ALL OF WHOM ARE EMPLOYED FULL TIME ON SUCH WORK; AND

(B) (I) THAT SUCH UNIT SHALL BE LOCATED AT AN ORGANIZATIONAL LEVEL AND SHALL HAVE AN ORGANIZATIONAL STATUS WITHIN SUCH STATE AGENCY COMPARABLE TO THAT OF OTHER MAJOR ORGANIZATIONAL UNITS OF SUCH AGENCY, OR (II) IN THE CASE OF AN AGENCY DESCRIBED IN CLAUSE (1) (B) (III), EITHER THAT SUCH UNIT SHALL BE SO LOCATED AND HAVE SUCH STATUS, OR THAT THE DIRECTOR OF SUCH UNIT SHALL BE THE EXECUTIVE OFFICER OF SUCH STATE AGENCY; EXCEPT THAT, IN THE CASE OF A STATE WHICH HAS DESIGNATED ONLY ONE STATE AGENCY PURSUANT TO CLAUSE (1) OF THIS SUBSECTION, SUCH STATE MAY, IF IT SO DESIRES, ASSIGN RESPONSIBILITY FOR THE PART OF THE PLAN UNDER WHICH VOCATIONAL REHABILITATION SERVICES ARE PROVIDED FOR THE BLIND TO ONE ORGANIZATIONAL UNIT OF SUCH AGENCY, AND ASSIGN RESPONSIBILITY FOR THE REST OF THE PLAN TO ANOTHER ORGANIZATIONAL UNIT OF SUCH AGENCY, WITH THE PROVISIONS OF THIS CLAUSE APPLYING SEPARATELY TO EACH OF SUCH UNITS;

(3) PROVIDE FOR FINANCIAL PARTICIPATION BY THE STATE, OR IF THE STATE SO ELECTS, BY THE STATE AND LOCAL AGENCIES TO MEET THE AMOUNT OF THE NON-FEDERAL SHARE;

(4) PROVIDE THAT THE PLAN SHALL BE IN EFFECT IN ALL POLITICAL SUBDIVISIONS, EXCEPT THAT IN THE CASE OF ANY ACTIVITY WHICH, IN THE JUDGMENT OF THE SECRETARY, IS LIKELY TO ASSIST IN PROMOTING THE VOCATIONAL REHABILITATION OF SUBSTANTIALLY LARGER NUMBERS OF HANDICAPPED INDIVIDUALS OR GROUPS OF HANDICAPPED INDIVIDUALS THE SECRETARY MAY WAIVE COMPLIANCE WITH THE REQUIREMENT HEREIN THAT THE PLAN BE IN EFFECT IN ALL POLITICAL SUBDIVISIONS OF THE STATE TO THE EXTENT AND FOR SUCH PERIOD AS MAY BE PROVIDED IN ACCORDANCE WITH REGULATIONS PRESCRIBED BY HIM, BUT ONLY IF THE NON-FEDERAL SHARE OF THE COST OF SUCH VOCATIONAL REHABILITATION SERVICES IS MET FROM FUNDS MADE AVAILABLE BY A LOCAL AGENCY (INCLUDING, TO THE EXTENT PERMITTED BY SUCH REGULATIONS, FUNDS CONTRIBUTED TO SUCH AGENCY BY A PRIVATE AGENCY, ORGANIZATION, OR INDIVIDUAL);

(5) (A) CONTAIN THE PLANS, POLICIES, AND METHODS TO BE FOLLOWED IN CARRYING OUT THE STATE PLAN AND IN ITS ADMINISTRATION AND SUPERVISION, INCLUDING A DESCRIPTION OF THE METHOD TO BE USED TO EXPAND AND IMPROVE SERVICES TO HANDICAPPED INDIVIDUALS WITH THE MOST SEVERE HANDICAPS; AND, IN THE EVENT THAT VOCATIONAL REHABILITATION SERVICES CANNOT BE PROVIDED TO ALL ELIGIBLE HANDICAPPED INDIVIDUALS WHO APPLY FOR SUCH SERVICES, SHOW (I) THE ORDER TO BE FOLLOWED IN SELECTING INDIVIDUALS TO WHOM VOCATIONAL REHABILITATION SERVICES WILL BE PROVIDED, AND (II) THE OUTCOMES AND SERVICE GOALS, AND THE TIME WITHIN WHICH THEY MAY BE ACHIEVED, FOR THE REHABILITATION OF SUCH INDIVIDUALS, WHICH ORDER OF SELECTION FOR THE PROVISION OF VOCATIONAL REHABILITATION SERVICES SHALL BE DETERMINED ON THE BASIS OF SERVING FIRST THOSE INDIVIDUALS WITH THE MOST SEVERE HANDICAPS AND SHALL BE CONSISTENT WITH PRIORITIES IN SUCH ORDER OF SELECTION SO DETERMINED, AND OUTCOME AND SERVICE GOALS FOR SERVING HANDICAPPED INDIVIDUALS, ESTABLISHED IN REGULATIONS PRESCRIBED BY THE SECRETARY; AND

(B) PROVIDE SATISFACTORY ASSURANCES TO THE SECRETARY THAT THE STATE HAS STUDIED AND CONSIDERED A BROAD VARIETY OF MEANS FOR PROVIDING SERVICES TO INDIVIDUALS WITH THE MOST SEVERE HANDICAPS;

(6) PROVIDE FOR SUCH METHODS OF ADMINISTRATION, OTHER THAN METHODS RELATING TO THE ESTABLISHMENT AND MAINTENANCE OF PERSONNEL STANDARDS, AS ARE FOUND BY THE SECRETARY TO BE NECESSARY FOR THE PROPER AND EFFICIENT ADMINISTRATION OF THE PLAN;

(7) CONTAIN (A) PROVISIONS RELATING TO THE ESTABLISHMENT AND MAINTENANCE OF PERSONNEL STANDARDS, WHICH ARE CONSISTENT WITH ANY STATE LICENSURE LAWS AND REGULATIONS, INCLUDING PROVISIONS RELATING TO THE TENURE, SELECTION, APPOINTMENT, AND QUALIFICATIONS OF PERSONNEL, AND (B) PROVISIONS RELATING TO THE ESTABLISHMENT AND MAINTENANCE OF MINIMUM STANDARDS GOVERNING THE FACILITIES AND PERSONNEL UTILIZED IN THE PROVISION OF VOCATIONAL REHABILITATION SERVICES, BUT THE SECRETARY SHALL EXERCISE NO AUTHORITY WITH RESPECT TO THE SELECTION, METHOD OF SELECTION, TENURE OF OFFICE, OR COMPENSATION OF ANY INDIVIDUAL EMPLOYED IN ACCORDANCE WITH SUCH PROVISION;

(8) PROVIDE, AT A MINIMUM, FOR THE PROVISION OF THE VOCATIONAL REHABILITATION SERVICES SPECIFIED IN CLAUSES (1) THROUGH (3) OF SUBSECTION (A) OF SECTION 103, AND THE REMAINDER OF SUCH SERVICES SPECIFIED IN SUCH SECTION AFTER FULL CONSIDERATION OF ELIGIBILITY FOR SIMILAR BENEFITS UNDER

ANY OTHER PROGRAM, EXCEPT THAT, IN THE CASE OF THE VOCATIONAL REHABILITATION SERVICES SPECIFIED IN CLAUSES (4) AND (5) OF SUBSECTION (A) OF SUCH SECTION, SUCH CONSIDERATION SHALL NOT BE REQUIRED WHERE IT WOULD DELAY THE PROVISION OF SUCH SERVICES TO ANY INDIVIDUAL;

(9) PROVIDE THAT (A) AN INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM MEETING THE REQUIREMENTS OF SECTION 102 WILL BE DEVELOPED FOR EACH HANDICAPPED INDIVIDUAL ELIGIBLE FOR VOCATIONAL REHABILITATION SERVICES UNDER THIS ACT, (B) SUCH SERVICES WILL BE PROVIDED UNDER THE PLAN IN ACCORDANCE WITH SUCH PROGRAM, AND (C) RECORDS OF THE CHARACTERISTICS OF EACH APPLICANT WILL BE KEPT SPECIFYING, AS TO THOSE INDIVIDUALS WHO APPLY FOR SERVICES UNDER THIS TITLE AND ARE DETERMINED NOT TO BE ELIGIBLE THEREFOR, THE REASONS FOR SUCH DETERMINATIONS;

(10) PROVIDE THAT THE STATE AGENCY WILL MAKE SUCH REPORTS IN SUCH FORM, CONTAINING SUCH INFORMATION (INCLUDING THE DATA DESCRIBED IN SUBCLAUSE (C) OF CLAUSE (9) OF THIS SUBSECTION, PERIODIC ESTIMATES OF THE POPULATION OF HANDICAPPED INDIVIDUALS ELIGIBLE FOR SERVICES UNDER THIS ACT IN SUCH STATE, SPECIFICATIONS OF THE NUMBER OF SUCH INDIVIDUALS WHO WILL BE SERVED WITH FUNDS PROVIDED UNDER THIS ACT AND THE OUTCOMES AND SERVICE GOALS TO BE ACHIEVED FOR SUCH INDIVIDUALS IN EACH PRIORITY CATEGORY SPECIFIED IN ACCORDANCE WITH CLAUSE (5) OF THIS SUBSECTION, AND THE SERVICE COSTS FOR EACH SUCH CATEGORY), AND AT SUCH TIME AS THE SECRETARY MAY REQUIRE TO CARRY OUT HIS FUNCTIONS UNDER THIS TITLE, AND COMPLY WITH SUCH PROVISIONS AS HE MAY FIND NECESSARY TO ASSURE THE CORRECTNESS AND VERIFICATION OF SUCH REPORTS;

(11) PROVIDE FOR ENTERING INTO COOPERATIVE ARRANGEMENTS WITH, AND THE UTILIZATION OF THE SERVICES AND FACILITIES OF, THE STATE AGENCIES ADMINISTERING THE STATE'S PUBLIC ASSISTANCE PROGRAMS, OTHER PROGRAMS FOR HANDICAPPED INDIVIDUALS, VETERANS PROGRAMS, MANPOWER PROGRAMS, AND PUBLIC EMPLOYMENT OFFICES, AND THE SOCIAL SECURITY ADMINISTRATION OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, THE VETERANS' ADMINISTRATION, AND OTHER FEDERAL, STATE, AND LOCAL PUBLIC AGENCIES PROVIDING SERVICES RELATED TO THE REHABILITATION OF HANDICAPPED INDIVIDUALS;

(12) PROVIDE SATISFACTORY ASSURANCES TO THE SECRETARY THAT, IN THE PROVISION OF VOCATIONAL REHABILITATION SERVICES, MAXIMUM UTILIZATION SHALL BE MADE OF PUBLIC OR OTHER VOCATIONAL OR TECHNICAL TRAINING FACILITIES OR OTHER APPROPRIATE RESOURCES IN THE COMMUNITY;

(13) (A) PROVIDE THAT VOCATIONAL REHABILITATION SERVICES PROVIDED UNDER THE STATE PLAN SHALL BE AVAILABLE TO ANY CIVIL EMPLOYEE OF THE UNITED STATES DISABLED WHILE IN THE PERFORMANCE OF HIS DUTY ON THE SAME TERMS AND CONDITIONS AS APPLY TO OTHER PERSONS, AND

(B) PROVIDE THAT SPECIAL CONSIDERATION WILL BE GIVEN TO THE REHABILITATION UNDER THIS ACT OF A HANDICAPPED INDIVIDUAL WHOSE HANDICAPPING CONDITION ARISES FROM A DISABILITY SUSTAINED IN THE LINE OF DUTY WHILE SUCH INDIVIDUAL WAS PERFORMING AS A PUBLIC SAFETY OFFICER AND THE PROXIMATE CAUSE OF SUCH DISABILITY WAS A CRIMINAL ACT, APPARENT CRIMINAL ACT, OR A HAZARDOUS CONDITION RESULTING DIRECTLY FROM THE OFFICER'S PERFORMANCE OF DUTIES IN DIRECT CONNECTION WITH THE ENFORCEMENT,

EXECUTION, AND ADMINISTRATION OF LAW OR FIRE PREVENTION, FIREFIGHTING, OR RELATED PUBLIC SAFETY ACTIVITIES;

(14) PROVIDE THAT NO RESIDENCE REQUIREMENT WILL BE IMPOSED WHICH EXCLUDES FROM SERVICES UNDER THE PLAN ANY INDIVIDUAL WHO IS PRESENT IN THE STATE;

(15) PROVIDE FOR CONTINUING STATEWIDE STUDIES OF THE NEEDS OF HANDICAPPED INDIVIDUALS AND HOW THESE NEEDS MAY BE MOST EFFECTIVELY MET (INCLUDING THE STATE'S NEEDS FOR REHABILITATION FACILITIES) WITH A VIEW TOWARD THE RELATIVE NEED FOR SERVICES TO SIGNIFICANT SEGMENTS OF THE POPULATION OF HANDICAPPED INDIVIDUALS AND THE NEED FOR EXPANSION OF SERVICES TO THOSE INDIVIDUALS WITH THE MOST SEVERE HANDICAPS;

(16) PROVIDE FOR (A) PERIODIC REVIEW AND REEVALUATION OF THE STATUS OF HANDICAPPED INDIVIDUALS PLACED IN EXTENDED EMPLOYMENT IN REHABILITATION FACILITIES (INCLUDING WORKSHOPS) TO DETERMINE THE FEASIBILITY OF THEIR EMPLOYMENT, OR TRAINING FOR EMPLOYMENT, IN THE COMPETITIVE LABOR MARKET, AND (B) MAXIMUM EFFORTS TO PLACE SUCH INDIVIDUALS IN SUCH EMPLOYMENT OR TRAINING WHENEVER IT IS DETERMINED TO BE FEASIBLE;

(17) PROVIDE THAT WHERE SUCH STATE PLAN INCLUDES PROVISIONS FOR THE CONSTRUCTION OF REHABILITATION FACILITIES--

(A) THE FEDERAL SHARE OF THE COST OF CONSTRUCTION THEREOF FOR A FISCAL YEAR WILL NOT EXCEED AN AMOUNT EQUAL TO 10 PER CENTUM OF THE STATE'S ALLOTMENT FOR SUCH YEAR,

(B) THE PROVISIONS OF SECTION 306 SHALL BE APPLICABLE TO SUCH CONSTRUCTION AND SUCH PROVISIONS SHALL BE DEEMED TO APPLY TO SUCH CONSTRUCTION, AND

(C) THERE SHALL BE COMPLIANCE WITH REGULATIONS THE SECRETARY SHALL PRESCRIBE DESIGNED TO ASSURE THAT NO STATE WILL REDUCE ITS EFFORTS IN PROVIDING OTHER VOCATIONAL REHABILITATION SERVICES (OTHER THAN FOR THE ESTABLISHMENT OF REHABILITATION FACILITIES) BECAUSE ITS PLAN INCLUDES SUCH PROVISIONS FOR CONSTRUCTION;

(18) PROVIDE SATISFACTORY ASSURANCES TO THE SECRETARY THAT THE STATE AGENCY DESIGNATED PURSUANT TO CLAUSE (1) (OR EACH STATE AGENCY IF TWO ARE SO DESIGNATED) AND ANY SOLE LOCAL AGENCY ADMINISTERING THE PLAN IN A POLITICAL SUBDIVISION OF THE STATE WILL TAKE INTO ACCOUNT, IN CONNECTION WITH MATTERS OF GENERAL POLICY ARISING IN THE ADMINISTRATION OF THE PLAN, THE VIEWS OF INDIVIDUALS AND GROUPS THEREOF WHO ARE RECIPIENTS OF VOCATIONAL REHABILITATION SERVICES (OR, IN APPROPRIATE CASES, THEIR PARENTS OR GUARDIANS), WORKING IN THE FIELD OF VOCATIONAL REHABILITATION, AND PROVIDERS OF VOCATIONAL REHABILITATION SERVICES; AND

(19) PROVIDE SATISFACTORY ASSURANCES TO THE SECRETARY THAT THE CONTINUING STUDIES REQUIRED UNDER CLAUSE (15) OF THIS SUBSECTION, AS WELL AS AN ANNUAL EVALUATION OF THE EFFECTIVENESS OF THE PROGRAM IN MEETING THE GOALS AND PRIORITIES SET FORTH IN THE PLAN, WILL FORM THE BASIS FOR THE SUBMISSION, FROM TIME TO TIME AS THE SECRETARY MAY REQUIRE, OF APPROPRIATE AMENDMENTS TO THE PLAN.

(B) THE SECRETARY SHALL APPROVE ANY PLAN WHICH HE FINDS FULFILLS THE CONDITIONS SPECIFIED IN SUBSECTION (A) OF THIS SECTION, AND HE SHALL DISAPPROVE ANY PLAN WHICH DOES NOT FULFILL SUCH CONDITIONS. PRIOR TO SUCH

DISAPPROVAL, THE SECRETARY SHALL NOTIFY A STATE OF HIS INTENTION TO DISAPPROVE ITS PLAN, AND HE SHALL AFFORD SUCH STATE REASONABLE NOTICE AND OPPORTUNITY FOR HEARING.

(C) WHENEVER THE SECRETARY, AFTER REASONABLE NOTICE AND OPPORTUNITY FOR HEARING TO THE STATE AGENCY ADMINISTERING OR SUPERVISING THE ADMINISTRATION OF THE STATE PLAN APPROVED UNDER THIS SECTION, FINDS THAT--

(1) THE PLAN HAS BEEN SO CHANGED THAT IT NO LONGER COMPLIES WITH THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION; OR

(2) IN THE ADMINISTRATION OF THE PLAN THERE IS A FAILURE TO COMPLY SUBSTANTIALLY WITH ANY PROVISION OF SUCH PLAN, THE SECRETARY SHALL NOTIFY SUCH STATE AGENCY THAT NO FURTHER PAYMENTS WILL BE MADE TO THE STATE UNDER THIS TITLE (OR, IN HIS DISCRETION, THAT SUCH FURTHER PAYMENTS WILL BE REDUCED, IN ACCORDANCE WITH REGULATIONS THE SECRETARY SHALL PRESCRIBE, OR THAT FURTHER PAYMENTS WILL NOT BE MADE TO THE STATE ONLY FOR THE PROJECTS UNDER THE PARTS OF THE STATE PLAN AFFECTED BY SUCH FAILURE), UNTIL HE IS SATISFIED THERE IS NO LONGER ANY SUCH FAILURE. UNTIL HE IS SO SATISFIED, THE SECRETARY SHALL MAKE NO FURTHER PAYMENTS TO SUCH STATE UNDER THIS TITLE (OR SHALL LIMIT PAYMENTS TO PROJECTS UNDER THOSE PARTS OF THE STATE PLAN IN WHICH THERE IS NO SUCH FAILURE).

(D) IF ANY STATE IS DISSATISFIED WITH THE SECRETARY'S ACTION UNDER SUBSECTION (B) OR (C) OF THIS SECTION, SUCH STATE MAY APPEAL TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT WHERE THE CAPITAL OF SUCH STATE IS LOCATED AND JUDICIAL REVIEW OF SUCH ACTION SHALL BE ON THE RECORD IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 7 OF TITLE 5, UNITED STATES CODE. //5 USC 701.//

INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM

SEC. 102. (A) THE SECRETARY SHALL INSURE THAT THE INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM REQUIRED BY SECTION 10 (A) (9) IN THE CASE OF EACH HANDICAPPED INDIVIDUAL IS DEVELOPED JOINTLY BY THE VOCATIONAL REHABILITATION COUNSELOR OR COORDINATOR AND THE HANDICAPPED INDIVIDUAL (OR, IN APPROPRIATE CASES, HIS PARENTS OR GUARDIANS), AND THAT SUCH PROGRAM MEETS THE REQUIREMENTS SET FORTH IN SUBSECTION (B) OF THIS SECTION. SUCH WRITTEN PROGRAM SHALL SET FORTH THE TERMS AND CONDITIONS, AS WELL AS THE RIGHTS AND REMEDIES, UNDER WHICH GOODS AND SERVICES WILL BE PROVIDED TO THE INDIVIDUAL.

(B) EACH INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM SHALL BE REVIEWED ON AN ANNUAL BASIS AT WHICH TIME EACH SUCH INDIVIDUAL (OR, IN APPROPRIATE CASES, HIS PARENTS OR GUARDIANS) WILL BE AFFORDED AN OPPORTUNITY TO REVIEW SUCH PROGRAM AND JOINTLY REDEVELOP ITS TERMS. SUCH PROGRAM SHALL INCLUDE, BUT NOT BE LIMITED TO (1) A STATEMENT OF LONG-RANGE REHABILITATION GOALS FOR THE INDIVIDUAL AND INTERMEDIATE REHABILITATION OBJECTIVES RELATED TO THE ATTAINMENT OF SUCH GOALS, (2) A STATEMENT OF THE SPECIFIC VOCATIONAL REHABILITATION SERVICES TO BE PROVIDED, (3) THE PROJECTED DATE FOR THE INITIATION AND THE ANTICIPATED DURATION OF EACH SUCH SERVICE, (4) OBJECTIVE CRITERIA AND AN EVALUATION PROCEDURE AND SCHEDULE FOR DETERMINING WHETHER SUCH OBJECTIVES AND GOALS ARE BEING ACHIEVED, AND (5) WHERE APPROPRIATE, A DETAILED EXPLANATION OF THE

AVAILABILITY OF A CLIENT ASSISTANCE PROJECT ESTABLISHED IN SUCH AREA PURSUANT TO SECTION 112.

(C) THE SECRETARY SHALL ALSO INSURE THAT (1) IN DEVELOPING AND CARRYING OUT INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM REQUIRED BY SECTION 101 IN THE CASE OF EACH HANDICAPPED INDIVIDUAL PRIMARY EMPHASIS IS PLACED UPON THE DETERMINATION AND ACHIEVEMENT OF A VOCATIONAL GOAL FOR SUCH INDIVIDUAL, (2) A DECISION THAT SUCH AN INDIVIDUAL IS NOT CAPABLE OF ACHIEVING SUCH A GOAL AND THUS NOT ELIGIBLE FOR VOCATIONAL REHABILITATION SERVICES PROVIDED WITH ASSISTANCE UNDER THIS PART, IS MADE ONLY IN FULL CONSULTATION WITH SUCH INDIVIDUAL (OR, IN APPROPRIATE CASES, HIS PARENTS OR GUARDIANS), AND ONLY UPON THE CERTIFICATION, AS AN AMENDMENT TO SUCH WRITTEN PROGRAM, THAT THE EVALUATION OF REHABILITATION POTENTIAL HAS DEMONSTRATED BEYOND ANY REASONABLE DOUBT THAT SUCH INDIVIDUAL IS NOT THEN CAPABLE OF ACHIEVING SUCH A GOAL, AND (3) ANY SUCH DECISION SHALL BE REVIEWED AT LEAST ANNUALLY IN ACCORDANCE WITH THE PROCEDURE AND CRITERIA ESTABLISHED IN THIS SECTION.

SCOPE OF VOCATIONAL REHABILITATION SERVICES

SFC. 103. (A) VOCATIONAL REHABILITATION SERVICES PROVIDED UNDER THIS ACT ARE ANY GOODS OR SERVICES NECESSARY TO RENDER A HANDICAPPED INDIVIDUAL EMPLOYABLE, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

(1) EVALUATION OF REHABILITATION POTENTIAL, INCLUDING DIAGNOSTIC AND RELATED SERVICES, INCIDENTAL TO THE DETERMINATION OF ELIGIBILITY FOR, AND THE NATURE AND SCOPE OF, SERVICES TO BE PROVIDED, INCLUDING, WHERE APPROPRIATE, EXAMINATION BY A PHYSICIAN SKILLED IN THE DIAGNOSIS AND TREATMENT OF EMOTIONAL DISORDERS, OR BY A LICENSED PSYCHOLOGIST IN ACCORDANCE WITH STATE LAWS AND REGULATIONS, OR BOTH;

(2) COUNSELING, GUIDANCE, REFERRAL, AND PLACEMENT SERVICES FOR HANDICAPPED INDIVIDUALS, INCLUDING FOLLOWUP, FOLLOW-ALONG, AND OTHER POSTEMPLOYMENT SERVICES NECESSARY TO ASSIST SUCH INDIVIDUALS TO MAINTAIN THEIR EMPLOYMENT AND SERVICES DESIGNED TO HELP HANDICAPPED INDIVIDUALS SECURE NEEDED SERVICES FROM OTHER AGENCIES, WHERE SUCH SERVICES ARE NOT AVAILABLE UNDER THIS ACT;

(3) VOCATIONAL AND OTHER TRAINING SERVICES FOR HANDICAPPED INDIVIDUALS, WHICH SHALL INCLUDE PERSONAL AND VOCATIONAL ADJUSTMENT, BOOKS, AND OTHER TRAINING MATERIALS, AND SERVICES TO THE FAMILIES OF SUCH INDIVIDUALS AS ARE NECESSARY TO THE ADJUSTMENT OR REHABILITATION OF SUCH INDIVIDUALS: PROVIDED, THAT NO TRAINING SERVICES IN INSTITUTIONS OF HIGHER EDUCATION SHALL BE PAID FOR WITH FUNDS UNDER THIS TITLE UNLESS MAXIMUM EFFORTS HAVE BEEN MADE TO SECURE GRANT ASSISTANCE, IN WHOLE OR IN PART, FROM OTHER SOURCES TO PAY FOR SUCH TRAINING;

(4) PHYSICAL AND MENTAL RESTORATION SERVICES, INCLUDING, BUT NOT LIMITED TO, (A) CORRECTIVE SURGERY OR THERAPEUTIC TREATMENT NECESSARY TO CORRECT OR SUBSTANTIALLY MODIFY A PHYSICAL OR MENTAL CONDITION WHICH IS STABLE OR SLOWLY PROGRESSIVE AND CONSTITUTES A SUBSTANTIAL HANDICAP TO EMPLOYMENT, BUT IS OF SUCH NATURE THAT SUCH CORRECTION OR MODIFICATION MAY REASONABLY BE EXPECTED TO ELIMINATE OR SUBSTANTIALLY REDUCE THE HANDICAP WITHIN A REASONABLE LENGTH OF

TIME, (B) NECESSARY HOSPITALIZATION IN CONNECTION WITH SURGERY OR TREATMENT, (C) PROSTHETIC AND ORTHOTIC DEVICES, (D) EYEGLASSES AND VISUAL SERVICES AS PRESCRIBED BY A PHYSICIAN SKILLED IN THE DISEASES OF THE EYE OR BY AN OPTOMETRIST, WHICHEVER THE INDIVIDUAL MAY SELECT, (E) SPECIAL SERVICES (INCLUDING TRANSPLANTATION AND DIALYSIS), ARTIFICIAL KIDNEYS, AND SUPPLIES NECESSARY FOR THE TREATMENT OF INDIVIDUALS SUFFERING FROM END-STAGE RENAL DISEASE, AND (F) DIAGNOSIS AND TREATMENT FOR MENTAL AND EMOTIONAL DISORDERS BY A PHYSICIAN OR LICENSED PSYCHOLOGIST IN ACCORDANCE WITH STATE LICENSURE LAWS;

(5) MAINTENANCE, NOT EXCEEDING THE ESTIMATED COST OF SUBSISTENCE, DURING REHABILITATION;

(6) INTERPRETER SERVICES FOR DEAF INDIVIDUALS, AND READER SERVICES FOR THOSE INDIVIDUALS DETERMINED TO BE BLIND AFTER AN EXAMINATION BY A PHYSICIAN SKILLED IN THE DISEASES OF THE EYE OR BY AN OPTOMETRIST, WHICHEVER THE INDIVIDUAL MAY SELECT;

(7) RECRUITMENT AND TRAINING SERVICES FOR HANDICAPPED INDIVIDUALS TO PROVIDE THEM WITH NEW EMPLOYMENT OPPORTUNITIES IN THE FIELDS OF REHABILITATION, HEALTH, WELFARE, PUBLIC SAFETY, AND LAW ENFORCEMENT, AND OTHER APPROPRIATE SERVICE EMPLOYMENT;

(8) REHABILITATION TEACHING SERVICES AND ORIENTATION AND MOBILITY SERVICES FOR THE BLIND;

(9) OCCUPATIONAL LICENSES, TOOLS, EQUIPMENT, AND INITIAL STOCKS AND SUPPLIES;

(10) TRANSPORTATION IN CONNECTION WITH THE RENDERING OF ANY VOCATIONAL REHABILITATION SERVICE; AND

(11) TELECOMMUNICATIONS, SENSORY, AND OTHER TECHNOLOGICAL AIDS AND DEVICES. **

(B) VOCATIONAL REHABILITATION SERVICES, WHEN PROVIDED FOR THE BENEFIT OF GROUPS OF INDIVIDUALS, MAY ALSO INCLUDE THE FOLLOWING:

(1) IN THE CASE OF ANY TYPE OF SMALL BUSINESS OPERATED BY INDIVIDUALS WITH THE MOST SEVERE HANDICAPS THE OPERATION OF WHICH CAN BE IMPROVED BY MANAGEMENT SERVICES AND SUPERVISION PROVIDED BY THE STATE AGENCY, THE PROVISION OF SUCH SERVICES AND SUPERVISION, ALONG OR TOGETHER WITH THE ACQUISITION BY THE STATE AGENCY OF VENDING FACILITIES

OR OTHER EQUIPMENT AND INITIAL STOCKS AND SUPPLIES; AND

(2) THE CONSTRUCTION OR ESTABLISHMENT OF PUBLIC OR NONPROFIT REHABILITATION FACILITIES AND THE PROVISION OF OTHER FACILITIES AND SERVICES WHICH PROMISE TO CONTRIBUTE SUBSTANTIALLY TO THE REHABILITATION OF A GROUP OF INDIVIDUALS BUT WHICH ARE NOT RELATED DIRECTLY TO THE INDIVIDUALIZED REHABILITATION WRITTEN PROGRAM OF ANY ONE HANDICAPPED INDIVIDUAL.

NON-FEDERAL SHARE FOR CONSTRUCTION

SEC. 104. FOR THE PURPOSE OF DETERMINING THE AMOUNT OF PAYMENTS TO STATES FOR CARRYING OUT PART B OF THIS TITLE, THE NON-FEDERAL SHARE, SUBJECT TO SUCH LIMITATIONS AND CONDITIONS AS MAY BE PRESCRIBED FUNDS MADE BY ANY PRIVATE AGENCY, ORGANIZATION, OR INDIVIDUAL TO A STATE OR LOCAL

AGENCY TO ASSIST IN MEETING THE COSTS OF CONSTRUCTION OR ESTABLISHMENT OF A PUBLIC OR NONPROFIT REHABILITATION FACILITY, WHICH WOULD BE REGARDED AS STATE, OR LOCAL FUNDS EXCEPT FOR THE CONDITION, IMPOSED BY THE CONTRIBUTOR, LIMITING USE OF SUCH FUNDS TO CONSTRUCTION OR ESTABLISHMENT OF SUCH FACILITY.

PART B--BASIC VOCATIONAL REHABILITATION
SERVICES STATE ALLOTMENTS

SEC. 110. (A) FOR EACH FISCAL YEAR, EACH STATE SHALL BE ENTITLED TO AN ALLOTMENT OF AN AMOUNT BEARING THE SAME RATIO TO THE AMOUNT AUTHORIZED TO BE APPROPRIATED UNDER SUBSECTION (B) (1) OF SECTION 100 FOR ALLOTMENT UNDER THIS SECTION AS THE PRODUCT OF (1) THE . BEARS TO THE SUM OF THE CORRESPONDING PRODUCTS FOR ALL THE STATES. THE ALLOTMENT TO ANY STATE (OTHER THAN GUAM, AMERICAN SAMOA, THE VIRGIN ISLANDS, AND THE TRUST TERRITORY OF THE PACIFIC ISLANDS) UNDER THE FIRST SENTENCE OF THIS SUBSECTION FOR ANY FISCAL YEAR WHICH IS LESS THAN ONE-QUARTER OF 1 PER CENTUM OF THE AMOUNT APPROPRIATED UNDER SUBSECTION (B) (1) OF SECTION 100, OR \$2,000,000, WHICHEVER IS GREATER, SHALL BE INCREASED TO THAT AMOUNT, THE TOTAL OF THE INCREASES THEREBY REQUIRED BEING DERIVED BY PROPORTIONATELY REDUCING THE ALLOTMENTS TO EACH OF THE REMAINING SUCH STATES UNDER THE FIRST SENTENCE OF THIS SUBSECTION, BUT WITH SUCH ADJUSTMENTS AS MAY BE NECESSARY TO PREVENT THE ALLOTMENT OF ANY SUCH REMAINING STATES FROM BEING THEREBY REDUCED TO LESS THAN THAT AMOUNT.

(B) IF THE PAYMENT TO A STATE UNDER SECTION 111 (A) FOR A FISCAL YEAR IS LESS THAN THE TOTAL PAYMENTS SUCH STATE RECEIVED UNDER SECTION 2 OF THE VOCATIONAL REHABILITATION ACT FOR THE FISCAL YEAR ENDING JUNE 30, 1973, SUCH STATE SHALL BE ENTITLED TO AN ADDITIONAL PAYMENT (SUBJECT TO THE SAME TERMS AND CONDITIONS APPLICABLE TO OTHER PAYMENTS UNDER THIS PART) EQUAL TO THE DIFFERENCE BETWEEN SUCH PAYMENT UNDER SECTION 111 (A) AND THE AMOUNT SO RECEIVED BY IT. //79 STAT. 1282. 29 USC 32.// PAYMENTS ATTRIBUTABLE TO THE ADDITIONAL PAYMENT TO A STATE UNDER THIS SUBSECTION SHALL BE MADE ONLY FROM APPROPRIATIONS SPECIFICALLY MADE TO CARRY OUT THIS SUBSECTION, AND SUCH ADDITIONAL APPROPRIATIONS ARE HEREBY AUTHORIZED.

(C) WHENEVER THE SECRETARY DETERMINES, AFTER REASONABLE OPPORTUNITY FOR THE SUBMISSION TO HIM OF COMMENTS BY THE STATE AGENCY ADMINISTERING OR SUPERVISING THE PROGRAM ESTABLISHED UNDER THIS TITLE, THAT ANY PAYMENT OF AN ALLOTMENT TO A STATE UNDER SECTION 111 (A) FOR ANY FISCAL YEAR WILL NOT BE UTILIZED BY SUCH STATE IN CARRYING OUT THE PURPOSES OF THIS TITLE, HE SHALL MAKE SUCH AMOUNT AVAILABLE FOR CARRYING OUT THE PURPOSES OF THIS TITLE TO ONE OR MORE OTHER STATES TO THE EXTENT HE DETERMINES SUCH OTHER STATE WILL BE ABLE TO USE SUCH ADDITIONAL AMOUNT DURING SUCH YEAR FOR CARRYING OUT SUCH PURPOSES. ANY AMOUNT MADE AVAILABLE TO A STATE FOR ANY FISCAL YEAR PURSUANT TO THE PRECEDING SENTENCE SHALL, FOR THE PURPOSES OF THIS PART, BE REGARDED AS AN INCREASE OF SUCH STATE'S ALLOTMENT (AS DETERMINED UNDER THE PRECEDING PROVISIONS OF THIS SECTION) FOR SUCH YEAR.
PAYMENTS TO STATES

SEC. 111. (A) FROM EACH STATE'S ALLOTMENT UNDER THIS PART FOR ANY FISCAL YEAR (INCLUDING ANY ADDITIONAL PAYMENT TO IT UNDER SECTION 110 (B)), THE SECRETARY SHALL PAY TO SUCH STATE AN AMOUNT EQUAL TO THE FEDERAL SHARE

OF THE COST OF VOCATIONAL REHABILITATION SERVICES UNDER THE PLAN FOR SUCH STATE APPROVED UNDER SECTION 101, INCLUDING EXPENDITURES FOR THE ADMINISTRATION OF THE STATE PLAN, EXCEPT THAT THE TOTAL OF SUCH PAYMENTS TO SUCH STATE FOR SUCH FISCAL YEAR MAY NOT EXCEED ITS ALLOTMENT UNDER SUBSECTION (A) (AND ITS ADDITIONAL PAYMENT UNDER SUBSECTION (B), IF ANY) OF SECTION 110 FOR SUCH YEAR AND SUCH PAYMENTS SHALL NOT BE MADE IN AN AMOUNT WHICH WOULD RESULT IN A VIOLATION OF THE PROVISIONS OF THE STATE PLAN REQUIRED BY CLAUSE (17) OF SECTION 101 (A), AND EXCEPT THAT THE AMOUNT OTHERWISE PAYABLE TO SUCH STATE FOR SUCH YEAR UNDER THIS SECTION SHALL BE REDUCED BY THE AMOUNT (IF ANY) BY WHICH EXPENDITURES FROM NON-FEDERAL SOURCES DURING SUCH YEAR UNDER THIS TITLE ARE LESS THAN EXPENDITURES UNDER THE STATE PLAN FOR THE FISCAL YEAR ENDING JUNE 30, 1972; UNDER THE VOCATIONAL REHABILITATION ACT. //68 STAT. 652. 29 USC 31 NOTE.//

(B) THE METHOD OF COMPUTING AND PAYING AMOUNTS PURSUANT TO SUBSECTION (A) SHALL BE AS FOLLOWS:

(1) THE SECRETARY SHALL, PRIOR TO THE BEGINNING OF EACH CALENDAR QUARTER OR OTHER PERIOD PRESCRIBED BY HIM, ESTIMATE THE AMOUNT TO BE PAID TO EACH STATE UNDER THE PROVISIONS OF SUCH SUBSECTION FOR SUCH PERIOD, SUCH ESTIMATE TO BE BASED ON SUCH RECORDS OF THE STATE AND INFORMATION FURNISHED BY IT, AND SUCH OTHER INVESTIGATION, AS THE SECRETARY MAY FIND NECESSARY.

(2) THE SECRETARY SHALL PAY, FROM THE ALLOTMENT AVAILABLE THEREFOR, THE AMOUNT SO ESTIMATED BY HIM FOR SUCH PERIOD, REDUCED OR INCREASED, AS THE CASE MAY BE, BY ANY SUM (NOT PREVIOUSLY ADJUSTED UNDER THIS PARAGRAPH) BY WHICH HE FINDS THAT HIS ESTIMATE OF THE AMOUNT TO BE PAID THE STATE FOR ANY PRIOR PERIOD UNDER SUCH SUBSECTION WAS GREATER OR LESS THAN THE AMOUNT WHICH SHOULD HAVE BEEN PAID TO THE STATE FOR SUCH PRIOR PERIOD UNDER SUCH SUBSECTION. SUCH PAYMENT SHALL BE MADE PRIOR TO AUDIT OR SETTLEMENT BY THE GENERAL ACCOUNTING OFFICE, SHALL BE MADE THROUGH THE DISBURSING FACILITIES OF THE TREASURY DEPARTMENT, AND SHALL BE MADE IN SUCH INSTALLMENTS AS THE SECRETARY MAY DETERMINE.

CLIENT ASSISTANCE

SEC. 112. (A) FROM FUNDS APPROPRIATED UNDER SECTION 304 FOR SPECIAL PROJECTS AND DEMONSTRATIONS IN EXCESS OF AN AMOUNT EQUAL TO THE AMOUNT OBLIGATED FOR EXPENDITURE FOR CARRYING OUT SUCH PROJECTS AND DEMONSTRATIONS FROM APPROPRIATIONS UNDER THE VOCATIONAL REHABILITATION ACT IN THE FISCAL YEAR ENDING JUNE 30, 1973, THE SECRETARY SHALL SET ASIDE UP TO \$1,500,000, BUT NO LESS THAN \$500,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, AND UP TO \$2,500,000 BUT NO LESS THAN \$1,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, TO ESTABLISH IN NO LESS THAN 7 NOR MORE THAN 20 GEOGRAPHICALLY DISPERSED REGIONS CLIENT ASSISTANCE PILOT PROJECTS (HEREINAFTER IN THIS SECTION REFERRED TO AS "PROJECTS") TO PROVIDE COUNSELORS TO INFORM AND ADVISE ALL CLIENTS AND CLIENT APPLICANTS IN THE PROJECT AREA OF ALL AVAILABLE BENEFITS UNDER THIS ACT AND, UPON REQUEST OF SUCH CLIENT OR CLIENT APPLICANT, TO ASSIST SUCH CLIENTS OR APPLICANTS IN THEIR RELATIONSHIPS WITH PROJECTS, PROGRAMS, AND FACILITIES PROVIDING SERVICES TO THEM UNDER THIS ACT.

(B) THE SECRETARY SHALL PRESCRIBE REGULATIONS WHICH SHALL INCLUDE THE FOLLOWING REQUIREMENTS:

(1) NO EMPLOYEES OF SUCH PROJECTS SHALL BE PRESENTLY SERVING AS STAFF OR CONSULTANTS OR RECEIVING BENEFITS OF ANY KIND DIRECTLY OR INDIRECTLY FROM ANY REHABILITATION PROJECT, PROGRAM, OR FACILITY RECEIVING ASSISTANCE UNDER THIS ACT IN THE PROJECT AREA.

(2) EACH PROJECT SHALL BE AFFORDED REASONABLE ACCESS TO POLICYMAKING AND ADMINISTRATIVE PERSONNEL IN STATE AND LOCAL REHABILITATION PROGRAMS, PROJECTS, AND FACILITIES.

(3) THE PROJECT SHALL SUBMIT AN ANNUAL REPORT, THROUGH THE STATE AGENCY DESIGNATED PURSUANT TO SECTION 101, TO THE SECRETARY ON THE OPERATION OF THE PROJECT DURING THE PREVIOUS YEAR, INCLUDING A SUMMARY OF THE WORK DONE AND A UNIFORM STATISTICAL TABULATION OF ALL CASES HANDLED BY SUCH PROJECT. //ANTE, P. 363.// A COPY OF EACH SUCH REPORT SHALL BE SUBMITTED TO THE APPROPRIATE COMMITTEES OF THE CONGRESS BY THE SECRETARY, TOGETHER WITH A SUMMARY OF SUCH REPORTS AND HIS EVALUATION OF SUCH PROJECTS, INCLUDING APPROPRIATE RECOMMENDATIONS.

(4) EACH STATE AGENCY MAY ENTER INTO COOPERATIVE ARRANGEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION TO SECURE THE SERVICES IN SUCH PROJECTS OF GRADUATE STUDENTS WHO ARE UNDERGOING CLINICAL TRAINING ACTIVITIES IN RELATED FIELDS. NO COMPENSATION WITH FUNDS APPROPRIATED UNDER THIS ACT SHALL BE PROVIDED TO SUCH STUDENTS.

(5) REASONABLE ASSURANCE SHALL BE GIVEN BY THE APPROPRIATE STATE AGENCY THAT ALL CLIENTS OR CLIENT APPLICANTS WITHIN THE PROJECT AREA SHALL HAVE THE OPPORTUNITY TO RECEIVE ADEQUATE SERVICE UNDER THE PROJECT AND SHALL NOT BE PRESSURED AGAINST OR OTHERWISE DISCOURAGED FROM AVAILING THEMSELVES OF THE SERVICES AVAILABLE UNDER SUCH PROJECT.

(6) THE PROJECT SHALL BE FUNDED, ADMINISTERED, AND OPERATED DIRECTLY BY AND WITH THE CONCURRENCE OF THE STATE AGENCY DESIGNATED PURSUANT TO SECTION 101.

PART C--INNOVATION AND EXPANSION GRANTS STATE ALLOTMENTS SEC. 120. (A) (1) FROM THE SUMS AVAILABLE PURSUANT TO SECTION 100 (B) (2) FOR ANY FISCAL YEAR FOR GRANTS TO STATES TO ASSIST THEM IN MEETING THE COSTS DESCRIBED IN SECTION 121, EACH STATE SHALL BE ENTITLED TO AN ALLOTMENT OF AN AMOUNT BEARING THE SAME RATIO TO SUCH SUMS AS THE POPULATION OF THE STATE BEARS TO THE POPULATION OF ALL THE STATES. //ANTE, P. 363.// THE ALLOTMENT TO ANY STATE UNDER THE PRECEDING SENTENCE FOR ANY FISCAL YEAR WHICH IS LESS THAN \$50,000 SHALL BE INCREASED TO THAT AMOUNT, AND FOR THE FISCAL YEAR ENDING JUNE 30, 1974, NO STATE SHALL RECEIVE LESS THAN THE AMOUNT NECESSARY TO COVER UP TO 90 PER CENTUM OF THE COST OF CONTINUING PROJECTS ASSISTED UNDER SECTION 4 (A) (2) (A) OF THE VOCATIONAL REHABILITATION ACT, EXCEPT THAT NO SUCH PROJECT MAY RECEIVE FINANCIAL ASSISTANCE UNDER BOTH THE VOCATIONAL REHABILITATION ACT AND THIS ACT FOR A TOTAL PERIOD OF TIME IN EXCESS OF THREE YEARS. //82 STAT. 299. 29 USC 34.// THE TOTAL OF THE INCREASE REQUIRED BY THE PRECEDING SENTENCE SHALL BE DERIVED BY PROPORTIONATELY REDUCING THE ALLOTMENTS TO EACH OF THE REMAINING STATES UNDER THE FIRST SENTENCE OF THIS SECTION, BUT WITH SUCH ADJUSTMENTS AS MAY BE NECESSARY TO PREVENT THE ALLOTMENT OF ANY OF SUCH

REMAINING STATES FROM THEREBY BEING REDUCED TO LESS THAN \$50,000.

(B) WHENEVER THE SECRETARY DETERMINES THAT ANY AMOUNT OF AN ALLOTMENT TO A STATE FOR ANY FISCAL YEAR WILL NOT BE UTILIZED BY SUCH STATE IN CARRYING OUT THE PURPOSES OF THIS SECTION, HE SHALL MAKE SUCH AMOUNT AVAILABLE FOR CARRYING OUT THE PURPOSES OF THIS SECTION TO ONE OR MORE OTHER STATES WHICH HE DETERMINES WILL BE ABLE TO USE ADDITIONAL AMOUNTS DURING SUCH YEAR FOR CARRYING OUT SUCH PURPOSES. ANY AMOUNT MADE AVAILABLE TO A STATE FOR ANY FISCAL YEAR PURSUANT TO THE PRECEDING SENTENCE SHALL, FOR PURPOSES OF THIS PART, BE REGARDED AS AN INCREASE OF SUCH STATE'S ALLOTMENT (AS DETERMINED UNDER THE PRECEDING PROVISIONS OF THIS SECTION) FOR SUCH YEAR.

PAYMENTS TO STATES

SEC. 121. (A) FROM EACH STATE'S ALLOTMENT UNDER THIS PART FOR ANY FISCAL YEAR, THE SECRETARY SHALL PAY TO SUCH STATE OR, AT THE OPTION OF THE STATE AGENCY DESIGNATED PURSUANT TO SECTION 101 (A) (1), TO A PUBLIC OR NONPROFIT ORGANIZATION OF AGENCY, A PORTION OF THE COST OF PLANNING, PREPARING FOR, AND INITIATING SPECIAL PROGRAMS UNDER THE STATE PLAN APPROVED PURSUANT TO SECTION 101 TO EXPAND VOCATIONAL REHABILITATION SERVICES, INCLUDING PROGRAMS TO INITIATE OR EXPAND SUCH SERVICES TO INDIVIDUALS WITH THE MOST SEVERE HANDICAPS, OR OF SPECIAL PROGRAMS UNDER SUCH STATE PLAN TO INITIATE OR EXPAND SERVICES TO CLASSES OF HANDICAPPED INDIVIDUALS WHO HAVE UNUSUAL AND DIFFICULT PROBLEMS IN CONNECTION WITH THEIR REHABILITATION, PARTICULARLY HANDICAPPED INDIVIDUALS WHO ARE POOR, AND RESPONSIBILITY FOR WHOSE TREATMENT, EDUCATION, AND REHABILITATION IS SHARED BY THE STATE AGENCY DESIGNATED IN SECTION 101 WITH OTHER AGENCIES. //ANTE, P. 363.// THE SECRETARY MAY REQUIRE THAT ANY PORTION OF A STATE'S ALLOTMENT UNDER THIS SECTION, BUT NOT MORE THAN 50 PER CENTUM OF SUCH ALLOTMENT, MAY BE EXPENDED IN CONNECTION WITH ONLY SUCH PROJECTS AS HAVE FIRST BEEN APPROVED BY THE SECRETARY. ANY GRANT OF FUNDS UNDER THIS SECTION WHICH WILL BE USED FOR DIRECT SERVICES TO HANDICAPPED INDIVIDUALS OR FOR ESTABLISHING OR MAINTAINING FACILITIES WHICH WILL RENDER DIRECT SERVICES TO SUCH INDIVIDUALS MUST HAVE THE PRIOR APPROVAL OF THE APPROPRIATE STATE AGENCY DESIGNATED PURSUANT TO SECTION 101.

(B) PAYMENTS UNDER THIS SECTION WITH RESPECT TO ANY PROJECT MAY BE MADE FOR A PERIOD OF NOT TO EXCEED THREE YEARS BEGINNING WITH THE COMMENCEMENT OF THE PROJECT AS APPROVED, AND SUMS APPROPRIATED FOR GRANTS UNDER THIS SECTION SHALL REMAIN AVAILABLE FOR SUCH GRANTS THROUGH THE FISCAL YEAR ENDING JUNE 30, 1976. PAYMENTS WITH RESPECT TO ANY PROJECT MAY NOT EXCEED 90 PER CENTUM OF THE COST OF SUCH PROJECT. THE NON-FEDERAL SHARE OF THE COST OF A PROJECT MAY BE IN CASH OR IN KIND AND MAY INCLUDE FUNDS SPENT FOR PROJECT PURPOSES BY A COOPERATING PUBLIC OR NONPROFIT AGENCY PROVIDED THAT IT IS NOT INCLUDED AS COST IN ANY OTHER FEDERALLY FINANCED PROGRAM.

(C) PAYMENTS UNDER THIS SECTION MAY BE MADE IN ADVANCE OR BY WAY OF REIMBURSEMENT FOR SERVICES PERFORMED AND PURCHASES MADE, AS MAY BE DETERMINED BY THE SECRETARY, AND SHALL BE MADE ON SUCH CONDITIONS AS THE SECRETARY FINDS NECESSARY TO CARRY OUT THE PURPOSES OF THIS SECTION.

PART D--COMPREHENSIVE SERVICE NEEDS SPECIAL STUDY

SEC. 130. (A) THE SECRETARY SHALL CONDUCT A COMPREHENSIVE STUDY,

INCLUDING RESEARCH AND DEMONSTRATION PROJECTS OF THE FEASIBILITY OF METHODS DESIGNED (1) TO PREPARE INDIVIDUALS WITH THE MOST SEVERE HANDICAPS FOR ENTRY INTO PROGRAMS UNDER THIS ACT WHO WOULD NOT OTHERWISE BE ELIGIBLE TO ENTER SUCH PROGRAMS DUE TO THE SEVERITY OF THEIR HANDICAP, AND (2) TO ASSIST INDIVIDUALS WITH THE MOST SEVERE HANDICAPS WHO, DUE TO THE SEVERITY OF THEIR HANDICAPS OR OTHER FACTORS SUCH AS THEIR AGE, CANNOT REASONABLY BE EXPECTED TO BE REHABILITATED FOR EMPLOYMENT BUT FOR WHOM A PROGRAM OF REHABILITATION COULD IMPROVE THEIR ABILITY TO LIVE INDEPENDENTLY OR FUNCTION NORMALLY WITHIN THEIR FAMILY AND COMMUNITY. SUCH STUDY SHALL ENCOMPASS THE EXTENT TO WHICH OTHER PROGRAMS ADMINISTERED BY THE SECRETARY DO OR MIGHT CONTRIBUTE TO THE OBJECTIVES SET FORTH IN CLAUSES (1) AND (2) OF THE PRECEDING SENTENCE AND THE METHODS BY WHICH ALL SUCH PROGRAMS CAN BE COORDINATED AT FEDERAL, STATE, AND LOCAL LEVELS WITH THOSE CARRIED OUT UNDER THIS ACT TO THE END THAT INDIVIDUALS WITH THE MOST SEVERE HANDICAPS ARE ASSURED OF RECEIVING THE KINDS OF ASSISTANCE NECESSARY FOR THEM TO ACHIEVE SUCH OBJECTIVES.

(B) THE SECRETARY SHALL REPORT THE FINDINGS OF THE STUDY, RESEARCH, AND DEMONSTRATIONS DIRECTED BY SUBSECTION (A) OF THIS SECTION TO THE CONGRESS AND TO THE PRESIDENT TOGETHER WITH SUCH RECOMMENDATIONS FOR LEGISLATIVE OR OTHER ACTION AS HE MAY FIND DESIRABLE, NOT LATER THAN FEBRUARY 1, 1975.

TITLE II-- RESEARCH AND TRAINING DECLARATION OF PURPOSE
SEC. 200. THE PURPOSE OF THIS TITLE IS TO AUTHORIZE FEDERAL ASSISTANCE TO STATE AND PUBLIC OR NONPROFIT AGENCIES AND ORGANIZATIONS TO--

(A) PLAN AND CONDUCT RESEARCH, DEMONSTRATIONS, AND RELATED ACTIVITIES IN THE REHABILITATION OF HANDICAPPED INDIVIDUALS, AND

(B) PLAN AND CONDUCT COURSES OF TRAINING AND RELATED ACTIVITIES DESIGNED TO PROVIDE INCREASED NUMBERS OF TRAINED REHABILITATION PERSONNEL, TO INCREASED NUMBERS OF TRAINED REHABILITATION PERSONNEL, TO INCREASE THE LEVELS OF SKILLS OF SUCH PERSONNEL, AND TO DEVELOP IMPROVED METHODS OF PROVIDING SUCH TRAINING.

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. (A) IN ORDER TO MAKE GRANTS AND CONTRACTS TO CARRY OUT THE PURPOSES OF THIS TITLE, THERE IS AUTHORIZED TO BE APPROPRIATED:

(1) FOR THE PURPOSE OF CARRYING OUT SECTION 202 OF THIS TITLE, \$25,000,000 EACH FOR THE FISCAL YEARS ENDING JUNE 30, 1974, AND JUNE 30, 1975; AND THERE IS FURTHER AUTHORIZED TO BE APPROPRIATED FOR SUCH PURPOSE FOR EACH SUCH YEAR SUCH ADDITIONAL SUMS AS THE CONGRESS MAY DETERMINE TO BE NECESSARY. OF THE SUMS APPROPRIATED UNDER THIS PARAGRAPH, 20 PER CENTUM, AND 25 PER CENTUM OF THE AMOUNTS APPROPRIATED IN THE FIRST AND SECOND SUCH FISCAL YEARS, RESPECTIVELY, SHALL BE AVAILABLE ONLY FOR THE PURPOSE OF CARRYING OUT ACTIVITIES UNDER SECTION 202 (B) (2).

(2) FOR THE PURPOSE OF CARRYING OUT SECTION 203 OF THIS TITLE, THERE IS AUTHORIZED TO BE APPROPRIATED \$27,700,000 EACH FOR THE FISCAL YEARS ENDING JUNE 30, 1974, AND JUNE 30, 1975; AND THERE IS FURTHER AUTHORIZED TO BE APPROPRIATED FOR SUCH PURPOSE FOR EACH SUCH YEAR SUCH ADDITIONAL SUMS AS THE CONGRESS MAY DETERMINE TO BE NECESSARY.

(B) FUNDS APPROPRIATED UNDER THIS TITLE SHALL REMAIN AVAILABLE UNTIL EXPENDED.

RESEARCH

SEC. 202. (A) THE SECRETARY, THROUGH THE COMMISSIONER, AND IN COORDINATION WITH OTHER APPROPRIATE PROGRAMS IN THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, IS AUTHORIZED TO MAKE GRANTS TO AND CONTRACTS WITH STATES AND PUBLIC OR NONPROFIT AGENCIES AND ORGANIZATIONS, INCLUDING INSTITUTIONS OF HIGHER EDUCATION, TO PAY PART OF THE COST OF PROJECTS FOR THE PURPOSE OF PLANNING AND CONDUCTING RESEARCH, DEMONSTRATIONS, AND RELATED ACTIVITIES WHICH BEAR DIRECTLY ON THE DEVELOPMENT OF METHODS, PROCEDURES, AND DEVICES TO ASSIST IN THE PROVISION OF VOCATIONAL REHABILITATION SERVICES TO HANDICAPPED INDIVIDUALS, ESPECIALLY THOSE WITH THE MOST SEVERE HANDICAPS, UNDER THIS ACT. SUCH PROJECTS MAY INCLUDE MEDICAL AND OTHER SCIENTIFIC, TECHNICAL, METHODOLOGICAL, AND OTHER INVESTIGATIONS INTO THE NATURE OF DISABILITY, METHODS OF ANALYZING IT, AND RESTORATIVE TECHNIQUES; STUDIES AND ANALYSES OF INDUSTRIAL, VOCATIONAL, SOCIAL, PSYCHOLOGICAL, ECONOMIC, AND OTHER FACTORS AFFECTING REHABILITATION OF HANDICAPPED INDIVIDUALS; SPECIAL PROBLEMS OF HOMEBOUND AND INSTITUTIONALIZED INDIVIDUALS; STUDIES AND ANALYSES OF ARCHITECTURAL AND ENGINEERING DESIGN ADAPTED TO MEET THE SPECIAL NEEDS OF HANDICAPPED INDIVIDUALS; AND RELATED ACTIVITIES WHICH HOLD PROMISE OF INCREASING KNOWLEDGE AND IMPROVING METHODS IN THE REHABILITATION OF HANDICAPPED INDIVIDUALS AND INDIVIDUALS WITH THE MOST SEVERE HANDICAPS.

(B) IN ADDITION TO CARRYING OUT PROJECTS UNDER SUBSECTION (A) OF THIS SECTION, THE SECRETARY, THROUGH THE COMMISSIONER, AND IN COORDINATION WITH OTHER APPROPRIATE PROGRAMS IN THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, IS AUTHORIZED TO MAKE GRANTS TO PAY PART OR ALL OF THE COST OF THE FOLLOWING SPECIALIZED RESEARCH ACTIVITIES:

(1) ESTABLISHMENT AND SUPPORT OF REHABILITATION RESEARCH AND TRAINING CENTERS TO BE OPERATED IN COLLABORATION WITH INSTITUTIONS OF HIGHER EDUCATION FOR THE PURPOSE OF PROVIDING COORDINATED AND ADVANCED PROGRAMS OF RESEARCH IN REHABILITATION AND TRAINING OF REHABILITATION RESEARCH PERSONNEL, INCLUDING, BUT NOT LIMITED TO, GRADUATE TRAINING. GRANTS MAY INCLUDE FUNDS FOR SERVICES RENDERED BY SUCH A CENTER TO HANDICAPPED INDIVIDUALS IN CONNECTION WITH SUCH RESEARCH AND TRAINING ACTIVITIES.

(2) ESTABLISHMENT AND SUPPORT OF REHABILITATION ENGINEERING RESEARCH CENTERS TO (A) DEVELOP INNOVATIVE METHODS OF APPLYING ADVANCED MEDICAL TECHNOLOGY, SCIENTIFIC ACHIEVEMENT, AND PSYCHOLOGICAL AND SOCIAL KNOWLEDGE TO SOLVE REHABILITATION PROBLEMS THROUGH PLANNING AND CONDUCTING RESEARCH, INCLUDING COOPERATIVE RESEARCH WITH PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS, DESIGNED TO PRODUCE NEW SCIENTIFIC KNOWLEDGE, EQUIPMENT, AND DEVICES SUITABLE FOR SOLVING PROBLEMS IN THE REHABILITATION OF HANDICAPPED INDIVIDUALS AND FOR REDUCING ENVIRONMENTAL BARRIERS, AND TO (B) COOPERATE WITH STATE AGENCIES DESIGNATED PURSUANT TO SECTION 101 IN DEVELOPING SYSTEMS OF INFORMATION EXCHANGE AND COORDINATION TO PROMOTE THE PROMPT UTILIZATION OF ENGINEERING AND OTHER SCIENTIFIC RESEARCH TO ASSIST IN SOLVING PROBLEMS IN THE REHABILITATION OF HANDICAPPED INDIVIDUALS.

//ANTE, P. 363.//

(3) CONDUCT OF A PROGRAM FOR SPINAL CORD INJURY RESEARCH, TO INCLUDE SUPPORT OF SPINAL CORD INJURIES PROJECTS AND DEMONSTRATIONS ESTABLISHED

PURSUANT TO SECTION 303 (B), WHICH WILL (A) INSURE DISSEMINATION OF RESEARCH FINDINGS AMONG ALL SUCH CENTERS, (B) PROVIDE ENCOURAGEMENT AND SUPPORT FOR INITIATIVES AND NEW APPROACHES BY INDIVIDUAL AND INSTITUTIONAL INVESTIGATORS, AND (C) ESTABLISH AND MAINTAIN CLOSE WORKING RELATIONSHIPS WITH OTHER GOVERNMENTAL AND VOLUNTARY INSTITUTIONS AND ORGANIZATIONS ENGAGED IN SIMILAR EFFORTS, IN ORDER TO UNIFY AND COORDINATE SCIENTIFIC EFFORTS, ENCOURAGE JOINT PLANNING, AND PROMOTE THE INTERCHANGE OF DATA AND REPORTS AMONG SPINAL CORD INJURY INVESTIGATORS.

(4) CONDUCT A PROGRAM FOR END-STAGE RENAL DISEASE RESEARCH, TO INCLUDE SUPPORT OF PROJECTS AND DEMONSTRATIONS FOR PROVIDING SPECIAL SERVICES (INCLUDING TRANSPLANTATION AND DIALYSIS), ARTIFICIAL KIDNEYS, AND SUPPLIES NECESSARY FOR THE REHABILITATION OF INDIVIDUALS SUFFERING FROM SUCH DISEASE AND WHICH WILL (A) INSURE DISSEMINATION OF RESEARCH FINDINGS, (B) PROVIDE ENCOURAGEMENT AND SUPPORT FOR INITIATIVES AND NEW APPROACHES BY INDIVIDUAL AND INSTITUTIONAL INVESTIGATORS, AND (C) ESTABLISH AND MAINTAIN CLOSE WORKING RELATIONSHIPS WITH OTHER GOVERNMENTAL AND VOLUNTARY INSTITUTIONS AND ORGANIZATIONS ENGAGED IN SIMILAR EFFORTS, IN ORDER TO UNIFY AND COORDINATE SCIENTIFIC EFFORTS, ENCOURAGE JOINT PLANNING, AND PROMOTE THE INTERCHANGE OF DATA AND REPORTS AMONG INVESTIGATORS IN THE FIELD OF END-STAGE RENAL DISEASE. NO PERSON SHALL BE SELECTED TO PARTICIPATE IN SUCH PROGRAM WHO IS ELIGIBLE FOR SERVICES FOR SUCH DISEASE UNDER ANY OTHER PROVISION OF LAW.

(5) CONDUCT OF A PROGRAM FOR INTERNATIONAL REHABILITATION RESEARCH, DEMONSTRATION, AND TRAINING FOR THE PURPOSE OF DEVELOPING NEW KNOWLEDGE AND METHODS IN THE REHABILITATION OF HANDICAPPED INDIVIDUALS IN THE UNITED STATES, COOPERATING WITH AND ASSISTING IN DEVELOPING AND SHARING INFORMATION FOUND USEFUL IN OTHER NATIONS IN THE REHABILITATION OF HANDICAPPED INDIVIDUALS, AND INITIATING A PROGRAM TO EXCHANGE EXPERTS AND TECHNICAL ASSISTANCE IN THE FIELD OF REHABILITATION OF HANDICAPPED INDIVIDUALS WITH OTHER NATIONS AS A MEANS OF INCREASING THE LEVELS OF SKILL OF REHABILITATION PERSONNEL.

(C) THE PROVISIONS OF SECTION 306 SHALL APPLY TO ASSISTANCE PROVIDED UNDER THIS SECTION, UNLESS THE CONTEXT INDICATES TO THE CONTRARY.

TRAINING

SEC. 203. (A) THE SECRETARY, THROUGH THE COMMISSIONER, IN COORDINATION WITH OTHER APPROPRIATE PROGRAMS IN THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, IS AUTHORIZED TO MAKE GRANTS TO AND CONTRACTS WITH STATES AND PUBLIC OR NONPROFIT AGENCIES AND ORGANIZATIONS, INCLUDING INSTITUTIONS OF HIGHER EDUCATION, TO PAY PART OF THE COST OF PROJECTS FOR TRAINING, TRAINEESHIPS, AND RELATED ACTIVITIES DESIGNED TO ASSIST IN INCREASING THE NUMBERS OF PERSONNEL TRAINED IN PROVIDING VOCATIONAL SERVICES TO HANDICAPPED INDIVIDUALS AND IN PERFORMING OTHER FUNCTIONS NECESSARY TO THE DEVELOPMENT OF SUCH SERVICES.

(8) IN MAKING SUCH GRANTS OR CONTRACTS, FUNDS MADE AVAILABLE FOR ANY YEAR WILL BE UTILIZED TO PROVIDE A BALANCED PROGRAM OF ASSISTANCE TO MEET THE MEDICAL, VOCATIONAL, AND OTHER PERSONNEL TRAINING NEEDS OF BOTH PUBLIC AND PRIVATE REHABILITATION PROGRAMS AND INSTITUTIONS, TO INCLUDE PROJECTS IN REHABILITATION MEDICINE, REHABILITATION NURSING, REHABILITATION COUNSELING, REHABILITATION SOCIAL WORK, REHABILITATION PSYCHOLOGY, PHYSICAL THERAPY, OCCUPATIONAL THERAPY, SPEECH PATHOLOGY AND AUDIOLOGY, WORKSHOP AND FACILITY ADMINISTRATION, PROSTHETICS AND ORTHOTICS, SPECIALIZED PERSONNEL IN PROVIDING SERVICES TO BLIND AND DEAF INDIVIDUALS, RECREATION FOR ILL AND HANDICAPPED INDIVIDUALS, AND OTHER FIELDS CONTRIBUTING TO THE REHABILITATION OF HANDICAPPED INDIVIDUALS, INCLUDING HOMEBOUND AND INSTITUTIONALIZED INDIVIDUALS AND HANDICAPPED INDIVIDUALS WITH LIMITED ENGLISH-SPEAKING ABILITY. NO GRANT SHALL BE MADE UNDER THIS SECTION FOR FURNISHING TO AN INDIVIDUAL ANY ONE COURSE OF STUDY EXTENDING FOR A PERIOD IN EXCESS OF FOUR YEARS.

REPORTS

SEC. 204. THERE SHALL BE INCLUDED IN THE ANNUAL REPORT TO THE CONGRESS REQUIRED BY SECTION 404 A FULL REPORT ON THE RESEARCH AND TRAINING ACTIVITIES CARRIED OUT UNDER THIS TITLE AND THE EXTENT TO WHICH SUCH RESEARCH AND TRAINING HAS CONTRIBUTED DIRECTLY TO THE DEVELOPMENT OF METHODS, PROCEDURES, DEVICES, AND TRAINED PERSONNEL TO ASSIST IN THE PROVISION OF VOCATIONAL REHABILITATION SERVICES TO HANDICAPPED INDIVIDUALS AND THOSE WITH THE MOST SEVERE HANDICAPS UNDER THIS ACT.

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ITEM 21

00104.87.003551

PUBLIC LAW 93 - 112; 87 STAT. 355

REHABILITATION ACT OF 1973 (PART 2)

93RD CONGRESS, H.P. 8070

SEPTEMBER 26, 1973

TITLE III--SPECIAL FEDERAL RESPONSIBILITIES

DECLARATION OF PURPOSE

SEC. 300. THE PURPOSE OF THIS TITLE IS TO--

(1) AUTHORIZE GRANTS AND CONTRACTS TO ASSIST IN THE CONSTRUCTION AND INITIAL STAFFING OF REHABILITATION FACILITIES;

(2) AUTHORIZE GRANTS AND CONTRACTS TO ASSIST IN THE PROVISION OF VOCATIONAL TRAINING SERVICES TO HANDICAPPED INDIVIDUALS;

(3) AUTHORIZE GRANTS FOR SPECIAL PROJECTS AND DEMONSTRATIONS WHICH HOLD PROMISE OF EXPANDING OR OTHERWISE IMPROVING REHABILITATION SERVICES TO HANDICAPPED INDIVIDUALS, INCLUDING INDIVIDUALS WITH SPINAL CORD INJURIES, OLDER BLIND INDIVIDUALS, AND DEAF INDIVIDUALS WHOSE MAXIMUM VOCATIONAL POTENTIAL HAS NOT BEEN REACHED, WHICH EXPERIMENT WITH NEW TYPES OF PATTERNS OF SERVICES OR DEVICES FOR THE REHABILITATION OF HANDICAPPED INDIVIDUALS (INCLUDING OPPORTUNITIES FOR NEW CAREERS FOR HANDICAPPED INDIVIDUALS, AND FOR OTHER INDIVIDUALS IN PROGRAMS SERVING HANDICAPPED INDIVIDUALS) AND WHICH PROVIDE VOCATIONAL REHABILITATION SERVICES TO HANDICAPPED MIGRATORY AGRICULTURAL WORKERS OR SEASONAL FARMWORKERS;

(4) ESTABLISH AND OPERATE A NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS; AND

(5) ESTABLISH UNIFORM GRANT AND CONTRACT REQUIREMENTS FOR PROGRAMS ASSISTED UNDER THIS TITLE AND CERTAIN OTHER PROVISIONS OF THIS ACT.

GRANTS FOR CONSTRUCTION OF REHABILITATION FACILITIES

SEC. 301. (A) FOR THE PURPOSE OF MAKING GRANTS AND CONTRACTS UNDER THIS SECTION FOR CONSTRUCTION OF REHABILITATION FACILITIES, INITIAL STAFFING, AND PLANNING ASSISTANCE, THERE IS AUTHORIZED TO BE APPROPRIATED SUCH SUMS AS MAY BE NECESSARY FOR THE FISCAL YEARS ENDING JUNE 30, 1974, AND JUNE 30, 1975. AMOUNTS SO APPROPRIATED SHALL REMAIN AVAILABLE FOR EXPENDITURE WITH RESPECT TO CONSTRUCTION PROJECTS FUNDED OR INITIAL STAFFING GRANTS MADE UNDER THIS SECTION PRIOR TO JULY 1, 1977.

(B) (1) THE SECRETARY IS AUTHORIZED TO MAKE GRANTS TO ASSIST IN MEETING THE COSTS OF CONSTRUCTION OF PUBLIC OR NONPROFIT REHABILITATION FACILITIES. SUCH GRANTS MAY BE MADE TO STATES AND PUBLIC OR NONPROFIT APPROVED BY THE SECRETARY UNDER THIS SECTION.

(2) TO BE APPROVED, AN APPLICATION FOR A GRANT FOR A CONSTRUCTION PROJECT UNDER THIS SECTION MUST CONFORM TO THE PROVISIONS OF SECTION 306.

(3) THE AMOUNT OF A GRANT UNDER THIS SECTION WITH RESPECT TO ANY CONSTRUCTION PROJECT IN ANY STATE SHALL BE EQUAL TO THE SAME PERCENTAGE OF THE COST OF SUCH PROJECT AS THE FEDERAL SHARE WHICH IS APPLICABLE IN THE CASE OF REHABILITATION FACILITIES (AS DEFINED IN SECTION 645 (G) OF THE PUBLIC HEALTH SERVICE ACT (42 U.S.C. 2910 (A))), IN SUCH STATE, EXCEPT

THAT IF THE FEDERAL SHARE WITH RESPECT TO REHABILITATION FACILITIES IN SUCH STATE IS DETERMINED PURSUANT TO SUBPARAGRAPH (B) (2) OF SECTION 645 OF SUCH ACT (42 U.S.C. 2910 (B) (2), //78 STAT. 460; 84 STAT. 344.// THE PERCENTAGE OF THE COST FOR PURPOSES OF THIS SECTION SHALL BE DETERMINED IN ACCORDANCE WITH REGULATIONS PRESCRIBED BY THE SECRETARY DESIGNED TO ACHIEVE AS NEARLY AS PRACTICABLE RESULTS COMPARABLE TO THE RESULTS OBTAINED UNDER SUCH SUBPARAGRAPH. //84 STAT. 340.//

(C) THE SECRETARY IS ALSO AUTHORIZED TO MAKE GRANTS TO ASSIST IN THE INITIAL STAFFING OF ANY PUBLIC OR NONPROFIT REHABILITATION FACILITY CONSTRUCTED AFTER THE DATE OF ENACTMENT OF THIS SECTION (WHETHER OR NOT SUCH CONSTRUCTION WAS FINANCED WITH THE AID OF A GRANT UNDER THIS SECTION) BY COVERING PART OF THE COSTS (DETERMINED IN ACCORDANCE WITH REGULATIONS THE SECRETARY SHALL PRESCRIBE) OF COMPENSATION OF PROFESSIONAL OR TECHNICAL PERSONNEL OF SUCH FACILITY DURING THE PERIOD BEGINNING WITH THE COMMENCEMENT OF THE OPERATION OF SUCH FACILITY AND ENDING WITH THE CLOSE OF FOUR YEARS AND THREE MONTHS AFTER THE MONTH IN WHICH SUCH OPERATION COMMENCED. SUCH GRANTS WITH RESPECT TO ANY FACILITY MAY NOT EXCEED 75 PER CENTUM OF SUCH COSTS FOR THE PERIOD ENDING WITH THE CLOSE OF THE FIFTEENTH MONTH FOLLOWING THE MONTH IN WHICH SUCH OPERATION COMMENCED, 60 PER CENTUM OF SUCH COSTS FOR THE FIRST YEAR THEREAFTER, 45 PER CENTUM OF SUCH COSTS FOR THE SECOND YEAR THEREAFTER, AND 30 PER CENTUM OF SUCH COSTS FOR THE THIRD YEAR THEREAFTER.

(D) THE SECRETARY IS ALSO AUTHORIZED TO MAKE GRANTS UPON APPLICATION APPROVED BY THE STATE AGENCY DESIGNATED UNDER SECTION 101 TO ADMINISTER THE STATE PLAN, //ANTE, P. 363.// TO PUBLIC OR NONPROFIT AGENCIES, INSTITUTIONS, OR ORGANIZATIONS TO ASSIST THEM IN MEETING THE COST OF PLANNING REHABILITATION FACILITIES AND THE SERVICES TO BE PROVIDED BY SUCH FACILITIES.

VOCATIONAL TRAINING SERVICES FOR HANDICAPPED INDIVIDUALS SEC. 302. (A) FOR THE PURPOSE OF MAKING GRANTS AND CONTRACTS UNDER THIS SECTION, THERE IS AUTHORIZED TO BE APPROPRIATED SUCH SUMS AS MAY BE NECESSARY FOR THE FISCAL YEARS ENDING JUNE 30, 1974, AND JUNE 30, 1975.

(B) (1) THE SECRETARY IS AUTHORIZED TO MAKE GRANTS TO STATES AND PUBLIC OR NONPROFIT ORGANIZATIONS AND AGENCIES TO PAY UP TO 90 PER CENTUM OF THE COST OF PROJECTS FOR PROVIDING VOCATIONAL TRAINING SERVICES TO HANDICAPPED INDIVIDUALS, ESPECIALLY THOSE WITH THE MOST SEVERE HANDICAPS, IN PUBLIC OR NONPROFIT REHABILITATION FACILITIES.

(2) (A) VOCATIONAL TRAINING SERVICES FOR PURPOSES OF THIS SUBSECTION SHALL INCLUDE TRAINING WITH A VIEW TOWARD CAREER ADVANCEMENT; TRAINING IN OCCUPATIONAL SKILLS; RELATED SERVICES, INCLUDING WORK EVALUATION, WORK TESTING, PROVISION OF OCCUPATIONAL TOOLS AND EQUIPMENT REQUIRED BY THE INDIVIDUAL TO ENGAGE IN SUCH TRAINING, AND JOB TRYOUTS; AND PAYMENT OF WEEKLY ALLOWANCES TO INDIVIDUALS RECEIVING SUCH TRAINING AND RELATED SERVICES.

(B) SUCH ALLOWANCES MAY NOT BE PAID TO ANY INDIVIDUAL FOR ANY PERIOD IN EXCESS OF TWO YEARS, AND SUCH ALLOWANCES FOR ANY WEEK SHALL NOT EXCEED \$30 PLUS \$10 FOR EACH OF THE INDIVIDUAL'S DEPENDENTS, OR \$70, WHICHEVER IS LESS. IN DETERMINING THE AMOUNT OF SUCH ALLOWANCES FOR ANY INDIVIDUAL,

CONSIDERATION SHALL BE GIVEN TO THE INDIVIDUAL'S NEED FOR SUCH AN ALLOWANCE, INCLUDING ANY EXPENSES REASONABLY ATTRIBUTABLE TO RECEIPT OF TRAINING SERVICES, THE EXTENT TO WHICH SUCH AN ALLOWANCE WILL HELP ASSURE ENTRY INTO AND SATISFACTORY COMPLETION OF TRAINING, AND SUCH OTHER FACTORS, SPECIFIED BY THE SECRETARY, AS WILL PROMOTE SUCH INDIVIDUAL'S CAPACITY TO ENGAGE IN GAINFUL AND SUITABLE EMPLOYMENT.

(3) THE SECRETARY MAY MAKE A GRANT FOR A PROJECT PURSUANT TO THIS SUBSECTION ONLY ON HIS DETERMINATION THAT (A) THE PURPOSE OF SUCH PROJECT IS TO PREPARE HANDICAPPED INDIVIDUALS, ESPECIALLY THOSE WITH THE MOST SEVERE HANDICAPS, FOR GAINFUL AND SUITABLE EMPLOYMENT; (B) THE INDIVIDUALS TO RECEIVE TRAINING SERVICES UNDER SUCH PROJECT WILL INCLUDE ONLY THOSE WHO HAVE BEEN DETERMINED TO BE SUITABLE FOR AND IN NEED OF SUCH TRAINING SERVICES BY THE STATE AGENCY OR AGENCIES DESIGNATED AS PROVIDED IN SECTION 101 (A) (1) OF THE STATE IN WHICH THE REHABILITATION FACILITY IS LOCATED; //ANTE, P. 363.// (C) THE FULL RANGE OF TRAINING SERVICES WILL BE MADE AVAILABLE TO EACH SUCH INDIVIDUAL, TO THE EXTENT OF HIS NEED FOR SUCH SERVICES; AND (D) THE PROJECT, INCLUDING THE PARTICIPATING REHABILITATION FACILITY AND THE TRAINING SERVICES PROVIDED, MEET SUCH OTHER REQUIREMENTS AS HE MAY PRESCRIBE IN REGULATIONS FOR CARRYING OUT THE PURPOSES OF THIS SUBSECTION.

(C) (1) THE SECRETARY IS AUTHORIZED TO MAKE GRANTS TO PUBLIC OR NONPROFIT REHABILITATION FACILITIES, OR TO AN ORGANIZATION OR COMBINATION OF SUCH FACILITIES, TO PAY THE FEDERAL SHARE OF THE COST OF PROJECTS TO ANALYZE, IMPROVE, AND INCREASE THEIR PROFESSIONAL SERVICES TO HANDICAPPED INDIVIDUALS, THEIR MANAGEMENT EFFECTIVENESS, OR ANY OTHER PART OF THEIR OPERATIONS AFFECTING THEIR CAPACITY TO PROVIDE EMPLOYMENT AND SERVICES FOR SUCH INDIVIDUALS.

(2) NO PART OF ANY GRANT MADE PURSUANT TO THIS SUBSECTION MAY BE USED TO PAY COSTS OF ACQUIRING, CONSTRUCTING, EXPANDING, REMODELING, OR ALTERING ANY BUILDING.

MORTGAGE INSURANCE FOR REHABILITATION FACILITIES

SEC. 303. (A) IT IS THE PURPOSE OF THIS SECTION TO ASSIST AND ENCOURAGE THE PROVISION OF URGENTLY NEEDED FACILITIES FOR PROGRAMS FOR HANDICAPPED INDIVIDUALS.

(B) FOR THE PURPOSE OF THIS SECTION THE TERMS "MORTGAGE", "MATURITY DATE", AND "STATE" SHALL HAVE THE MEANINGS RESPECTIVELY SET FORTH IN SECTION 207 OF THE NATIONAL HOUSING ACT. //52 STAT. 16; 55 STAT. 62. 12 USC 1713.//

(C) THE SECRETARY, IN CONSULTATION WITH THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, AND SUBJECT TO THE PROVISIONS OF SECTION 306, IS AUTHORIZED TO INSURE UP TO 100 PER CENTUM OF ANY MORTGAGE (INCLUDING ADVANCES ON SUCH MORTGAGE DURING CONSTRUCTION) IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION UPON SUCH TERMS AND CONDITIONS AS HE MAY PRESCRIBE AND MAKE COMMITMENTS FOR INSURANCE OF SUCH MORTGAGE PRIOR TO THE DATE OF ITS EXECUTION OR DISBURSEMENT THEREON, EXCEPT THAT NO MORTGAGE OF ANY PUBLIC AGENCY SHALL BE INSURED UNDER THIS SECTION IF THE INTEREST FROM SUCH MORTGAGE IS EXEMPT FROM FEDERAL TAXATION.

(D) IN ORDER TO CARRY OUT THE PURPOSE OF THIS SECTION, THE SECRETARY IS

AUTHORIZED TO INSURE ANY MORTGAGE WHICH COVERS CONSTRUCTION OF A PUBLIC OR NONPROFIT REHABILITATION FACILITY, INCLUDING EQUIPMENT TO BE USED IN ITS OPERATION, SUBJECT TO THE FOLLOWING CONDITIONS:

(1) THE MORTGAGE SHALL BE EXECUTED BY A MORTGAGOR, APPROVED BY THE SECRETARY, WHO DEMONSTRATES ABILITY SUCCESSFULLY TO OPERATE ONE OR MORE PROGRAMS FOR HANDICAPPED INDIVIDUALS. THE SECRETARY MAY IN HIS DISCRETION REQUIRE ANY SUCH MORTGAGOR TO BE REGULATED OR RESTRICTED AS TO MINIMUM CHARGES AND METHODS OF FINANCING, AND, IN ADDITION THERETO, IF THE MORTGAGOR IS A CORPORATE ENTITY, AS TO CAPITAL STRUCTURE AND RATE OF RETURN. AS AN AID TO THE REGULATION OR RESTRICTION OF ANY MORTGAGOR WITH RESPECT TO ANY OF THE FOREGOING MATTERS, THE SECRETARY MAY MAKE SUCH CONTRACTS, WITH AND ACQUIRE FOR NOT TO EXCEED \$100 SUCH STOCK OF INTEREST IN, SUCH MORTGAGOR AS HE MAY DEEM NECESSARY. ANY STOCK OR INTEREST SO PURCHASED SHALL BE PAID FOR OUT OF THE REHABILITATION FACILITIES INSURANCE FUND ESTABLISHED BY SUBSECTION (H) OF THIS SECTION), AND SHALL BE REDEEMED BY THE MORTGAGOR AT PAR UPON THE TERMINATION OF ALL OBLIGATIONS OF THE SECRETARY UNDER THE INSURANCE.

(2) THE MORTGAGE SHALL INVOLVE A PRINCIPAL OBLIGATION IN AN AMOUNT NOT TO EXCEED 90 PER CENTUM OF THE ESTIMATED REPLACEMENT COST OF THE PROPERTY OR PROJECT, INCLUDING EQUIPMENT TO BE USED IN THE OPERATION OF THE REHABILITATION FACILITY, WHEN THE PROPOSED IMPROVEMENTS ARE COMPLETED AND THE EQUIPMENT IS INSTALLED, BUT NOT INCLUDING ANY COST COVERED BY GRANTS IN AID UNDER THIS ACT OR ANY OTHER FEDERAL ACT.

(3) THE MORTGAGE SHALL--

(A) PROVIDE FOR COMPLETE AMORTIZATION BY PERIODIC PAYMENTS WITHIN SUCH TERM AS THE SECRETARY SHALL PRESCRIBE, AND

(B) BEAR INTEREST (EXCLUSIVE OF PREMIUM CHARGES FOR INSURANCE AND SERVICE CHARGES, IF ANY) AT NOT TO EXCEED SUCH PER CENTUM PER ANNUM ON THE PRINCIPAL OBLIGATION OUTSTANDING AT ANY TIME AS THE SECRETARY FINDS NECESSARY TO MEET THE MORTGAGE MARKET.

(E) THE SECRETARY SHALL FIX AND COLLECT PREMIUM CHARGES FOR THE INSURANCE OF MORTGAGES UNDER THIS SECTION WHICH SHALL BE PAYABLE ANNUALLY IN ADVANCE BY THE MORTGAGEE, EITHER IN CASH OR IN DEBENTURES OF THE REHABILITATION FACILITIES INSURANCE FUND (ESTABLISHED BY SUBSECTION (H) OF THIS SECTION) ISSUED AT PAR PLUS ACCRUED INTEREST. IN THE CASE OF ANY MORTGAGE SUCH CHARGE SHALL BE NOT LESS THAN AN AMOUNT EQUIVALENT TO ONE-FOURTH OF 1 PER CENTUM PER ANNUM NOR MORE THAN AN AMOUNT EQUIVALENT TO 1 PER CENTUM PER ANNUM OF THE AMOUNT OF THE PRINCIPAL OBLIGATION OF THE MORTGAGE OUTSTANDING AT ANY ONE TIME, WITHOUT TAKING INTO ACCOUNT DELINQUENT PAYMENTS OR PREPAYMENTS. IN ADDITION TO THE PREMIUM CHARGE HEREIN PROVIDED FOR, THE SECRETARY IS AUTHORIZED TO CHARGE AND COLLECT SUCH AMOUNTS AS HE MAY DEEM REASONABLE FOR THE APPRAISAL OF A PROPERTY OR PROJECT DURING CONSTRUCTION, BUT SUCH CHARGES FOR APPRAISAL AND INSPECTION SHALL NOT AGGREGATE MORE THAN 1 PER CENTUM OF THE ORIGINAL PRINCIPAL FACE AMOUNT OF THE MORTGAGE.

(F) THE SECRETARY MAY CONSENT TO THE RELEASE OF A PART OR PARTS OF THE

MORTGAGED PROPERTY OR PROJECT FROM THE LIEN OF ANY MORTGAGE INSURED UNDER THIS SECTION UPON SUCH TERMS AND CONDITIONS AS HE SHALL BY REGULATION PRESCRIBE.

(G) (1) THE SECRETARY SHALL HAVE THE SAME FUNCTIONS, POWERS, AND DUTIES (INsofar AS APPLICABLE) WITH RESPECT TO THE INSURANCE OF MORTGAGES UNDER THIS SECTION AS THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT HAS WITH RESPECT TO THE INSURANCE OF MORTGAGES UNDER TITLE II OF THE NATIONAL HOUSING ACT. //52 STAT. 9; 84 STAT. 458. 12 USC 1707.// THE SECRETARY MAY, PURSUANT TO A FORMAL DELEGATION AGREEMENT CONTAINING REGULATIONS PRESCRIBED BY HIM, DELEGATE TO THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT AUTHORITY TO ADMINISTER THIS SECTION IN ACCORDANCE WITH SUCH DELEGATION AGREEMENT.

(2) THE PROVISIONS OF SUBSECTIONS (E), (G), (H), (I), (J), (K), (L), AND (N) OF SECTION 207 OF THE NATIONAL HOUSING ACT SHALL APPLY TO MORTGAGES INSURED UNDER THIS SECTION; //52 STAT. 16. 12 USC 1713.// EXCEPT THAT, FOR THE PURPOSES OF THEIR APPLICATION WITH RESPECT TO SUCH MORTGAGES, ALL REFERENCES IN SUCH PROVISIONS TO THE GENERAL INSURANCE FUND SHALL BE DEEMED TO REFER TO THE REHABILITATION FACILITIES INSURANCE FUND (ESTABLISHED BY SUBSECTION (H) OF THIS SECTION) AND ALL REFERENCES IN SUCH PROVISIONS TO "SECRETARY" SHALL BE DEEMED TO REFER TO THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE.

(H) (1) THERE IS HEREBY CREATED A REHABILITATION FACILITIES INSURANCE FUND WHICH SHALL BE USED BY THE COMMISSIONER AS A REVOLVING FUND FOR CARRYING OUT ALL THE INSURANCE PROVISIONS OF THIS SECTION. ALL MORTGAGES INSURED UNDER THIS SECTION SHALL BE INSURED UNDER AND BE THE OBLIGATION OF THE REHABILITATION FACILITIES INSURANCE FUND.

(2) THE GENERAL EXPENSES OF THE OPERATIONS OF THE REHABILITATION SERVICES ADMINISTRATION RELATING TO MORTGAGES INSURED UNDER THIS SECTION MAY BE CHARGED TO THE REHABILITATION FACILITIES INSURANCE FUND.

(3) MONEYS IN THE REHABILITATION FACILITIES INSURANCE FUND NOT NEEDED FOR THE CURRENT OPERATIONS OF THE REHABILITATION SERVICES ADMINISTRATION WITH RESPECT TO MORTGAGES INSURED UNDER THIS SECTION SHALL BE DEPOSITED WITH THE TREASURER OF THE UNITED STATES TO THE CREDIT OF SUCH FUND, OR INVESTED IN BONDS OR OTHER OBLIGATIONS OF, OR IN BONDS OR OBLIGATIONS GUARANTEED AS TO PRINCIPAL AND INTEREST BY, THE SECRETARY OF THE TREASURY, PURCHASE IN THE OPEN MARKET DEBENTURES ISSUED AS OBLIGATIONS OF THE REHABILITATION FACILITIES INSURANCE FUND. SUCH PURCHASE SHALL BE MADE AT A PRICE WHICH WILL PROVIDE AN INVESTMENT YIELD OF NOT LESS THAN THE YIELD OBTAINABLE FROM OTHER INVESTMENTS AUTHORIZED BY THIS SECTION. DEBENTURES SO PURCHASED SHALL BE CANCELED AND NOT REISSUED.

(4) PREMIUM CHARGES, ADJUSTED PREMIUM CHARGES, AND APPRAISALS AND OTHER FEES RECEIVED ON ACCOUNT OF THE INSURANCE OF ANY MORTGAGE UNDER THIS SECTION, THE RECEIPTS DERIVED FROM PROPERTY COVERED BY SUCH MORTGAGES AND FROM ANY CLAIMS, DEBTS, CONTRACTS, PROPERTY, AND SECURITY ASSIGNED TO THE SECRETARY IN CONNECTION THEREWITH, AND ALL EARNINGS AS THE ASSETS OF THE FUND, SHALL BE CREDITED TO THE REHABILITATION FACILITIES INSURANCE FUND. THE PRINCIPAL OF, AND INTEREST PAID AND TO BE PAID ON, DEBENTURES WHICH ARE THE OBLIGATION OF SUCH FUND, CASH INSURANCE PAYMENTS, AND ADJUSTMENTS,

AND EXPENSE INCURRED IN THE HANDLING, MANAGEMENT, RENOVATION, AND DISPOSAL OF PROPERTIES ACQUIRED, IN CONNECTION WITH MORTGAGES INSURED UNDER THIS SECTION, SHALL BE CHARGED TO SUCH FUND.

(5) THERE ARE AUTHORIZED TO BE APPROPRIATED TO PROVIDE INITIAL CAPITAL FOR THE REHABILITATION FACILITIES INSURANCE FUND, AND TO ASSURE THE SOUNDNESS OF SUCH FUND THEREAFTER, SUCH SUMS AS MAY BE NECESSARY, EXCEPT THAT THE TOTAL AMOUNT OF OUTSTANDING MORTGAGES INSURED SHALL NOT EXCEED \$200,000,000.

SPECIAL PROJECTS AND DEMONSTRATIONS

SEC. 304. (A) (1) FOR THE PURPOSE OF MAKING GRANTS UNDER THIS SECTION FOR SPECIAL PROJECTS AND DEMONSTRATIONS (AND ~~RESEARCH~~ AND EVALUATION CONNECTED THEREWITH), THERE IS AUTHORIZED TO BE APPROPRIATED \$15,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, AND \$17,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975; AND THERE IS FURTHER AUTHORIZED TO BE APPROPRIATED FOR SUCH PURPOSES FOR EACH SUCH YEAR SUCH ADDITIONAL SUMS AS THE CONGRESS MAY DETERMINE TO BE NECESSARY. **

(2) OF THE AMOUNTS APPROPRIATED PURSUANT TO PARAGRAPH (1) OF THIS SUBSECTION, 5 PER CENTUM IN EACH SUCH FISCAL YEAR SHALL BE AVAILABLE ONLY FOR THE PURPOSE OF MAKING GRANTS UNDER SUBSECTION (C) OF THIS SECTION, AND THERE IS AUTHORIZED TO BE APPROPRIATED IN EACH SUCH FISCAL YEAR SUCH ADDITIONAL AMOUNT AS MAY BE NECESSARY TO EQUAL, WHEN ADDED TO THE AMOUNT MADE AVAILABLE FOR THE PURPOSE OF MAKING GRANTS UNDER SUCH SUBSECTION AN AMOUNT OF \$5,000,000 TO BE AVAILABLE FOR EACH SUCH FISCAL YEAR.

(B) THE SECRETARY, SUBJECT TO THE PROVISIONS OF SECTION 306, SHALL MAKE GRANTS TO STATES AND PUBLIC OR NONPROFIT AGENCIES AND ORGANIZATIONS FOR PAYING PART OR ALL OF THE COST OF SPECIAL PROJECTS AND DEMONSTRATIONS (AND ~~RESEARCH~~ AND EVALUATION IN CONNECTION THEREWITH) (1) FOR ESTABLISHING PROGRAMS AND FACILITIES FOR PROVIDING VOCATIONAL REHABILITATION SERVICES WHICH HOLD PROMISE OF EXPANDING OR OTHERWISE IMPROVING REHABILITATION SERVICES TO HANDICAPPED INDIVIDUALS (ESPECIALLY THOSE WITH THE MOST SEVERE HANDICAPS) INCLUDING INDIVIDUALS WITH SPINAL CORD INJURIES, OLDER BLIND INDIVIDUALS, AND DEAF INDIVIDUALS, WHOSE MAXIMUM VOCATIONAL POTENTIAL HAS NOT BEEN REACHED; AND (2) FOR APPLYING NEW TYPES OR PATTERNS OF SERVICES OR DEVICES (INCLUDING OPPORTUNITIES FOR NEW CAREERS FOR HANDICAPPED INDIVIDUALS FOR OTHER INDIVIDUALS IN PROGRAMS SERVICING HANDICAPPED INDIVIDUALS). PROJECTS AND DEMONSTRATIONS PROVIDING SERVICES TO INDIVIDUALS WITH SPINAL CORD INJURIES SHALL INCLUDE PROVISIONS TO-- **

(A) ESTABLISH, ON AN APPROPRIATE REGIONAL BASIS, A MULTIDISCIPLINARY SYSTEM OF PROVIDING VOCATIONAL AND OTHER REHABILITATION SERVICES, SPECIFICALLY DESIGNED TO MEET THE SPECIAL NEEDS OF INDIVIDUALS WITH SPINAL CORD INJURIES, INCLUDING ACUTE CARE AS WELL AS PERIODIC INPATIENT OR OUTPATIENT FOLLOWUP AND SERVICES;

(B) DEMONSTRATE AND EVALUATE THE BENEFITS TO INDIVIDUALS WITH SPINAL CORD INJURIES SERVED IN, AND THE DEGREE OF COST EFFECTIVENESS OF, SUCH A REGIONAL SYSTEM;

(C) DEMONSTRATE AND EVALUATE EXISTING, NEW, AND IMPROVED METHODS AND EQUIPMENT ESSENTIAL TO THE CARE, MANAGEMENT, AND REHABILITATION OF INDIVIDUALS WITH SPINAL CORD INJURIES; AND

(D) DEMONSTRATE AND EVALUATE METHODS OF COMMUNITY OUTREACH FOR INDIVIDUALS WITH SPINAL CORD INJURIES AND COMMUNITY EDUCATION IN CONNECTION WITH THE PROBLEMS OF SUCH INDIVIDUALS IN AREAS SUCH AS HOUSING, TRANSPORTATION, RECREATION, EMPLOYMENT, AND COMMUNITY ACTIVITIES.

(C) THE SECRETARY, SUBJECT TO THE PROVISIONS OF SECTION 306, IS AUTHORIZED TO MAKE GRANTS TO ANY STATE AGENCY DESIGNATED PURSUANT TO A STATE PLAN APPROVED UNDER SECTION 101, OR TO ANY LOCAL AGENCY PARTICIPATING IN THE ADMINISTRATION OF SUCH A PLAN, TO PAY UP TO 90 PER CENTUM OF THE COST OF PROJECTS OR DEMONSTRATIONS FOR THE PROVISION OF VOCATIONAL REHABILITATION SERVICES TO HANDICAPPED INDIVIDUALS, AS DETERMINED IN ACCORDANCE WITH RULES PRESCRIBED BY THE SECRETARY OF LABOR, ARE MIGRATORY AGRICULTURAL WORKERS OR SEASONAL FARMWORKERS, AND TO MEMBERS OF THEIR FAMILIES (WHETHER OR NOT HANDICAPPED) WHO ARE WITH THEM, INCLUDING MAINTENANCE AND TRANSPORTATION OF SUCH INDIVIDUALS AND MEMBERS OF THEIR FAMILIES WHERE NECESSARY TO THE REHABILITATION OF SUCH INDIVIDUALS. //ANTE, P. 363.// MAINTENANCE PAYMENTS UNDER THIS SECTION SHALL BE CONSISTENT WITH ANY MAINTENANCE PAYMENTS MADE TO OTHER HANDICAPPED INDIVIDUALS IN THE STATE UNDER THIS ACT. SUCH GRANTS SHALL BE CONDITIONED UPON SATISFACTORY ASSURANCE THAT IN THE PROVISION OF SUCH SERVICES THERE WILL BE APPROPRIATE COOPERATION BETWEEN THE GRANTEE AND OTHER PUBLIC OR NONPROFIT AGENCIES AND ORGANIZATIONS HAVING SPECIAL SKILLS AND EXPERIENCE IN THE PROVISION OF SERVICES TO MIGRATORY AGRICULTURAL WORKERS, SEASONAL FARMWORKERS, OR THEIR FAMILIES. THIS SUBSECTION SHALL BE ADMINISTERED IN COORDINATION WITH OTHER PROGRAMS SERVING MIGRANT AGRICULTURAL WORKERS AND SEASONAL FARMWORKERS, INCLUDING PROGRAMS UNDER TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965, SECTION 311 OF THE ECONOMIC OPPORTUNITY ACT OF 1964, THE MIGRANT HEALTH ACT, AND THE FARM LABOR CONTRACTOR REGISTRATION ACT OF 1963. // 64 STAT. 1100. 20 USC 236. 81 STAT. 739. 42 USC 2861. 78 STAT. 920. 7 USC 2041 NOTE.//

(D) THE SECRETARY IS AUTHORIZED TO MAKE CONTRACTS OR JOINTLY FINANCED COOPERATIVE ARRANGEMENTS WITH EMPLOYERS AND ORGANIZATIONS FOR THE ESTABLISHMENT OF PROJECTS DESIGNED TO PREPARE HANDICAPPED INDIVIDUALS FOR GAINFUL AND SUITABLE EMPLOYMENT IN THE COMPETITIVE LABOR MARKET UNDER WHICH HANDICAPPED INDIVIDUALS ARE PROVIDED TRAINING AND EMPLOYMENT IN A REALISTIC WORK SETTING AND SUCH OTHER SERVICES (DETERMINED IN ACCORDANCE WITH REGULATIONS PRESCRIBED BY THE SECRETARY) AS MAY BE NECESSARY FOR SUCH INDIVIDUALS TO CONTINUE TO ENGAGE IN SUCH EMPLOYMENT.

(E) (1) THE SECRETARY IS AUTHORIZED, DIRECTLY OR BY CONTRACT WITH STATE VOCATIONAL REHABILITATION AGENCIES OR EXPERTS OR CONSULTANTS OR GROUPS THEREOF, TO PROVIDE TECHNICAL ASSISTANCE (A) TO REHABILITATION FACILITIES, AND (B) FOR THE PURPOSE OF REMOVAL OF ARCHITECTURAL AND TRANSPORTATION BARRIERS, TO ANY PUBLIC OR NONPROFIT AGENCY, INSTITUTION, ORGANIZATION OR FACILITY.

(2) ANY SUCH EXPERTS OR CONSULTANTS SHALL, WHILE SERVING PURSUANT TO SUCH CONTRACTS, BE ENTITLED TO RECEIVE COMPENSATION AT RATES FIXED BY THE SECRETARY, BUT NOT EXCEEDING THE PRO RATA PAY RATE FOR A PERSON EMPLOYED AS GS-18, UNDERSECTION 5332 OF TITLE 5, UNITED STATES CODE, //5 USC 5332

NOTE.// INCLUDING TRAVELTIME, AND WHILE SO SERVING AWAY FROM THEIR HOMES OR INCLUDING PER DIEM IN LIEU OF SUBSISTENCE, AS AUTHORIZED BY SECTION 5703 OF TITLE 5, UNITED STATES CODE, //80 STAT. 499; 83 STAT. 190.// FOR PERSONS IN THE GOVERNMENT SERVICE EMPLOYED INTERMITTENTLY.

NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS

SEC. 305. (A) FOR THE PURPOSE OF ESTABLISHING AND OPERATING A NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS, THERE IS AUTHORIZED TO BE APPROPRIATED SUCH SUMS AS MAY BE NECESSARY FOR CONSTRUCTION, WHICH SHALL REMAIN AVAILABLE UNTIL EXPENDED, AND SUCH SUMS AS MAY BE NECESSARY FOR OPERATIONS FOR THE FISCAL YEARS ENDING JUNE 30, 1974, AND JUNE 30, 1975.

(B) IN ORDER--

(1) TO DEMONSTRATE METHODS OF (A) PROVIDING THE SPECIALIZED INTENSIVE SERVICES, AND OTHER SERVICES, NEEDED TO REHABILITATE HANDICAPPED INDIVIDUALS WHO ARE BOTH DEAF AND BLIND, AND (B) TRAINING THE PROFESSIONAL AND ALLIED PERSONNEL NEEDED ADEQUATELY TO STAFF FACILITIES SPECIFICALLY DESIGNED TO PROVIDE SUCH SERVICES AND TRAINING TO SUCH PERSONNEL WHO HAVE BEEN OR WILL BE WORKING WITH DEAF-BLIND INDIVIDUALS;

(2) TO CONDUCT RESEARCH IN THE PROBLEMS OF, AND WAYS OF MEETING THE PROBLEMS OF REHABILITATING, DEAF-BLIND INDIVIDUALS; AND

(3) TO AID IN THE CONDUCT OF RELATED ACTIVITIES WHICH WILL EXPAND OR IMPROVE THE SERVICES FOR OR HELP IMPROVE PUBLIC UNDERSTANDING OF THE PROBLEMS OF DEAF-BLIND INDIVIDUALS;

THE SECRETARY, SUBJECT TO THE PROVISIONS OF SECTION 306, IS AUTHORIZED TO ENTER INTO AN AGREEMENT WITH ANY PUBLIC OR NONPROFIT AGENCY OR ORGANIZATION FOR PAYMENT BY THE UNITED STATES OF ALL OR PART OF THE COSTS OF THE ESTABLISHMENT AND OPERATION, INCLUDING CONSTRUCTION AND EQUIPMENT, OF A CENTER FOR VOCATIONAL REHABILITATION OF HANDICAPPED INDIVIDUALS WHO ARE BOTH DEAF AND BLIND, WHICH CENTER SHALL BE KNOWN AS THE NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS.

(C) ANY AGENCY OR ORGANIZATION DESIRING TO ENTER INTO SUCH AGREEMENT SHALL SUBMIT A PROPOSAL THEREFOR AT SUCH TIME, IN SUCH MANNER, AND CONTAINING SUCH INFORMATION AS MAY BE PRESCRIBED IN REGULATIONS BY THE SECRETARY. IN CONSIDERING SUCH PROPOSALS THE SECRETARY SHALL GIVE PREFERENCE TO PROPOSALS WHICH (1) GIVE PROMISE OF MAXIMUM EFFECTIVENESS IN THE ORGANIZATION AND OPERATION OF SUCH CENTER, AND (2) GIVE PROMISE OF OFFERING THE MOST SUBSTANTIAL SKILL, EXPERIENCE, AND CAPABILITY IN PROVIDING A BROAD PROGRAM OF SERVICE, RESEARCH, TRAINING, AND RELATED ACTIVITIES IN THE FIELD OF REHABILITATION OF DEAF-BLIND INDIVIDUALS. GENERAL GRANT AND CONTRACT REQUIREMENTS

SEC. 306. (A) THE PROVISIONS OF THIS SECTION SHALL APPLY TO ALL PROJECTS APPROVED AND ASSISTED UNDER THIS TITLE. THE SECRETARY SHALL INSURE COMPLIANCE WITH THIS SECTION PRIOR TO MAKING ANY GRANT OR ENTERING INTO ANY CONTRACT OR AGREEMENT UNDER THIS TITLE, EXCEPT PROJECTS AUTHORIZED UNDER SECTION 302.

(B) TO BE APPROVED, AN APPLICATION FOR ASSISTANCE FOR A CONSTRUCTION PROJECT UNDER THIS TITLE MUST--

(1) CONTAIN OR BE SUPPORTED BY REASONABLE ASSURANCES THAT (A) FOR

A PERIOD OF NOT LESS THAN TWENTY YEARS AFTER COMPLETION OF CONSTRUCTION OF THE PROJECT IT WILL BE USED AS A PUBLIC OR NONPROFIT FACILITY, (B) SUFFICIENT FUNDS WILL BE AVAILABLE TO MEET THE NON-FEDERAL SHARE OF THE COST OF CONSTRUCTION OF THE PROJECT, AND (C) SUFFICIENT FUNDS WILL BE AVAILABLE, WHEN CONSTRUCTION OF THE PROJECT IS COMPLETED, FOR ITS EFFECTIVE USE FOR ITS INTENDED PURPOSE;

(2) PROVIDE THAT FEDERAL FUNDS PROVIDED TO ANY AGENCY OR ORGANIZATION UNDER THIS TITLE WILL BE USED ONLY FOR THE PURPOSES FOR WHICH PROVIDED AND IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THIS SECTION UNDER WHICH SUCH FUNDS ARE PROVIDED;

(3) PROVIDE THAT THE AGENCY OR ORGANIZATION RECEIVING FEDERAL FUNDS UNDER THIS TITLE WILL MAKE AN ANNUAL REPORT TO THE SECRETARY, WHICH HE SHALL SUMMARIZE AND COMMENT UPON IN THE ANNUAL REPORT TO THE CONGRESS SUBMITTED UNDER SECTION 404;

(4) BE ACCOMPANIED OR SUPPLEMENTED BY PLANS AND SPECIFICATIONS IN WHICH DUE CONSIDERATION SHALL BE GIVEN TO EXCELLENCE OF ARCHITECTURE AND DESIGN, AND TO THE INCLUSION OF WORKS OF ART (NOT REPRESENTING MORE THAN 1 PER CENTUM OF THE COST OF THE PROJECT), AND WHICH COMPLY WITH REGULATIONS PRESCRIBED BY THE SECRETARY RELATED TO MINIMUM STANDARDS OF CONSTRUCTION AND EQUIPMENT (PRCMULGATED WITH PARTICULAR EMPHASIS ON SECURING COMPLIANCE WITH THE REQUIREMENTS OF THE ARCHITECTURAL BARRIERS ACT OF 1968 (PUBLIC LAW 90 - 480), AND WITH REGULATIONS OF THE SECRETARY OF LABOR RELATING TO OCCUPATIONAL HEALTH AND SAFETY STANDARDS FOR REHABILITATION FACILITIES; //82 STAT. 718; 84 STAT. 49. 42 USC 4151.// AND

(5) CONTAIN OR BE SUPPORTED BY REASONABLE ASSURANCE THAT ANY LABORER OR MECHANIC EMPLOYED BY ANY CONTRACTOR OR SUBCONTRACTOR IN THE PERFORMANCE OF WORK ON ANY CONSTRUCTION AIDED BY PAYMENTS PURSUANT TO ANY GRANT UNDER THIS SECTION WILL BE PAID WAGES AT RATES NOT LESS THAN THOSE PREVAILING ON SIMILAR CONSTRUCTION IN THE LOCALITY AS DETERMINED BY THE SECRETARY OF LABOR IN ACCORDANCE WITH DAVIS-BACON ACT, AS AMENDED (40 U.S.C. 276A - 276A - 5); //49 STAT. 1011; 78 STAT. 238.// AND THE SECRETARY OF LABOR SHALL HAVE, WITH RESPECT TO THE LABOR STANDARDS SPECIFIED IN THIS PARAGRAPH, THE AUTHORITY AND FUNCTIONS SET FORTH IN REORGANIZATION PLAN NUMBERED 14 OF 1950 (15 F.R. 3176) AND SECTION 2 OF THE ACT OF JUNE 13, 1934, AS AMENDED (40 U.S.C. 276C). //64 STAT. 1267; 84 STAT. 235. 5 USC APP. 63 STAT. 108.//

(C) UPON APPROVAL OF ANY APPLICATION FOR A GRANT OR CONTRACT FOR A PROJECTED UNDER THIS TITLE, THE SECRETARY SHALL RESERVE, FROM ANY APPROPRIATION AVAILABLE THEREFORE, THE AMOUNT OF SUCH GRANT OR CONTRACT DETERMINED UNDER THIS TITLE. IN CASE AN AMENDMENT TO AN APPROVED APPLICATION IS APPROVED, OR THE ESTIMATED COST OF A PROJECT IS REVISED UPWARD, ANY ADDITIONAL PAYMENT WITH RESPECT THERETO MAY BE MADE FROM THE APPROPRIATION FROM WHICH THE ORIGINAL RESERVATION WAS MADE OR THE APPROPRIATION FOR THE FISCAL YEAR IN WHICH SUCH AMENDMENT OR REVISION IS

APPROVED.

(D) IF, WITHIN TWENTY YEARS AFTER COMPLETION OF ANY CONSTRUCTION PROJECT FOR WHICH FUNDS HAVE BEEN PAID UNDER THIS TITLE, THE FACILITY SHALL CEASE TO BE A PUBLIC OR NONPROFIT FACILITY, THE UNITED STATES SHALL BE ENTITLED TO RECOVER FROM THE APPLICANT OR OTHER OWNER OF THE FACILITY THE AMOUNT BEARING THE SAME RATIO TO THE THEN VALUE (AS DETERMINED BY AGREEMENT OF THE PARTIES OR BY ACTION BROUGHT IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT IN WHICH SUCH FACILITY IS SITUATED) OF THE FACILITY, AS THE AMOUNT OF THE FEDERAL PARTICIPATION BORE TO THE COST OF CONSTRUCTION OF SUCH FACILITY.

(E) PAYMENT OF ASSISTANCE OR RESERVATION OF FUNDS MADE PURSUANT TO THIS TITLE MAY BE MADE (AFTER NECESSARY ADJUSTMENT ON ACCOUNT OF PREVIOUSLY MADE OVERPAYMENTS OR UNDERPAYMENTS) IN ADVANCE OR BY WAY OF REIMBURSEMENT, AND IN SUCH INSTALLMENTS AND ON SUCH CONDITIONS, AS THE SECRETARY MAY DETERMINE.

(F) A PROJECT FOR CONSTRUCTION OF A REHABILITATION FACILITY WHICH IS PRIMARILY A WORKSHOP MAY, WHERE APPROVED BY THE SECRETARY AS NECESSARY TO THE EFFECTIVE OPERATION OF THE FACILITY, INCLUDE SUCH CONSTRUCTION AS MAY BE NECESSARY TO PROVIDE RESIDENTIAL ACCOMMODATIONS FOR USE IN CONNECTION WITH THE REHABILITATION OF HANDICAPPED INDIVIDUALS.

(G) NO FUNDS PROVIDED UNDER THIS TITLE MAY BE USED TO ASSIST IN THE CONSTRUCTION OF ANY FACILITY WHICH IS OR WILL BE USED FOR RELIGIOUS WORSHIP OR ANY SECTARIAN ACTIVITY.

(H) WHEN IN ANY STATE, FUNDS PROVIDED UNDER THIS TITLE WILL BE USED FOR PROVIDING DIRECT SERVICES TO HANDICAPPED INDIVIDUALS OR FOR ESTABLISHING FACILITIES WHICH WILL PROVIDE SUCH SERVICES, SUCH SERVICES MUST BE CARRIED OUT IN A MANNER NOT INCONSISTENT WITH THE STATE PLAN APPROVED PURSUANT TO SECTION 101. //ANTE. P. 363.//

(I) PRIOR TO MAKING ANY GRANT OR ENTERING INTO ANY CONTRACT UNDER THIS TITLE, THE SECRETARY SHALL AFFORD REASONABLE OPPORTUNITY TO THE APPROPRIATE STATE AGENCY OR AGENCIES DESIGNATED PURSUANT TO SECTION 101 TO COMMENT ON SUCH GRANT OR CONTRACT.

TITLE IV--ADMINISTRATION AND PROGRAM AND PROJECT EVALUATION ADMINISTRATION

SEC. 400. (A) IN CARRYING OUT HIS DUTIES UNDER THIS ACT, THE SECRETARY SHALL--

(1) COOPERATE WITH, AND RENDER TECHNICAL ASSISTANCE (DIRECTLY OR BY GRANT OR CONTRACT) TO STATES IN MATTERS RELATING TO THE REHABILITATION OF HANDICAPPED INDIVIDUALS;

(2) PROVIDE SHORT-TERM TRAINING AND INSTRUCTION IN TECHNICAL MATTERS RELATING TO VOCATIONAL REHABILITATION SERVICES, INCLUDING THE ESTABLISHMENT AND MAINTENANCE OF SUCH RESEARCH FELLOWSHIPS AND TRAINEESHIPS, WITH SUCH STIPENDS AND ALLOWANCES (INCLUDING TRAVEL AND SUBSISTENCE EXPENSES), AS HE MAY DEEM NECESSARY, EXCEPT THAT NO SUCH TRAINING OR INSTRUCTION (OR FELLOWSHIP OR SCHOLARSHIP) SHALL BE PROVIDED ANY INDIVIDUAL FOR ANY ONE COURSE OF STUDY FOR A PERIOD IN EXCESS OF FOUR YEARS, AND SUCH TRAINING, INSTRUCTION, FELLOWSHIPS, AND TRAINEESHIPS MAY BE IN THE FIELDS OF REHABILITATION MEDICINE,

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REHABILITATION NURSING, REHABILITATION COUNSELING, REHABILITATION SOCIAL WORK, REHABILITATION PSYCHOLOGY, PHYSICAL THERAPY, OCCUPATIONAL THERAPY, SPEECH PATHOLOGY AND AUDIOLOGY, PROSTHETICS AND ORTHOTICS, RECREATION FOR ILL AND HANDICAPPED INDIVIDUALS, AND OTHER SPECIALIZED FIELDS CONTRIBUTING TO THE REHABILITATION OF HANDICAPPED INDIVIDUALS; AND

(3) DISSEMINATE INFORMATION RELATING TO VOCATIONAL REHABILITATION SERVICES, AND OTHERWISE PROMOTE THE CAUSE OF THE REHABILITATION OF HANDICAPPED INDIVIDUALS AND THEIR GREATER UTILIZATION IN GAINFUL AND SUITABLE EMPLOYMENT.

(B) THE SECRETARY IS AUTHORIZED TO MAKE RULES AND REGULATIONS GOVERNING THE ADMINISTRATION OF THIS TITLE AND TITLES I THROUGH III OF THIS ACT, AND, EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, TO DELEGATE TO ANY OFFICER OR EMPLOYEE OF THE UNITED STATES SUCH OF HIS POWERS AND DUTIES UNDER SUCH TITLES, EXCEPT THE MAKING OF RULES AND REGULATIONS, AS HE FINDS NECESSARY TO CARRY OUT THE PROVISIONS OF SUCH TITLES. //ANTE, PP. 363, 377.// SUCH RULES AND REGULATIONS SHALL BE PUBLISHED IN THE FEDERAL REGISTER, ON AT LEAST AN INTERIM BASIS, NO LATER THAN NINETY DAYS AFTER THE DATE OF ENACTMENT OF THIS ACT.

(C) THE SECRETARY IS AUTHORIZED (DIRECTLY OR BY GRANTS OR CONTRACTS) TO CONDUCT STUDIES, INVESTIGATIONS, AND EVALUATION OF THE PROGRAMS AUTHORIZED BY THIS ACT, AND TO MAKE REPORTS, WITH RESPECT TO ABILITIES, ATTITUDES, AND CAPACITIES OF HANDICAPPED INDIVIDUALS, DEVELOPMENT OF THEIR POTENTIALITIES, THEIR UTILIZATION IN GAINFUL AND SUITABLE EMPLOYMENT, AND WITH RESPECT TO ARCHITECTURAL, TRANSPORTATION, AND OTHER ENVIRONMENTAL AND ATTITUDINAL BARRIERS TO THEIR REHABILITATION INCLUDING THE PROBLEMS OF HOMEBOUND, INSTITUTIONALIZED, AND OLDER BLIND INDIVIDUALS.

(D) THERE IS AUTHORIZED TO BE INCLUDED FOR EACH FISCAL YEAR IN THE APPROPRIATION FOR THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE SUCH SUMS AS ARE NECESSARY TO ADMINISTER THE PROVISIONS OF THIS ACT.

(E) IN CARRYING OUT HIS DUTIES UNDER THIS ACT, THE SECRETARY SHALL INSURE THE MAXIMUM COORDINATION AND CONSULTATION, AT BOTH NATIONAL AND LOCAL LEVELS, WITH THE ADMINISTRATOR OF VETERANS' AFFAIRS AND HIS DESIGNEES WITH RESPECT TO PROGRAMS FOR AND RELATING TO THE REHABILITATION OF DISABLED VETERANS CARRIED OUT UNDER TITLE 38, UNITED STATES CODE. //72 STAT. 1171. 38 USC 1501 ET SEQ.//

PROGRAM AND PROJECT EVALUATION

SEC. 401. (A) (1) THE SECRETARY SHALL MEASURE AND EVALUATE THE IMPACT OF ALL PROGRAMS AUTHORIZED BY THIS ACT, IN ORDER TO DETERMINE THEIR EFFECTIVENESS IN ACHIEVING STATED GOALS IN GENERAL, AND IN RELATION TO THEIR COST, THEIR IMPACT ON RELATED PROGRAMS, AND THEIR STRUCTURE AND MECHANISMS FOR DELIVERY OF SERVICES, INCLUDING, WHERE APPROPRIATE, COMPARISONS WITH APPROPRIATE CONTROL GROUPS COMPOSED OF PERSONS WHO HAVE NOT PARTICIPATED IN SUCH PROGRAMS. EVALUATIONS SHALL BE CONDUCTED BY PERSONS NOT IMMEDIATELY INVOLVED IN THE ADMINISTRATION OF THE PROGRAM OR PROJECT EVALUATED.

(2) IN CARRYING OUT HIS RESPONSIBILITIES UNDER THIS SUBSECTION, THE SECRETARY, IN THE CASE OF RESEARCH, DEMONSTRATIONS, AND RELATED ACTIVITIES

CARRIED OUT UNDER SECTION 202, AFTER TAKING INTO CONSIDERATION THE VIEWS OF STATE AGENCIES DESIGNATED PURSUANT TO SECTION 101, //ANTE, P. 375. ANTE, P. 363.// ON AN ANNUAL BASIS--

(A) REASSESS PRIORITIES TO WHICH SUCH ACTIVITIES SHOULD BE DIRECTED; AND

(B) REVIEW PRESENT RESEARCH, DEMONSTRATION, AND RELATED ACTIVITIES TO DETERMINE, IN TERMS OF THE PURPOSE SPECIFIED FOR SUCH ACTIVITIES BY SUBSECTION (A) OF SECTION 202, WHETHER AND ON WHAT BASIS SUCH ACTIVITIES SHOULD BE CONTINUED, REVISED, OR TERMINATED.

(3) THE SECRETARY SHALL, WITHIN 12 MONTHS AFTER THE DATE OF ENACTMENT OF THIS ACT, AND ON EACH APRIL 1 THEREAFTER, PREPARE AND FURNISH TO THE APPROPRIATE COMMITTEES OF THE CONGRESS A COMPLETE REPORT ON THE DETERMINATION AND REVIEW CARRIED OUT UNDER PARAGRAPH (2) OF THIS SUBSECTION, TOGETHER WITH SUCH RECOMMENDATIONS, INCLUDING ANY RECOMMENDATIONS FOR ADDITIONAL LEGISLATION, AS HE DEEMS APPROPRIATE.

(B) EFFECTIVE JULY 1, 1974, BEFORE FUNDS FOR THE PROGRAMS AND PROJECTS COVERED BY THIS ACT ARE RELEASED, THE SECRETARY SHALL DEVELOP AND PUBLISH GENERAL STANDARDS FOR EVALUATION OF THE PROGRAMS AND PROJECT EFFECTIVENESS IN ACHIEVING THE OBJECTIVES OF THIS ACT. HE SHALL CONSIDER THE EXTENT TO WHICH SUCH STANDARDS HAVE BEEN MET IN DECIDING, IN ACCORDANCE WITH PROCEDURES SET FORTH IN SUBSECTION (B), (C), AND (D) OF SECTION 101, WHETHER TO RENEW OR SUPPLEMENT FINANCIAL ASSISTANCE AUTHORIZED UNDER ANY SECTION OF THIS ACT. //ANTE, P. 363.// REPORTS SUBMITTED PURSUANT TO SECTION 404 SHALL DESCRIBE THE ACTIONS TAKEN AS A RESULT OF THESE EVALUATIONS.

(C) IN CARRYING OUT EVALUATIONS UNDER THIS TITLE, THE SECRETARY SHALL, WHENEVER POSSIBLE, ARRANGE TO OBTAIN THE SPECIFIC VIEWS OF PERSONS PARTICIPATING IN AND SERVED BY PROGRAMS AND PROJECTS ASSISTED UNDER THIS ACT ABOUT SUCH PROGRAMS AND PROJECTS.

(D) THE SECRETARY SHALL PUBLISH THE RESULTS OF EVALUATIVE RESEARCH AND SUMMARIES OF EVALUATIONS OF PROGRAM AND PROJECT IMPACT AND EFFECTIVENESS NO LATER THAN NINETY DAYS AFTER THE COMPLETION THEREOF. THE SECRETARY SHALL SUBMIT TO THE APPROPRIATE COMMITTEES OF THE CONGRESS COPIES OF ALL SUCH RESEARCH STUDIES AND EVALUATION SUMMARIES.

(E) THE SECRETARY SHALL TAKE THE NECESSARY ACTION TO ASSURE THAT ALL STUDIES, EVALUATIONS, PROPOSALS, AND DATA PRODUCED OR DEVELOPED WITH ASSISTANCE UNDER THIS ACT SHALL BECOME THE PROPERTY OF THE UNITED STATES. OBTAINING INFORMATION FROM FEDERAL AGENCIES

SEC. 402. SUCH INFORMATION AS THE SECRETARY MAY DEEM NECESSARY FOR PURPOSES OF THE EVALUATIONS CONDUCTED UNDER THIS TITLE SHALL BE MADE AVAILABLE TO HIM, UPON REQUEST, BY THE AGENCIES OF THE EXECUTIVE BRANCH. AUTHORIZATION OF APPROPRIATIONS

SEC. 403. THERE IS AUTHORIZED TO BE APPROPRIATED FOR THE FISCAL YEARS ENDING JUNE 30, 1974, AND JUNE 30, 1975, SUCH SUMS AS THE SECRETARY MAY REQUIRE, BUT NOT TO EXCEED AN AMOUNT EQUAL TO ONE-HALF OF 1 PER CENTUM OF THE FUNDS APPROPRIATED UNDER TITLES I, II, AND III OF THIS ACT OR \$1,000,000, WHICHEVER IS GREATER, TO BE AVAILABLE TO CONDUCT PROGRAM AND PROJECT EVALUATIONS AS REQUIRED BY THIS TITLE. //ANTE, PP. 363, 374,

377.//

REPORTS

SEC. 404. NOT LATER THAN ONE HUNDRED AND TWENTY DAYS AFTER THE CLOSE OF EACH FISCAL YEAR, THE SECRETARY SHALL PREPARE AND SUBMIT TO THE PRESIDENT AND TO THE CONGRESS A FULL AND COMPLETE REPORT ON THE ACTIVITIES CARRIED OUT UNDER THIS ACT. SUCH ANNUAL REPORTS SHALL INCLUDE (1) STATISTICAL DATA REFLECTING, WITH THE MAXIMUM FEASIBLE DETAIL VOCATIONAL REHABILITATION SERVICES PROVIDED HANDICAPPED INDIVIDUALS DURING THE PRECEDING FISCAL YEAR, (2) SPECIFICALLY DISTINGUISH AMONG REHABILITATION CLOSURES ATTRIBUTABLE TO PHYSICAL RESTORATION, PLACEMENT IN COMPETITIVE EMPLOYMENT, EXTENDED OR TERMINAL EMPLOYMENT IN A SHELTERED WORKSHOP OR REHABILITATION FACILITY, EMPLOYMENT AS A HOMEMAKER OR UNPAID FAMILY WORKER, AND PROVISION OF OTHER SERVICES, AND (3) INCLUDE A DETAILED EVALUATION OF SERVICES PROVIDED WITH ASSISTANCE UNDER TITLE I OF THIS ACT, ESPECIALLY SERVICES TO THOSE WITH THE MOST SEVERE HANDICAPS.

SEC. 405. (A) IT SHALL BE THE FUNCTION OF THE SECRETARY, WITH THE ASSISTANCE OF AGENCIES WITHIN THE DEPARTMENT, OTHER DEPARTMENTS AND AGENCIES WITHIN THE FEDERAL GOVERNMENT, HANDICAPPED INDIVIDUALS, AND PUBLIC AND PRIVATE AGENCIES AND ORGANIZATIONS, THROUGH THE OFFICE OF THE SECRETARY, TO--

(1) PREPARE FOR SUBMISSION TO THE CONGRESS WITHIN EIGHTEEN MONTHS AFTER THE DATE OF ENACTMENT OF THIS ACT, A LONG-RANGE PROJECTION FOR THE PROVISION OF COMPREHENSIVE SERVICES TO HANDICAPPED INDIVIDUALS AND FOR PROGRAMS OF RESEARCH, EVALUATION, AND TRAINING RELATED TO SUCH SERVICES AND INDIVIDUALS;

(2) ANALYZE ON A CONTINUING BASIS AND INCLUDE IN HIS REPORT SUBMITTED UNDER SECTION 404, A REPORT ON THE RESULTS OF SUCH ANALYSIS, PROGRAM OPERATION TO DETERMINE CONSISTENCY WITH APPLICABLE PROVISIONS OF LAW, PROGRESS TOWARD MEETING THE GOALS AND PRIORITIES SET FORTH IN THE PROJECTION REQUIRED UNDER CLAUSE (1), AND THE EFFECTIVENESS OF ALL PROGRAMS PROVIDING SERVICES TO HANDICAPPED INDIVIDUALS, AND THE ELIMINATION OF UNNECESSARY DUPLICATION AND OVERLAP IN SUCH PROGRAMS UNDER THE JURISDICTION OF THE SECRETARY;

(3) ENCOURAGE COORDINATED AND COOPERATIVE PLANNING DESIGNED TO PRODUCE MAXIMUM EFFECTIVENESS, SENSITIVITY, AND CONTINUITY IN THE PROVISIONS OF SERVICES FOR HANDICAPPED INDIVIDUALS BY ALL PROGRAMS;

(4) DEVELOP MEANS OF PROMOTING THE PROMPT UTILIZATION OF ENGINEERING AND OTHER SCIENTIFIC RESEARCH TO ASSIST IN SOLVING PROBLEMS IN EDUCATION (INCLUDING PROMOTION OF THE DEVELOPMENT OF CURRICULUMS STRESSING BARRIER FREE DESIGN AND THE ADOPTION OF SUCH CURRICULUMS BY SCHOOLS OF ARCHITECTURE, DESIGN, AND ENGINEERING), HEALTH, EMPLOYMENT, REHABILITATION, ARCHITECTURAL, HOUSING, AND TRANSPORTATION BARRIERS, AND OTHER AREAS SO AS TO BRING ABOUT FULL INTEGRATION OF HANDICAPPED INDIVIDUALS INTO ALL ASPECTS OF SOCIETY;

(5) PROVIDE A CENTRAL CLEARINGHOUSE FOR INFORMATION AND RESOURCE AVAILABILITY FOR HANDICAPPED INDIVIDUALS THROUGH (A) THE EVALUATION OF SYSTEMS WITHIN THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OTHER DEPARTMENTS AND AGENCIES AND ORGANIZATIONS, AND OTHER SOURCES,

WHICH PROVIDE (I) INFORMATION AND DATA REGARDING THE LOCATION, PROVISION, AND AVAILABILITY OF SERVICES AND PROGRAMS FOR HANDICAPPED INDIVIDUALS, REGARDING RESEARCH AND RECENT MEDICAL AND SCIENTIFIC DEVELOPMENTS BEARING ON HANDICAPPING CONDITIONS (AND THEIR PREVENTION, AMELIORATION, CAUSES, AND CURES), AND REGARDING THE CURRENT NUMBERS OF HANDICAPPED INDIVIDUALS AND THEIR NEEDS, AND (II) ANY OTHER SUCH RELEVANT INFORMATION AND DATA WHICH THE SECRETARY DEEMS NECESSARY; AND (B) UTILIZING THE RESULTS OF SUCH EVALUATION AND EXISTING INFORMATION SYSTEMS, THE DEVELOPMENT WITHIN SUCH DEPARTMENT OF A COORDINATED SYSTEM OF INFORMATION AND DATA RETRIEVAL, WHICH WILL HAVE THE CAPACITY AND RESPONSIBILITY TO PROVIDE GENERAL AND SPECIFIC INFORMATION REGARDING THE INFORMATION AND DATA REFERRED TO IN SUBCLAUSE (A) OF THIS CLAUSE TO THE CONGRESS, PUBLIC AND PRIVATE AGENCIES AND ORGANIZATIONS, HANDICAPPED INDIVIDUALS AND THEIR FAMILIES, PROFESSIONALS IN FIELDS SERVING SUCH INDIVIDUALS, AND THE GENERAL PUBLIC.

(B) IN SELECTING PERSONNEL TO ASSIST IN THE PERFORMANCE OF THE FUNCTIONS ASSIGNED IN SUBSECTION (A) OF THIS SECTION, THE SECRETARY SHALL GIVE SPECIAL EMPHASIS TO QUALIFIED HANDICAPPED INDIVIDUALS.

(C) THE FUNCTIONS ASSIGNED TO THE SECRETARY BY THIS SECTION SHALL NOT BE DELEGATED TO ANY PERSONS NOT ASSIGNED TO AND OPERATING IN THE OFFICE OF THE SECRETARY, EXCEPT THAT HE MAY ESTABLISH AN OFFICE FOR THE HANDICAPPED IN THE OFFICE OF AN APPROPRIATE ASSISTANT SECRETARY OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE TO CARRY OUT SUCH FUNCTIONS.

(D) THERE ARE AUTHORIZED TO BE APPROPRIATED FOR CARRYING OUT THIS SECTION \$500,000 EACH FOR THE FISCAL YEARS ENDING JUNE 30, 1974, AND JUNE 30, 1975.

(E) NOT LATER THAN THIRTY DAYS AFTER THE APPROPRIATION ACT CONTAINING SUMS FOR CARRYING OUT THE PROVISIONS OF THIS ACT IS ENACTED FOR EACH FISCAL YEAR, THE SECRETARY SHALL SET ASIDE OUT OF SUMS AVAILABLE TO CARRY OUT THIS SECTION OR OTHERWISE AVAILABLE PURSUANT TO ANY OTHER ACT, AN AMOUNT WHICH HE DETERMINES IS NECESSARY AND APPROPRIATE TO ENABLE HIM TO CARRY OUT THE PROVISIONS OF THIS SECTION AND SHALL NOTIFY THE APPROPRIATE COMMITTEES OF THE CONGRESS OF THE AMOUNT SO SET ASIDE, THE NUMBER OF PERSONNEL NECESSARY FOR SUCH PURPOSE, AND THE BASIS FOR HIS DETERMINATION UNDER THIS SUBSECTION AND HIS REASONS THEREFOR.

SHELTERED WORKSHOP STUDY

SEC. 406. (A) THE SECRETARY SHALL CONDUCT AN ORIGINAL STUDY OF THE ROLE OF SHELTERED WORKSHOPS IN THE REHABILITATION AND EMPLOYMENT OF HANDICAPPED INDIVIDUALS, INCLUDING A STUDY OF WAGE PAYMENTS IN SHELTERED WORKSHOPS. THE STUDY SHALL INCORPORATE GUIDELINES WHICH ARE CONSISTENT WITH CRITERIA PROVIDED IN RESOLUTIONS ADOPTED BY THE COMMITTEE ON LABOR AND PUBLIC WELFARE OF THE UNITED STATES SENATE OR THE COMMITTEE ON EDUCATION AND LABOR OF THE UNITED STATES HOUSE OF REPRESENTATIVES, OR BOTH.

(B) THE STUDY SHALL INCLUDE SITE VISITS TO SHELTERED WORKSHOPS, INTERVIEWS WITH HANDICAPPED TRAINEES OR CLIENTS, AND CONSULTATIONS WITH INTERESTED INDIVIDUALS AND GROUPS AND STATE AGENCIES DESIGNATED PURSUANT

TO SECTION 101. //ANTE, P. 363.//

(C) ANY CONTRACTS AWARDED FOR THE PURPOSE OF CARRYING OUT ALL OR PART OF THIS STUDY SHALL NOT BE MADE WITH INDIVIDUALS OR GROUPS WITH A FINANCIAL OR OTHER DIRECT INTEREST IN SHELTERED WORKSHOPS.

(D) THE SECRETARY SHALL REPORT TO THE CONGRESS HIS FINDINGS AND RECOMMENDATIONS WITH RESPECT TO SUCH STUDY WITHIN TWENTY-FOUR MONTHS AFTER THE DATE OF ENACTMENT OF THIS ACT.

STATE ALLOCATION STUDY

SEC. 407. (A) THE SECRETARY SHALL CONDUCT A THOROUGH STUDY OF THE ALLOTMENT OF FUNDS AMONG THE STATES FOR GRANTS FOR BASIC VOCATIONAL REHABILITATION SERVICES AUTHORIZED UNDER PART B OF TITLE I OF THIS ACT, INCLUDING A CONSIDERATION OF-- //ANTE, P. 370.//

(1) THE NEEDS OF INDIVIDUALS REQUIRING VOCATIONAL REHABILITATION SERVICES;

(2) THE FINANCIAL CAPABILITY OF THE STATES TO FURNISH VOCATIONAL REHABILITATION ASSISTANCE INCLUDING, ON A STATE-BY-STATE BASIS, PER CAPITA INCOME, PER CAPITA COSTS OF SERVICES RENDERED, STATE TAX RATES, AND THE ABILITY AND WILLINGNESS OF A STATE TO PROVIDE THE NON-FEDERAL SHARE OF THE COSTS OF RENDERING SUCH SERVICES;

(3) THE CONTINUING DEMAND UPON THE STATES TO FURNISH VOCATIONAL REHABILITATION SERVICES, TOGETHER WITH A CONSIDERATION OF THE FACTOR THAT NO STATE WOULD RECEIVE LESS FEDERAL FINANCIAL ASSISTANCE UNDER SUCH PART THAN IT RECEIVED UNDER SECTION 2 OF THE VOCATIONAL REHABILITATION ACT IN THE FISCAL YEAR IMMEDIATELY PRIOR TO THE ENACTMENT OF THIS ACT. //79 STAT. 1282. 29 USC 32.//

(B) NOT LATER THAN JUNE 30, 1974, THE SECRETARY SHALL REPORT TO THE CONGRESS HIS FINDINGS AND RECOMMENDATIONS, INCLUDING RECOMMENDATIONS FOR ADDITIONAL LEGISLATION, WITH RESPECT TO THE STUDY REQUIRED BY THIS SECTION, WHICH REPORT SHALL INCLUDE RECOMMENDATIONS WITH RESPECT TO ALLOTMENT OF FEDERAL FUNDS AMONG THE STATES AND THE FEDERAL SHARE OF THE COST OF FURNISHING VOCATIONAL REHABILITATION SERVICES BY THE STATES.

TITLE V--MISCELLANEOUS EFFECT ON EXISTING LAW

SEC. 500. (A) THE VOCATIONAL REHABILITATION ACT (29 U.S.C. 31 ET SEQ.) IS REPEALED NINETY DAYS AFTER THE DATE OF ENACTMENT OF THIS ACT AND REFERENCES TO SUCH VOCATIONAL REHABILITATION ACT IN ANY OTHER PROVISION OF LAW SHALL, NINETY DAYS AFTER SUCH DATE, BE DEEMED TO BE REFERENCES TO THE REHABILITATION ACT OF 1973. //68 STAT. 652; 79 STAT. 2182; 82 STAT. 297.// UNEXPENDED APPROPRIATIONS FOR CARRYING OUT THE VOCATIONAL REHABILITATION ACT MAY BE MADE AVAILABLE TO CARRY OUT THIS ACT, AS DIRECTED BY THE PRESIDENT. APPROVED STATE PLANS FOR VOCATIONAL REHABILITATION APPROVED PROJECTS, AND CONTRACTUAL ARRANGEMENTS AUTHORIZED UNDER THE VOCATIONAL REHABILITATION ACT WILL BE RECOGNIZED UNDER COMPARABLE PROVISIONS OF THIS ACT SO THAT THERE IS NO DISRUPTION OF ONGOING ACTIVITIES FOR WHICH THERE IS CONTINUING AUTHORITY.

(B) THE AUTHORIZATIONS OF APPROPRIATIONS IN THE VOCATIONAL REHABILITATION ACT ARE HEREBY EXTENDED AT THE LEVEL SPECIFIED FOR THE FISCAL YEAR 1972 FOR THE FISCAL YEAR 1973.

EMPLOYMENT OF HANDICAPPED INDIVIDUALS

SEC. 501. (A) THERE IS ESTABLISHED WITHIN THE FEDERAL GOVERNMENT AN INTERAGENCY COMMITTEE ON HANDICAPPED EMPLOYEES (HEREINAFTER IN THIS SECTION REFERRED TO AS THE "COMMITTEE"), COMPRISED OF SUCH MEMBERS AS THE PRESIDENT MAY SELECT, INCLUDING THE FOLLOWING (OR THEIR DESIGNEES WHOSE POSITIONS ARE EXECUTIVE LEVEL IV OR HIGHER): //83 STAT. 864. 5 USC 5315 NOTE.// THE CHAIRMAN OF THE CIVIL SERVICE COMMISSION, THE ADMINISTRATOR OF VETERANS' AFFAIRS, AND THE SECRETARIES OF LABOR AND HEALTH, EDUCATION, AND WELFARE. THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE AND THE CHAIRMAN OF THE CIVIL SERVICE COMMISSION SHALL SERVE AS CO-CHAIRMAN OF THE COMMITTEE. THE RESOURCES OF THE PRESIDENT'S COMMITTEES ON EMPLOYMENT OF THE HANDICAPPED AND ON MENTAL RETARDATION SHALL BE MADE FULLY AVAILABLE TO THE COMMITTEE. IT SHALL BE THE PURPOSE AND FUNCTION OF THE COMMITTEE (1) TO PROVIDE A FOCUS FOR FEDERAL AND OTHER EMPLOYMENT OF HANDICAPPED INDIVIDUALS, AND TO REVIEW, ON A PERIODIC BASIS, IN COOPERATION WITH THE CIVIL SERVICE COMMISSION, THE ADEQUACY OF HIRING, PLACEMENT, AND ADVANCEMENT PRACTICES WITH RESPECT TO HANDICAPPED INDIVIDUALS, BY EACH DEPARTMENT, AGENCY, AND INSTRUMENTALITY IN THE EXECUTIVE BRANCH OF GOVERNMENT, AND TO INSURE THAT THE SPECIAL NEEDS OF SUCH INDIVIDUALS ARE BEING MET; AND (2) TO CONSULT WITH THE CIVIL SERVICE COMMISSION TO ASSIST THE COMMISSION TO CARRY OUT ITS RESPONSIBILITIES UNDER SUBSECTIONS (B), (C), AND (D) OF THIS SECTION. ON THE BASIS OF SUCH REVIEW AND CONSULTATION, THE COMMITTEE SHALL PERIODICALLY MAKE TO THE CIVIL SERVICE COMMISSION SUCH RECOMMENDATIONS FOR LEGISLATIVE AND ADMINISTRATIVE CHANGES AS IT DEEMS NECESSARY OR DESIRABLE. THE CIVIL SERVICE COMMISSION SHALL TIMELY TRANSMIT TO THE APPROPRIATE COMMITTEES OF CONGRESS ANY SUCH RECOMMENDATIONS.

(B) EACH DEPARTMENT, AGENCY, AND INSTRUMENTALITY (INCLUDING THE UNITED STATES POSTAL SERVICE AND THE POSTAL RATE COMMISSION) IN THE EXECUTIVE BRANCH SHALL, WITHIN ONE HUNDRED AND EIGHTY DAYS AFTER THE DATE OF ENACTMENT OF THIS ACT, SUBMIT TO THE CIVIL SERVICE COMMISSION AND TO THE COMMITTEE AN AFFIRMATIVE ACTION PROGRAM PLAN FOR THE HIRING, PLACEMENT, AND ADVANCEMENT OF HANDICAPPED INDIVIDUALS IN SUCH DEPARTMENT, AGENCY, OR INSTRUMENTALITY. SUCH PLAN SHALL INCLUDE A DESCRIPTION OF THE EXTENT TO WHICH AND METHODS WHEREBY THE SPECIAL NEEDS OF HANDICAPPED EMPLOYEES ARE BEING MET. SUCH PLAN SHALL BE UPDATED ANNUALLY, AND SHALL BE REVIEWED ANNUALLY AND APPROVED BY THE COMMISSION, IF THE COMMISSION DETERMINES, AFTER CONSULTATION WITH THE COMMITTEE, THAT SUCH PLAN PROVIDES SUFFICIENT ASSURANCES, PROCEDURES AND COMMITMENTS TO PROVIDE ADEQUATE HIRING, PLACEMENT, AND ADVANCEMENT OPPORTUNITIES FOR HANDICAPPED INDIVIDUALS.

(C) THE CIVIL SERVICE COMMISSION, AFTER CONSULTATION WITH THE COMMITTEE, SHALL DEVELOP AND RECOMMEND TO THE SECRETARY FOR REFERRAL TO THE APPROPRIATE STATE AGENCIES, POLICIES AND PROCEDURES WHICH WILL FACILITATE THE HIRING, PLACEMENT, AND ADVANCEMENT IN EMPLOYMENT OF INDIVIDUALS WHO HAVE RECEIVED REHABILITATION SERVICES UNDER STATE VOCATIONAL REHABILITATION PROGRAMS, VETERANS' PROGRAMS, OR ANY OTHER PROGRAM FOR HANDICAPPED INDIVIDUALS, INCLUDING THE PROMOTION OF JOB OPPORTUNITIES FOR SUCH INDIVIDUALS. THE SECRETARY SHALL ENCOURAGE SUCH STATE AGENCIES TO ADOPT AND IMPLEMENT SUCH POLICIES AND PROCEDURES.

(D) THE CIVIL SERVICE COMMISSION, AFTER CONSULTATION WITH THE COMMITTEE, SHALL, ON JUNE 30, 1974, AND AT THE END OF EACH SUBSEQUENT FISCAL YEAR, MAKE A COMPLETE REPORT TO THE APPROPRIATE COMMITTEES OF THE CONGRESS WITH RESPECT TO THE PRACTICES OF AND ACHIEVEMENTS IN HIRING, PLACEMENT, AND ADVANCEMENT OF HANDICAPPED INDIVIDUALS BY EACH DEPARTMENT, AGENCY, AND INSTRUMENTALITY AND THE EFFECTIVENESS OF THE AFFIRMATIVE ACTION PROGRAMS REQUIRED BY SUBSECTION (B) OF THIS SECTION, TOGETHER WITH RECOMMENDATIONS AS TO LEGISLATION WHICH HAVE BEEN SUBMITTED TO THE CIVIL SERVICE COMMISSION UNDER SUBSECTION (A) OF THIS SECTION, OR OTHER APPROPRIATE ACTION TO INSURE THE ADEQUACY OF SUCH PRACTICES. SUCH REPORT SHALL ALSO INCLUDE AN EVALUATION BY THE COMMITTEE OF THE EFFECTIVENESS OF THE CIVIL SERVICE COMMISSION'S ACTIVITIES UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION.

(E) AN INDIVIDUAL WHO, AS A PART OF HIS INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM UNDER A STATE PLAN APPROVED UNDER THIS ACT, PARTICIPATES IN A PROGRAM OF UNPAID WORK EXPERIENCE IN A FEDERAL AGENCY, SHALL NOT, BY REASON THEREOF, BE CONSIDERED TO BE A FEDERAL EMPLOYEE OR TO BE SUBJECT TO THE PROVISIONS OF LAW RELATING TO FEDERAL EMPLOYMENT, INCLUDING THOSE RELATING TO HOURS OF WORK, RATES OR COMPENSATION, LEAVE, UNEMPLOYMENT COMPENSATION, AND FEDERAL EMPLOYEE BENEFITS.

(F) (1) THE SECRETARY OF LABOR AND THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE ARE AUTHORIZED AND DIRECTED TO COOPERATE WITH THE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED IN CARRYING OUT ITS FUNCTIONS.

(2) IN SELECTING PERSONNEL TO FILL ALL POSITIONS ON THE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED, SPECIAL CONSIDERATION SHALL BE GIVEN TO QUALIFIED HANDICAPPED INDIVIDUALS.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD
SEC. 532. (A) THERE IS ESTABLISHED WITHIN THE FEDERAL GOVERNMENT THE ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (HEREINAFTER REFERRED TO AS THE "BOARD") WHICH SHALL BE COMPOSED OF THE HEADS OF EACH OF THE FOLLOWING DEPARTMENT OR AGENCIES (OR THEIR DESIGNEES WHOSE POSITIONS ARE EXECUTIVE LEVEL IV OR HIGHER): //83 STAT. 864. 5 USC 5315
NOTE.//

(1) DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE; (2) DEPARTMENT OF TRANSPORTATION; (3) DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; (4) DEPARTMENT OF LABOR; (5) DEPARTMENT OF THE INTERIOR; (6) GENERAL SERVICES ADMINISTRATION; (7) UNITED STATES POSTAL SERVICE; AND (8) VETERANS' ADMINISTRATION.

(B) IT SHALL BE THE FUNCTION OF THE BOARD TO: (1) INSURE COMPLIANCE WITH THE STANDARDS PRESCRIBED BY THE GENERAL SERVICES ADMINISTRATION, THE DEPARTMENT OF DEFENSE, AND THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT PURSUANT TO THE ARCHITECTURAL BARRIERS ACT OF 1968 (PUBLIC LAW 90 - 480), AS AMENDED BY THE ACT OF MARCH 5, 1970 (PUBLIC LAW 91 - 205); //82 STAT. 718; 84 STAT. 49. 42 USC 4151.// (2) INVESTIGATE AND EXAMINE ALTERNATIVE APPROACHES TO THE ARCHITECTURAL, TRANSPORTATION, AND ATTITUDINAL BARRIERS CONFRONTING HANDICAPPED INDIVIDUALS, PARTICULARLY WITH RESPECT TO PUBLIC BUILDINGS AND MONUMENTS, PARKS AND PARKLANDS, PUBLIC TRANSPORTATION (INCLUDING AIR, WATER, AND SURFACE TRANSPORTATION WHETHER INTERSTATE,

FOREIGN, INTRASTATE, OR LOCAL), AND RESIDENTIAL AND INSTITUTIONAL HOUSING; (3) DETERMINE WHAT MEASURES ARE BEING TAKEN BY FEDERAL, STATE, AND LOCAL GOVERNMENTS AND BY OTHER PUBLIC OR NONPROFIT AGENCIES TO ELIMINATE THE BARRIERS DESCRIBED IN CLAUSE (2) OF THIS SUBSECTION; (4) PROMOTE THE USE OF THE INTERNATIONAL ACCESSIBILITY SYMBOL IN ALL PUBLIC FACILITIES THAT ARE IN COMPLIANCE WITH THE STANDARDS PRESCRIBED BY THE ADMINISTRATOR OF THE GENERAL SERVICES ADMINISTRATION, THE SECRETARY OF DEFENSE, AND THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT PURSUANT TO THE ARCHITECTURAL BARRIERS ACT OF 1968; (5) MAKE TO THE PRESIDENT AND TO CONGRESS REPORTS WHICH SHALL DESCRIBE IN DETAIL THE RESULTS TO ITS INVESTIGATIONS UNDER CLAUSES (2) AND (3) OF THIS SUBSECTION; AND (6) MAKE TO THE PRESIDENT AND TO THE CONGRESS SUCH RECOMMENDATIONS FOR LEGISLATION AND ADMINISTRATION AS IT DEEMS NECESSARY OR DESIRABLE TO ELIMINATE THE BARRIERS DESCRIBED IN CLAUSE (2) OF THIS SUBSECTION.

(C) THE BOARD SHALL ALSO (1) (A) DETERMINE HOW AND TO WHAT EXTENT TRANSPORTATION BARRIERS IMPEDE THE MOBILITY OF HANDICAPPED INDIVIDUALS AND AGED HANDICAPPED INDIVIDUALS AND CONSIDER WAYS IN WHICH TRAVEL EXPENSES IN CONNECTION WITH TRANSPORTATION TO AND FROM WORK FOR HANDICAPPED INDIVIDUALS CAN BE MET OR SUBSIDIZED WHEN SUCH INDIVIDUALS ARE UNABLE TO USE MASS TRANSIT SYSTEMS OR NEED SPECIAL EQUIPMENT IN PRIVATE TRANSPORTATION, AND (B) CONSIDER THE HOUSING NEEDS OF HANDICAPPED INDIVIDUALS; (2) DETERMINE WHAT MEASURES ARE BEING TAKEN, ESPECIALLY BY PUBLIC AND OTHER NONPROFIT AGENCIES AND GROUPS HAVING AN INTEREST IN AND A CAPACITY TO DEAL WITH SUCH PROBLEMS, (A) TO ELIMINATE BARRIERS FROM PUBLIC TRANSPORTATION SYSTEMS (INCLUDING VEHICLES USED IN SUCH SYSTEMS), AND TO PREVENT THEIR INCORPORATION IN NEW OR EXPANDED TRANSPORTATION SYSTEMS AND (B) TO MAKE HOUSING AVAILABLE AND ACCESSIBLE TO HANDICAPPED INDIVIDUALS OR TO MEET SHELTERED HOUSING NEEDS; AND (3) PREPARE PLANS AND PROPOSALS FOR SUCH FURTHER ACTIONS AS MAY BE NECESSARY TO THE GOALS OF ADEQUATE TRANSPORTATION AND HOUSING FOR HANDICAPPED INDIVIDUALS, INCLUDING PROPOSALS FOR BRINGING TOGETHER IN A COOPERATIVE EFFORT, AGENCIES, ORGANIZATIONS, AND GROUPS ALREADY WORKING TOWARD SUCH GOALS OR WHOSE COOPERATION IS ESSENTIAL TO EFFECTIVE AND COMPREHENSIVE ACTION.

(D) IN CARRYING OUT ITS FUNCTIONS UNDER THIS SECTION, THE BOARD SHALL CONDUCT INVESTIGATIONS, HOLD PUBLIC HEARINGS, AND ISSUE SUCH ORDERS AS IT DEEMS NECESSARY TO INSURE COMPLIANCE WITH THE PROVISIONS OF THE ACTS CITED IN SUBSECTION (B). THE PROVISIONS OF SUBCHAPTER II OF CHAPTER 5, AND CHAPTER 7 OF TITLE 5, UNITED STATES CODE, SHALL APPLY TO PROCEDURES UNDER THIS SECTION, AND AN ORDER OF COMPLIANCE ISSUED BY THE BOARD SHALL BE A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW. //5 USC 551, 701.//

(E) THE BOARD IS AUTHORIZED TO APPOINT AS MANY HEARING EXAMINERS AS ARE NECESSARY FOR PROCEEDINGS REQUIRED TO BE CONDUCTED UNDER THIS SECTION. //80 STAT. 415.// THE PROVISIONS APPLICABLE TO HEARING EXAMINERS APPOINTED UNDER SECTION 3105 OF TITLE 5, UNITED STATES CODE, SHALL APPLY TO HEARING EXAMINERS APPOINTED UNDER THIS SUBSECTION.

(F) THE DEPARTMENTS OR AGENCIES SPECIFIED IN SUBSECTION (A) OF THIS SECTION SHALL MAKE AVAILABLE TO THE BOARD SUCH TECHNICAL, ADMINISTRATIVE, OR OTHER ASSISTANCE AS IT MAY REQUIRE TO CARRY OUT ITS FUNCTIONS UNDER

THIS SECTION, AND THE BOARD MAY APPOINT SUCH OTHER ADVISERS, TECHNICAL EXPERTS, AND CONSULTANTS AS IT DEEMS NECESSARY TO ASSIST IT IN CARRYING OUT ITS FUNCTIONS UNDER THIS SECTION. SPECIAL ADVISORY AND TECHNICAL EXPERTS AND CONSULTANTS APPOINTED PURSUANT TO THIS SUBSECTION SHALL, WHILE PERFORMING THEIR FUNCTIONS UNDER THIS SECTION, BE ENTITLED TO RECEIVE COMPENSATION AT RATES FIXED BY THE SECRETARY, BUT NOT EXCEEDING THE DAILY PAY RATE, FOR A PERSON EMPLOYED AS A GS-18 UNDER SECTION 5332 OF TITLE 45, UNITED STATES CODE, //5 USC 5332 NOTE.// INCLUDING TRAVELTIME, AND WHILE SERVING AWAY FROM THEIR HOMES OR REGULAR PLACES OF BUSINESS THEY MAY BE ALLOWED TRAVEL EXPENSES, INCLUDING PER DIEM IN LIEU OF SUBSISTENCE, AS AUTHORIZED BY SECTION 5703 OF SUCH TITLE 5 FOR PERSONS IN THE GOVERNMENT SERVICE EMPLOYED INTERMITTENTLY. //80 STAT. 499; 83 STAT. 190.//

(G) THE BOARD SHALL, AT THE END OF EACH FISCAL YEAR, REPORT ITS ACTIVITIES DURING THE PRECEDING FISCAL YEAR TO THE CONGRESS. SUCH REPORT SHALL INCLUDE AN ASSESSMENT OF THE EXTENT OF COMPLIANCE WITH THE ACTS CITED IN SUBSECTION (B) OF THIS SECTION, ALONG WITH A DESCRIPTION AND ANALYSIS OF INVESTIGATIONS MADE AND ACTIONS TAKEN BY THE BOARD, AND THE REPORTS AND RECOMMENDATIONS DESCRIBED IN CLAUSES (5) AND (6) OF SUBSECTION (B) OF THIS SECTION. THE BOARD SHALL PREPARE TWO FINAL REPORTS OF ITS ACTIVITIES UNDER SUBSECTION (C). ONE SUCH REPORT SHALL BE ON ITS ACTIVITIES IN THE FIELD OF TRANSPORTATION BARRIERS TO HANDICAPPED INDIVIDUALS, AND THE OTHER SUCH REPORT SHALL BE ON ITS ACTIVITIES IN THE FIELD OF THE HOUSING NEEDS OF HANDICAPPED INDIVIDUALS. THE BOARD SHALL, PRIOR TO JANUARY 1, 1975, SUBMIT EACH SUCH REPORT, TOGETHER WITH ITS RECOMMENDATIONS TO THE PRESIDENT AND THE CONGRESS. THE BOARD SHALL ALSO PREPARE FOR SUCH SUBMISSION AN INTERIM REPORT OF ITS ACTIVITIES IN EACH SUCH FIELD WITHIN 18 MONTHS AFTER THE DATE OF ENACTMENT OF THIS ACT.

(H) THERE ARE AUTHORIZED TO BE APPROPRIATED FOR THE PURPOSE OF CARRYING OUT THE DUTIES AND FUNCTIONS OF THE BOARD UNDER THIS SECTION \$1,000,000 EACH FOR THE FISCAL YEARS ENDING JUNE 30, 1974, AND JUNE 30, 1975.

EMPLOYMENT UNDER FEDERAL CONTRACTS

SEC. 502. (A) ANY CONTRACT IN EXCESS OF \$2,500 ENTERED INTO BY ANY FEDERAL DEPARTMENT OR AGENCY FOR THE PROCUREMENT OF PERSONAL PROPERTY AND NONPERSONAL SERVICES (INCLUDING CONSTRUCTION) FOR THE UNITED STATES SHALL CONTAIN A PROVISION REQUIRING THAT, IN EMPLOYING PERSONS TO CARRY OUT SUCH CONTRACT THE PARTY CONTRACTING WITH THE UNITED STATES SHALL TAKE AFFIRMATIVE ACTION TO EMPLOY AND ADVANCE IN EMPLOYMENT QUALIFIED HANDICAPPED INDIVIDUALS AS DEFINED IN SECTION 7 (B). //ANTE, P. 361.// THE PROVISIONS OF THIS SECTION SHALL APPLY TO ANY SUBCONTRACT IN EXCESS OF \$2,500 ENTERED INTO BY A PRIME CONTRACTOR IN CARRYING OUT ANY CONTRACT FOR THE PROCUREMENT OF PERSONAL PROPERTY AND NONPERSONAL SERVICES (INCLUDING CONSTRUCTION) FOR THE UNITED STATES. THE PRESIDENT SHALL IMPLEMENT THE PROVISIONS OF THIS SECTION BY PROMULGATING REGULATIONS WITHIN NINETY DAYS AFTER THE DATE OF ENACTMENT OF THIS SECTION.

(B) IF ANY HANDICAPPED INDIVIDUAL BELIEVES ANY CONTRACTOR HAS FAILED OR REFUSES TO COMPLY WITH THE PROVISIONS OF HIS CONTRACT WITH THE UNITED STATES, RELATING TO EMPLOYMENT OF HANDICAPPED INDIVIDUALS, SUCH INDIVIDUAL MAY FILE A COMPLAINT WITH THE DEPARTMENT OF LABOR. THE DEPARTMENT SHALL

PROMPTLY INVESTIGATE SUCH COMPLAINT AND SHALL TAKE SUCH ACTION THEREON AS THE FACTS AND CIRCUMSTANCES WARRANT, CONSISTENT WITH THE TERMS OF SUCH CONTRACT AND THE LAWS AND REGULATIONS APPLICABLE THERETO.

(C) THE REQUIREMENTS OF THIS SECTION MAY BE WAIVED, IN WHOLE OR IN PART, BY THE PRESIDENT WITH RESPECT TO A PARTICULAR CONTRACT OR SUBCONTRACT, IN ACCORDANCE WITH GUIDELINES SET FORTH IN REGULATIONS WHICH HE SHALL PRESCRIBE, WHEN HE DETERMINES THAT SPECIAL CIRCUMSTANCES IN THE NATIONAL INTEREST SO REQUIRE AND STATES IN WRITING HIS REASONS FOR SUCH DETERMINATION.

NONDISCRIMINATION UNDER FEDERAL GRANTS

SEC. 504. NO OTHERWISE QUALIFIED HANDICAPPED INDIVIDUAL IN THE UNITED STATES, AS DEFINED IN SECTION 7 (6), SHALL, SOLELY BY REASON OF HIS HANDICAP, BE EXCLUDED FROM THE PARTICIPATION IN, BE DENIED THE BENEFITS OF, OR BE SUBJECTED TO DISCRIMINATION UNDER ANY PROGRAM OR ACTIVITY RECEIVING FEDERAL FINANCIAL ASSISTANCE. //ANTE, P. 361.//

LEGISLATIVE HISTORY:

HOUSE REPORTS: NO. 93 - 244 (COMM. ON EDUCATION AND LABOR) AND NO. 93 - 500 (COMM. OF CONFERENCE).

SENATE REPORTS: NO. 93 - 318 ACCOMPANYING S. 1875 (COMM. ON LABOR AND PUBLIC WELFARE) AND NO. 93 - 391 (COMM. OF CONFERENCE).

CONGRESSIONAL RECORD, VOL. 119 (1973):

JUNE 5, CONSIDERED AND PASSED HOUSE. JULY 18, CONSIDERED AND PASSED SENATE, AMENDED, IN

LIEU OF S. 1875. SEPT. 13, SENATE AGREED TO CONFERENCE REPORT.

SEPT. 18, HOUSE AGREED TO CONFERENCE REPORT.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, VOL. 9, NO. 39: SPET. 26, PRESIDENTIAL STATEMENT.

ITEM 30

00104.87.005460

PUBLIC LAW 93 - 146;

87 STAT. 548 AMTRAK IMPROVEMENT ACT OF 1973.

93RD CONGRESS, S. 2016

NOVEMBER 3, 1973

AN ACT

TO AMEND THE RAIL PASSENGER SERVICE ACT OF 1970 TO PROVIDE FINANCIAL ASSISTANCE TO THE NATIONAL RAILROAD PASSENGER CORPORATION, AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, THAT THIS ACT MAY BE CITED AS THE "AMTRAK IMPROVEMENT ACT OF 1973". //84 STAT. 1328.//

SEC. 2. SECTION 102 OF THE RAIL PASSENGER SERVICE ACT OF 1970 (45 U.S.C. 502), RELATING TO DEFINITIONS, IS AMENDED--

(1) BY STRIKING OUT PARAGRAPH (5), RELATING TO THE DEFINITION OF INTERCITY RAIL PASSENGER SERVICE, AND INSERTING IN LIEU THEREOF THE FOLLOWING:

"(5) 'INTERCITY RAIL PASSENGER SERVICE' MEANS ALL RAIL PASSENGER SERVICE OTHER THAN COMMUTER AND OTHER SHORT-HAUL SERVICE IN METROPOLITAN AND SUBURBAN AREAS, USUALLY CHARACTERIZED BY REDUCED FARE, MULTIPLE-RIDE AND COMMUTATION TICKETS, AND BY MORNING AND EVENING PEAK PERIOD OPERATIONS."; AND

(2) BY ADDING AT THE END THEREOF THE FOLLOWING NEW PARAGRAPH:

"(9) 'AUTO-FERRY SERVICE' MEANS INTERCITY RAIL PASSENGER SERVICE CHARACTERIZED BY TRANSPORTATION OF AUTOMOBILES AND THEIR OCCUPANTS.".

SEC. 3. (A) SECTION 303 (A) OF THE RAIL PASSENGER SERVICE ACT OF 1970 (45 U.S.C. 543 (A)), RELATING TO THE BOARD OF DIRECTORS, IS AMENDED TO READ AS FOLLOWS:

"(A) (1) THE CORPORATION SHALL HAVE A BOARD OF DIRECTORS CONSISTING OF SEVENTEEN INDIVIDUALS WHO ARE CITIZENS OF THE UNITED STATES SELECTED AS FOLLOWS:

"(A) THE SECRETARY OF TRANSPORTATION, EX OFFICIO.

"(B) NINE MEMBERS APPOINTED BY THE PRESIDENT, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE, TO SERVE FOR TERMS OF FOUR YEARS OR UNTIL THEIR SUCCESSORS HAVE BEEN APPOINTED AND QUALIFIED, OF WHOM NOT MORE THAN FIVE SHALL BE APPOINTED FROM THE SAME POLITICAL PARTY.

"(C) THREE MEMBERS ELECTED ANNUALLY BY THE COMMON STOCKHOLDERS OF THE CORPORATION.

"(D) FOUR MEMBERS ELECTED ANNUALLY BY THE PREFERRED STOCKHOLDERS OF THE CORPORATION, WHICH MEMBERS SHALL BE ELECTED AS SOON AS PRACTICABLE AFTER THE FIRST ISSUANCE OF PREFERRED STOCK BY THE CORPORATION.

"(2) ANY VACANCY IN THE MEMBERSHIP OF THE BOARD SHALL BE FILLED IN THE SAME MANNER AS IN THE CASE OF THE ORIGINAL SELECTION; EXCEPT THAT ANY MEMBER APPOINTED BY THE PRESIDENT UNDER PARAGRAPH (1) (B) OF THIS SUBSECTION TO FILL A VACANCY SHALL BE APPOINTED ONLY FOR THE UNEXPIRED TERM OF THE MEMBER HE IS APPOINTED TO SUCCEED.

"(3) THE BOARD SHALL ELECT ONE OF ITS MEMBERS ANNUALLY TO SERVE AS

CHAIRMAN.

"(4) NOT LESS THAN THREE MEMBERS APPOINTED BY THE PRESIDENT SHALL BE DESIGNATED BY HIM, AT THE TIME OF THEIR APPOINTMENT, TO SERVE AS CONSUMER REPRESENTATIVES, OF WHOM NOT MORE THAN TWO SHALL BE MEMBERS OF THE SAME POLITICAL PARTY.

"(5) EACH MEMBER NOT EMPLOYED BY THE FEDERAL GOVERNMENT SHALL RECEIVE COMPENSATION AT THE RATE OF \$300 FOR EACH MEETING OF THE BOARD HE ATTENDS. IN ADDITION, EACH MEMBER SHALL BE REIMBURSED FOR NECESSARY TRAVEL AND SUBSISTENCE EXPENSES INCURRED IN ATTENDING MEETINGS OF THE BOARD.

"(6) NO MEMBER ELECTED BY RAILROADS SHALL VOTE ON ANY ACTION OF THE BOARD RELATING TO ANY CONTRACT OR OPERATING RELATIONSHIP BETWEEN THE CORPORATION AND A RAILROAD, BUT HE MAY BE PRESENT AT MEETINGS OF THE BOARD AT WHICH SUCH MATTERS ARE VOTED UPON, AND HE MAY BE INCLUDED FOR PURPOSES OF DETERMINING A QUORUM AND MAY PARTICIPATE IN DISCUSSIONS AT ANY SUCH MEETING.

"(7) NO MEMBER APPOINTED BY THE PRESIDENT MAY--

"(A) HAVE ANY DIRECT OR INDIRECT FINANCIAL OR EMPLOYMENT RELATIONSHIP WITH ANY RAILROAD, NOR

"(B) HAVE ANY SIGNIFICANT DIRECT OR INDIRECT FINANCIAL RELATIONSHIP, OR ANY DIRECT OR INDIRECT EMPLOYMENT RELATIONSHIP, WITH ANY PERSON ENGAGED IN THE TRANSPORTATION OF PASSENGERS IN COMPETITION WITH THE CORPORATION, DURING THE TIME THAT HE SERVES ON THE BOARD.

"(8) PENDING THE ELECTION OF THE FOUR MEMBERS BY THE PREFERRED STOCKHOLDERS OF THE CORPORATION UNDER PARAGRAPH (1) (D) OF THIS SUBSECTION, SEVEN MEMBERS SHALL CONSTITUTE A QUORUM FOR THE PURPOSE OF CONDUCTING THE BUSINESS OF THE BOARD.

"(9) ANY VACANCY IN THE MEMBERSHIP OF THE BOARD OF DIRECTORS REQUIRED TO BE FILLED BY APPOINTMENT BY THE PRESIDENT UNDER PARAGRAPH (1) (B) OF THIS SUBSECTION SHALL BE FILLED BY THE PRESIDENT NOT MORE THAN ONE HUNDRED AND TWENTY DAYS AFTER SUCH VACANCY OCCURS."

(B) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE TERM OF EACH MEMBER OF THE BOARD OF DIRECTORS APPOINTED BY THE PRESIDENT UNDER SECTION 303 (A) OF THE RAIL PASSENGER SERVICE ACT OF 1970 (AS IN EFFECT ON THE DAY BEFORE THE DATE OF ENACTMENT OF THIS ACT) WHO IS SERVING UNDER SUCH APPOINTMENT ON SUCH DATE OF ENACTMENT, SHALL EXPIRE ON THE THIRTIETH DAY AFTER SUCH DATE OF ENACTMENT, EXCEPT THAT EACH SUCH MEMBER SO SERVING SHALL CONTINUE TO SERVE UNTIL HIS SUCCESSOR IS APPOINTED AND QUALIFIED OR UNTIL THE EXPIRATION OF THE ONE HUNDRED TWENTY DAY PERIOD BEGINNING ON THE THIRTIETH DAY AFTER SUCH DATE OF ENACTMENT, WHICHEVER FIRST OCCURS. NO MEMBER OF THE BOARD OF DIRECTORS REFERRED TO IN THE PRECEDING SENTENCE SHALL BE INELIGIBLE FOR APPOINTMENT AS SUCH A MEMBER AFTER THE DATE OF ENACTMENT OF THIS ACT SOLELY BY REASON OF THE ENACTMENT OF SUCH PRECEDING SENTENCE. //84 STAT. 1330. 45 USC 543.//

(2) NOTWITHSTANDING SECTION 303 (A) (1) (B) OF THE RAIL PASSENGER SERVICE ACT OF 1970, OF THE MEMBERS OF THE BOARD OF DIRECTORS FIRST APPOINTED BY THE PRESIDENT UNDER SUCH SECTION 303 (A) (1) (B), THREE SHALL BE APPOINTED TO SERVE FOR TERMS OF TWO YEARS AND THREE SHALL BE APPOINTED

TO SERVE FOR TERMS OF THREE YEARS.

SEC. 4. (A) SECTION 305 (A) OF THE RAIL PASSENGER SERVICE ACT OF 1970 (45 U.S.C. 545 (A)), RELATING TO GENERAL POWERS OF THE CORPORATION, IS AMENDED BY STRIKING OUT THE SECOND SENTENCE THEREOF. //84 STAT. 1332; 86 STAT. 228.//

SEC. 5. SECTION 305 (B) OF THE RAIL PASSENGER SERVICE ACT OF 1970 (45 U.S.C. 545 (B)), RELATING TO GENERAL POWERS OF THE CORPORATION, IS AMENDED BY STRIKING OUT THE SECOND SENTENCE AND INSERTING IN LIEU THEREOF THE FOLLOWING: "IN ORDER TO INCREASE REVENUES AND TO BETTER ACCOMPLISH THE PURPOSES OF THIS ACT, THE CORPORATION IS AUTHORIZED TO MODIFY ITS SERVICES TO PROVIDE AUTO-FERRY SERVICE AS A PART OF THE BASIC PASSENGER SERVICES AUTHORIZED BY THIS ACT, EXCEPT THAT NOTHING CONTAINED IN THIS ACT SHALL PREVENT ANY OTHER PERSON, OTHER THAN A RAILROAD (EXCEPT THAT FOR PURPOSES OF THIS SECTION A PERSON PRIMARILY ENGAGED IN AUTO-FERRY SERVICE SHALL NOT BE DEEMED TO BE A RAILROAD), FROM PROVIDING SUCH AUTO-FERRY SERVICE OVER ANY ROUTE IN ACCORDANCE WITH A CERTIFICATE ISSUED BY THE COMMISSION IF--

"(1) THE COMMISSION FINDS THAT SUCH AUTO-FERRY SERVICE--

"(A) WILL NOT IMPAIR THE ABILITY OF THE CORPORATION

TO REDUCE ITS LOSSES OR TO INCREASE ITS REVENUES, AND

"(B) IS REQUIRED TO MEET THE DEMANDS OF THE PUBLIC, OR

"(2) SUCH AUTO-FERRY SERVICE IS BEING PERFORMED BY SUCH PERSON ON THE DATE OF ENACTMENT OF THIS PARAGRAPH UNDER CONTRACTS ENTERED INTO BEFORE OCTOBER 30, 1970.

NOTHING IN THIS SECTION SHALL BE CONSTRUED TO RESTRICT THE RIGHT OF A RAILROAD THAT HAS NOT ENTERED INTO A CONTRACT WITH THE CORPORATION FOR THE PROVISION OF RAIL PASSENGER SERVICE FROM PERFORMING AUTO-FERRY SERVICE OVER ITS OWN LINES. THE CORPORATION IS AUTHORIZED TO ACQUIRE, LEASE, MODIFY, OR DEVELOP THE EQUIPMENT AND FACILITIES REQUIRED FOR THE EFFICIENT PROVISION OF MAIL, EXPRESS, AND AUTO-FERRY SERVICE, OR TO ENTER INTO CONTRACTS FOR THE PROVISION OF SUCH SERVICE."

SEC. 6. SECTION 305 OF THE RAIL PASSENGER SERVICE ACT OF 1970 (45 U.S.C. 545), RELATING TO GENERAL POWERS OF THE CORPORATION, IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW SUBSECTIONS: //ANTE, P. 549.//

"(C) THE CORPORATION IS AUTHORIZED TO TAKE ALL STEPS NECESSARY TO INSURE THAT NO ELDERLY OR HANDICAPPED INDIVIDUAL IS DENIED INTERCITY TRANSPORTATION ON ANY PASSENGER TRAIN OPERATED BY OR ON BEHALF OF THE CORPORATION, INCLUDING BUT NOT LIMITED TO, ACQUIRING SPECIAL EQUIPMENT AND DEVICES AND CONDUCTING SPECIAL TRAINING FOR EMPLOYEES; DESIGNING AND ACQUIRING NEW EQUIPMENT AND FACILITIES AND ELIMINATING ARCHITECTURAL AND OTHER BARRIERS IN EXISTING EQUIPMENT AND FACILITIES TO COMPLY WITH THE HIGHEST STANDARDS FOR THE DESIGN, CONSTRUCTION, AND ALTERATION OF PROPERTY FOR THE ACCOMMODATION OF ELDERLY AND HANDICAPPED INDIVIDUALS; AND PROVIDING SPECIAL ASSISTANCE WHILE BOARDING AND ALIGHTING AND IN TERMINAL AREAS TO ELDERLY AND HANDICAPPED INDIVIDUALS.

"(D) (1) THE CORPORATION IS AUTHORIZED, TO THE EXTENT FINANCIAL RESOURCES ARE AVAILABLE, TO ACQUIRE ANY RIGHT-OF-WAY, LAND, OR OTHER PROPERTY (EXCEPT RIGHT-OF-WAY, LAND, OR OTHER PROPERTY OF A RAILROAD OR

PROPERTY OF A STATE OR POLITICAL SUBDIVISION THEREOF OR OF ANY OTHER GOVERNMENTAL AGENCY), WHICH IS REQUIRED FOR THE CONSTRUCTION OF TRACKS OR OTHER FACILITIES NECESSARY TO PROVIDE INTERCITY RAIL PASSENGER SERVICE, BY THE EXERCISE OF THE RIGHT OF EMINENT DOMAIN, IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBSECTION, IN THE DISTRICT COURT OF THE UNITED STATES IN WHICH SUCH PROPERTY IS LOCATED OR IN ANY SUCH COURT IF A SINGLE PIECE OF PROPERTY IS LOCATED IN MORE THAN ONE JUDICIAL DISTRICT: PROVIDED, THAT SUCH RIGHT MAY ONLY BE EXERCISED WHEN THE CORPORATION CANNOT ACQUIRE SUCH PROPERTY BY CONTRACT OR IS UNABLE TO AGREE WITH THE OWNER AS TO THE AMOUNT OF COMPENSATION TO BE PAID.

"(2) THE CORPORATION SHALL FILE WITH THE COMPLAINT, OR AT ANY TIME BEFORE JUDGMENT, A DECLARATION OF TAKING CONTAINING OR HAVING ANNEXED THERETO--

"(A) A STATEMENT OF THE PUBLIC USE FOR WHICH THE PROPERTY IS TAKEN;

"(B) A DESCRIPTION OF THE PROPERTY TAKEN SUFFICIENT FOR THE IDENTIFICATION THEREOF;

"(C) A STATEMENT OF THE ESTATE OR INTEREST IN THE PROPERTY TAKEN;

"(D) A PLAN SHOWING THE PROPERTY TAKEN; AND

"(E) A STATEMENT OF THE AMOUNT OF MONEY ESTIMATED BY THE CORPORATION TO BE JUST COMPENSATION FOR THE PROPERTY TAKEN.

"(3) UPON THE FILING OF THE DECLARATION OF TAKING AND THE DEPOSITING IN THE COURT OF AN AMOUNT OF MONEY ESTIMATED IN SUCH DECLARATION TO BE JUST COMPENSATION FOR THE PROPERTY, THE PROPERTY SHALL BE DEEMED TO BE CONDEMNED AND TAKEN FOR THE USE OF THE CORPORATION. TITLE TO SUCH PROPERTY SHALL THEREUPON VEST IN THE CORPORATION IN FEE SIMPLE ABSOLUTE OR IN ANY LESSER ESTATE OR INTEREST SPECIFIED IN THE DECLARATION OF TAKING, AND THE RIGHT TO THE MONEY DEPOSITED AS ESTIMATED JUST COMPENSATION SHALL IMMEDIATELY VEST IN THE PERSONS ENTITLED THERETO. THE COURT, AFTER A HEARING, SHALL MAKE A FINDING AS TO THE AMOUNT OF MONEY WHICH CONSTITUTES JUST COMPENSATION FOR SUCH PROPERTY AND SHALL MAKE AN AWARD AND ENTER JUDGMENT ACCORDINGLY. SUCH JUDGMENT SHALL INCLUDE, AS PART OF THE JUST COMPENSATION AWARDED, INTEREST ON THE AMOUNT FINALLY AWARDED AS THE VALUE OF THE PROPERTY ON THE DATE OF TAKING MINUS THE AMOUNT DEPOSITED IN THE COURT ON SUCH DATE, AT THE RATE OF 6 PER CENTUM PER ANNUM FROM THE STATE OF TAKING TO THE DATE OF PAYMENT.

"(4) UPON THE APPLICATION OF THE PARTIES IN INTEREST, THE COURT MAY ORDER THAT THE MONEY DEPOSITED IN THE COURT, OR ANY PART THEREOF, BE PAID FORTHWITH FOR OR ON ACCOUNT OF THE JUST COMPENSATION TO BE AWARDED IN THE PROCEEDING. IF THE COMPENSATION FINALLY AWARDED EXCEEDS THE AMOUNT OF THE MONEY RECEIVED BY ANY PERSON ENTITLED TO COMPENSATION, THE COURT SHALL ENTER JUDGMENT AGAINST THE CORPORATION FOR THE AMOUNT OF THE DEFICIENCY.

"(5) UPON THE FILING OF A DECLARATION OF TAKING, THE COURT MAY FIX THE TIME WITHIN WHICH, AND THE TERMS UPON WHICH, THE PARTIES IN POSSESSION ARE REQUIRED TO SURRENDER POSSESSION TO THE CORPORATION. THE COURT MAY MAKE SUCH ORDERS IN RESPECT TO ENCUMBRANCES, LIENS, RENTS, TAXES, ASSESSMENTS, INSURANCE, AND OTHER CHARGES, IF ANY, AS SHALL BE JUST AND EQUITABLE.

"(6) THE CORPORATION IS AUTHORIZED TO TAKE ALL STEPS NECESSARY TO--

"(1) ESTABLISH IMPROVED RESERVATIONS SYSTEMS AND ADVERTISING;
 "(2) SERVICE, MAINTAIN, REPAIR, AND REHABILITATE RAILROAD PASSENGER EQUIPMENT;

"(3) CONDUCT RESEARCH AND DEVELOPMENT AND DEMONSTRATION PROGRAMS RESPECTING NEW RAIL PASSENGER SERVICES;

"(4) DEVELOP AND DEMONSTRATE IMPROVED ROLLING STOCK;

"(5) ESTABLISH AND MAINTAIN ESSENTIAL FIXED FACILITIES FOR THE OPERATION OF PASSENGER TRAINS ON LINES AND ROUTES INCLUDED IN THE BASIC SYSTEM, OVER WHICH NO THROUGH PASSENGER TRAINS ARE BEING OPERATED AT THE TIME OF ENACTMENT OF THIS ACT, INCLUDING NECESSARY TRACK CONNECTIONS BETWEEN LINES ON THE SAME OR DIFFERENT RAILROADS;

"(6) PURCHASE OR LEASE RAILROAD ROLLING STOCK;

"(7) DEVELOP AND OPERATE INTERNATIONAL INTERCITY RAIL PASSENGER SERVICE BETWEEN POINTS WITHIN THE UNITED STATES AND POINTS IN CANADA AND MEXICO, INCLUDING MONTREAL, CANADA; VANCOUVER, CANADA; AND NUEVO LAREDO, MEXICO (FOR PURPOSES OF SECTION 404 (B) OF THIS ACT, SUCH INTERNATIONAL RAIL PASSENGER SERVICE IS SERVICE INCLUDED WITHIN THE BASIC SYSTEM); //84 STAT. 1336. 45 USC

564.// AND

"(8) TO CARRY OUT OTHER CORPORATE PURPOSES."

SEC. 7. SECTION 306 OF THE RAIL PASSENGER SERVICE ACT OF 1970 (45 U.S.C., 546), RELATING TO THE APPLICABILITY OF THE INTERSTATE COMMERCE ACT AND OTHER LAWS, IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW SUBSECTION: //84 STAT. 1332; 86 STAT. 228.//

"(H) NO COMMON CARRIER BY RAILROAD MAY REFUSE TO PARTICIPATE WITH THE CORPORATION IN PROVIDING AUTO-FERRY SERVICE ON THE GROUNDS THAT A STATE OR LOCAL LAW OR REGULATION MAKES THE SERVICE UNLAWFUL; AND NEITHER THE CORPORATION NOR SUCH RAILROAD SHALL BE SUBJECT TO ANY FINE, PENALTY, OR OTHER SANCTION FOR VIOLATION OF A STATE OR LOCAL LAW OR REGULATION WHICH HAS THE EFFECT OF PROHIBITING OR IMPAIRING THE PROVISION OF AUTO-FERRY SERVICE."

SEC. 8. SECTION 308 (B) OF THE RAIL PASSENGER SERVICE ACT OF 1970 (45 U.S.C. 548 (B)), RELATING TO REPORTS TO THE CONGRESS, IS AMENDED BY STRIKING OUT "JANUARY 15" AND INSERTING IN LIEU THEREOF "FEBRUARY 15". //86 STAT. 228.//

SEC. 9. SECTION 401 (C) OF THE RAIL PASSENGER SERVICE ACT OF 1970 (45 U.S.C. 561 (C)), RELATING TO THE PROHIBITION AGAINST OTHER PERSONS CONDUCTING INTERCITY RAIL PASSENGER SERVICE, IS AMENDED BY STRIKING OUT "NO RAILROAD OR ANY OTHER PERSON" AND INSERTING IN LIEU THEREOF "EXCEPT AS PROVIDED IN SECTION 305 (B) OF THIS ACT CONCERNING AUTO-FERRY SERVICE, NO RAILROAD OR ANY OTHER PERSON". //ANTE. P. 549.//

SEC. 10. SECTION 402 OF THE RAIL PASSENGER SERVICE ACT OF 1970 (45 U.S.C. 562), RELATING TO FACILITY AND SERVICE AGREEMENTS, IS AMENDED--

(1) BY INSERTING IMMEDIATELY AFTER THE SECOND SENTENCE OF SUBSECTION (A) THE FOLLOWING NEW SENTENCE: "IN FIXING JUST AND REASONABLE COMPENSATION FOR THE PROVISION OF SERVICES ORDERED BY THE COMMISSION UNDER THE PRECEDING SENTENCE, THE COMMISSION SHALL, IN FIXING COMPENSATION IN EXCESS OF INCREMENTAL COSTS, CONSIDER QUALITY

OF SERVICE AS A MAJOR FACTOR IN DETERMINING THE AMOUNT (IF ANY) OF SUCH COMPENSATION."; //84 STAT. 1335; 86 STAT. 229.// AND

(2) BY ADDING AT THE END THEREOF THE FOLLOWING NEW SUBSECTIONS:

"(D) (1) IF THE CORPORATION AND A RAILROAD ARE UNABLE TO AGREE UPON TERMS FOR THE SALE TO THE CORPORATION OF PROPERTY (INCLUDING INTERESTS IN PROPERTY) OWNED BY THE RAILROAD AND REQUIRED FOR THE CONSTRUCTION OF TRACKS OR OTHER FACILITIES NECESSARY TO PROVIDE INTERCITY RAIL PASSENGER SERVICE, THE CORPORATION MAY APPLY TO THE COMMISSION FOR AN ORDER ESTABLISHING THE NEED OF THE CORPORATION FOR THE PROPERTY AT ISSUE AND REQUIRING THE CONVEYANCE THEREOF FROM THE RAILROAD TO THE CORPORATION ON REASONABLE TERMS AND CONDITIONS, INCLUDING JUST COMPENSATION. UNLESS THE COMMISSION FINDS THAT--

"(A) CONVEYANCE OF THE PROPERTY TO THE CORPORATION WOULD SIGNIFICANTLY IMPAIR THE ABILITY OF THE RAILROAD TO CARRY OUT ITS OBLIGATIONS AS A COMMON CARRIER; AND

"(B) THE OBLIGATIONS OF THE CORPORATION TO PROVIDE MODERN, EFFICIENT, AND ECONOMICAL RAIL PASSENGER SERVICE CAN ADEQUATELY BE MET BY THE ACQUISITION OF ALTERNATIVE PROPERTY (INCLUDING INTERESTS IN PROPERTY) WHICH IS AVAILABLE FOR SALE ON REASONABLE TERMS TO THE CORPORATION, OR AVAILABLE TO THE CORPORATION BY THE EXERCISE OF ITS AUTHORITY UNDER SECTION 305 (D) OF THIS ACT; //ANTE. P. 550.// THE NEED OF THE CORPORATION FOR THE PROPERTY SHALL BE DEEMED TO BE ESTABLISHED AND THE COMMISSION SHALL ORDER THE CONVEYANCE OF THE PROPERTY TO THE CORPORATION ON SUCH REASONABLE TERMS AND CONDITIONS AS IT MAY PRESCRIBE, INCLUDING JUST COMPENSATION.

"(2) THE COMMISSION SHALL EXPEDITE PROCEEDINGS UNDER THIS SUBSECTION AND, IN ANY EVENT, ISSUE ITS ORDER WITHIN ONE HUNDRED AND TWENTY DAYS FROM RECEIPT OF THE APPLICATION FROM THE CORPORATION. IF JUST COMPENSATION HAS NOT BEEN DETERMINED ON THE DATE OF THE ORDER, THE ORDER SHALL REQUIRE, AS PART OF JUST COMPENSATION, INTEREST AT THE RATE OF 6 PER CENTUM PER ANNUM FROM THE DATE PRESCRIBED FOR CONVEYANCE UNTIL JUST COMPENSATION IS PAID.

"(E) (1) EXCEPT IN AN EMERGENCY, INTERCITY PASSENGER TRAINS OPERATED BY OR ON BEHALF OF THE CORPORATION SHALL BE ACCORDED PREFERENCE OVER FREIGHT TRAINS IN THE USE OF ANY GIVEN LINE OF TRACK, JUNCTION, OR CROSSING, UNLESS THE SECRETARY HAS ISSUED AN ORDER TO THE CONTRARY IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.

"(2) ANY RAILROAD WHOSE RIGHTS WITH REGARD TO FREIGHT TRAIN OPERATION ARE AFFECTED BY PARAGRAPH (1) OF THIS SUBSECTION MAY FILE AN APPLICATION WITH THE SECRETARY REQUESTING APPROPRIATE RELIEF. IF, AFTER HEARING UNDER SECTION 553 OF TITLE 5 OF THE UNITED STATES CODE, THE SECRETARY FINDS THAT ADHERENCE TO SUCH PARAGRAPH (1) WILL MATERIALLY LESSEN THE QUALITY OF FREIGHT SERVICE PROVIDED TO SHIPPERS, THE SECRETARY SHALL ISSUE AN ORDER FIXING RIGHTS OF TRAINS, ON SUCH TERMS AND CONDITIONS AS ARE JUST AND REASONABLE. //80 STAT. 383.//

"(F) IF, UPON REQUEST OF THE CORPORATION, A RAILROAD REFUSES TO PERMIT ACCELERATED SPEEDS BY TRAINS OPERATED BY OR ON BEHALF OF THE CORPORATION MAY APPLY TO THE SECRETARY FOR AN ORDER REQUIRING THE RAILROAD TO PERMIT

SUCH ACCELERATED SPEEDS. THE SECRETARY SHALL MAKE FINDINGS AS TO WHETHER SUCH ACCELERATED SPEEDS ARE UNSAFE OR OTHERWISE IMPRACTICABLE, AND WITH RESPECT TO THE NATURE AND EXTENT OF IMPROVEMENTS TO TRACK, SIGNAL SYSTEMS, AND OTHER FACILITIES THAT WOULD BE REQUIRED TO MAKE SUCH ACCELERATED SPEEDS SAFE AND PRACTICABLE. AFTER HEARING, THE SECRETARY SHALL ISSUE AN ORDER FIXING MAXIMUM PERMISSIBLE SPEEDS OF CORPORATION TRAINS, ON SUCH TERMS AND CONDITIONS AS HE SHALL FIND TO BE JUST AND REASONABLE."

SEC. 11. (A) SECTION 403 OF THE RAIL PASSENGER SERVICE ACT OF 1970 (45 U.S.C. 563), RELATING TO NEW SERVICE, IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW SUBSECTION: //84 STAT. 1335.//

"(D) THE CORPORATION SHALL INITIATE NOT LESS THAN ONE EXPERIMENTAL ROUTE EACH YEAR, SUCH ROUTE TO BE DESIGNATED BY THE SECRETARY, AND SHALL OPERATE SUCH ROUTE FOR NOT LESS THAN TWO YEARS. AFTER SUCH TWO-YEAR PERIOD, THE SECRETARY SHALL TERMINATE SUCH ROUTE IF HE FINDS THAT IT HAS NECESSITY, OR HE MAY DESIGNATE SUCH ROUTE AS A PART OF THE BASIC SYSTEM."

(B) SECTION 404 (B) OF THE RAIL PASSENGER SERVICE ACT OF 1970 (45 U.S.C. 564 (B)), RELATING TO DISCONTINUANCE OF SERVICE, IS AMENDED--

(1) BY STRIKING OUT "JULY 1, 1973" IN PARAGRAPH (1) AND INSERTING IN LIEU THEREOF "JULY 1, 1974":

(2) BY AMENDING PARAGRAPH (2) TO READ AS FOLLOWS:

"(2) EXCEPT AS OTHERWISE PROVIDED IN THIS PARAGRAPH AND IN SECTION 403 (A) OF THIS ACT, SERVICE BEYOND THAT PRESCRIBED FOR THE BASIC SYSTEM UNDERTAKEN BY THE CORPORATION UPON ITS OWN INITIATIVE MAYBE DISCONTINUED AT ANY TIME. NO SUCH SERVICES UNDERTAKEN BY THE CORPORATION ON OR AFTER JANUARY 1, 1973, SHALL BE DISCONTINUED UNTIL THE EXPIRATION OF THE ONE-YEAR PERIOD BEGINNING ON THE DATE OF ENACTMENT OF THIS SENTENCE."; //86 STAT. 229.// AND

(3) BY STRIKING OUT "JULY 1, 1973" IN PARAGRAPH (3) AND INSERTING IN LIEU THEREFORE "JULY 1, 1974".

SEC. 12. SECTION 601 OF THE RAIL PASSENGER SERVICE ACT OF 1970 U.S.C. 601), RELATING TO FEDERAL GRANTS, IS AMENDED TO READ AS FOLLOWS: "SEC. 601. AUTHORIZATION FOR APPROPRIATIONS

"(A) THERE ARE AUTHORIZED TO BE APPROPRIATED TO THE SECRETARY FOR THE BENEFIT OF THE CORPORATION IN FISCAL YEAR 1971. \$40,000,000, AND IN SUBSEQUENT FISCAL YEARS A TOTAL OF \$334,300,000. FUNDS APPROPRIATED PURSUANT TO SUCH AUTHORIZATION SHALL BE MADE AVAILABLE TO THE SECRETARY DURING THE FISCAL YEAR FOR WHICH APPROPRIATED AND SHALL REMAIN AVAILABLE UNTIL EXPENDED. SUCH SUMS SHALL BE PAID BY THE SECRETARY TO THE CORPORATION FOR EXPENDITURE BY IT IN ACCORDANCE WITH SPENDING PLANS APPROVED BY CONGRESS AT THE TIME OF APPROPRIATION AND GENERAL GUIDELINES ESTABLISHED ANNUALLY BY THE SECRETARY.

"(B) (1) WHENEVER THE CORPORATION SUBMITS ANY BUDGET ESTIMATE OR REQUEST TO THE PRESIDENT, THE DEPARTMENT OF TRANSPORTATION, OR THE OFFICE OF MANAGEMENT AND BUDGET, IT SHALL CONCURRENTLY TRANSMIT A COPY OF THAT ESTIMATE OR REQUEST TO THE CONGRESS.

"(2) WHENEVER THE CORPORATION SUBMITS ANY LEGISLATIVE RECOMMENDATION, PROPOSED TESTIMONY, OR COMMENTS ON LEGISLATION TO THE PRESIDENT, THE DEPARTMENT OF TRANSPORTATION, OR THE OFFICE OF MANAGEMENT AND BUDGET, IT

SHALL CONCURRENTLY TRANSMIT A COPY THEREOF TO THE CONGRESS. NO OFFICER OR AGENCY OF THE UNITED STATES SHALL HAVE ANY AUTHORITY TO REQUIRE THE CORPORATION TO SUBMIT ITS LEGISLATIVE RECOMMENDATIONS, PROPOSED TESTIMONY, OR COMMENTS ON LEGISLATION TO ANY OFFICER OR AGENCY OF THE UNITED STATES FOR APPROVAL, COMMENTS, OR REVIEW, PRIOR TO THE SUBMISSION OF SUCH RECOMMENDATIONS, TESTIMONY, OR COMMENTS TO THE CONGRESS."

SEC. 13. SECTION 602 OF THE RAIL PASSENGER SERVICE ACT OF 1970 (45 U.S.C. 602), RELATING TO GUARANTEE OF LOANS, IS AMENDED--

(1) BY INSERTING "AND WITH THE APPROVAL OF THE SECRETARY OF THE TREASURY," IMMEDIATELY AFTER "PRESCRIBE," IN SUBSECTION (A);

(2) BY AMENDING THE FIRST SENTENCE OF SUBSECTION (D) TO READ AS FOLLOWS: "THE AGGREGATE UNPAID PRINCIPAL AMOUNT OF SECURITIES, OBLIGATIONS, OR LOANS OUTSTANDING AT ANY ONE TIME, WHICH ARE GUARANTEED BY THE SECRETARY UNDER THIS SECTION, MAY NOT EXCEED \$500,000,000."; AND

(3) BY ADDING AT THE END THEREOF THE FOLLOWING NEW SUBSECTION: "(G) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, A GUARANTEE MAY NOT BE MADE OF ANY SECURITY, OBLIGATION, OR LOAN, IF THE NATURE OF SUCH SECURITY, OBLIGATION, OR LOAN IS SUCH THAT THE INCOME THEREFROM IS NOT INCLUDABLE IN GROSS INCOME FOR THE PURPOSE OF CHAPTER 1 OF THE INTERNAL REVENUE CODE OF 1954.".

SEC. 14. SECTION 801 OF THE RAIL PASSENGER SERVICE ACT OF 1970 (45 U.S.C. 641) IS AMENDED TO READ AS FOLLOWS: //68A STAT. 5. 26 USC 1. 84 STAT. 1339.// "SEC. 801. ADEQUACY OF SERVICE

"(A) THE COMMISSION SHALL PROMULGATE, WITHIN 60 DAYS FROM THE DATE OF ENACTMENT OF THE AMTRAK IMPROVEMENT ACT OF 1973, AND SHALL FROM TIME TO TIME REVISE, SUCH REGULATIONS AS IT CONSIDERS NECESSARY TO PROVIDE ADEQUATE SERVICE, EQUIPMENT, TRACKS, AND OTHER FACILITIES FOR QUALITY INTERCITY RAIL PASSENGER SERVICE. THE CORPORATION MAY CONTRACT WITH RAILROADS OR WITH REGIONAL TRANSPORTATION AGENCIES FOR THE IMPROVEMENT OF SERVICE, EQUIPMENT, TRACKS AND OTHER FACILITIES NECESSARY TO MEET SUCH REGULATIONS PROMULGATED BY THE COMMISSION. IN THE EVENT OF A FAILURE TO AGREE, THE COMMISSION SHALL BE RULE ESTABLISH PROCEDURES FOR ALLOCATING BETWEEN THE CORPORATION AND A RAILROAD ANY COSTS REQUIRED TO BE INCURRED TO MEET THE REGULATIONS ESTABLISHING ADEQUATE SERVICE, EQUIPMENT, TRACKS, AND OTHER FACILITIES.

"(B) ANY PERSON WHO VIOLATES A REGULATION ISSUED UNDER THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY OF NOT TO EXCEED \$500 FOR EACH VIOLATION. EACH DAY A VIOLATION CONTINUES SHALL CONSTITUTE A SEPARATE OFFENSE."

LEGISLATIVE HISTORY:

HOUSE REPORTS: NO. 93 - 415 ACCOMPANYING H. R. 8351 (COMM. ON

INTERSTATE AND FOREIGN COMMERCE) AND NO. 93 - 587 (COMM. OF CONFERENCE).

SENATE REPORT NO. 93 - 226 (COMM. ON COMMERCE).

CONGRESSIONAL RECORD, VOL. 119 (1973):

JUNE 21, CONSIDERED AND PASSED SENATE. JUNE 28, RECONSIDERED AND PASSED SENATE. SEPT. 6, CONSIDERED AND PASSED HOUSE, AMENDED, IN

LIEU OF H.R. 8351. OCT. 17, HOUSE AGREED TO CONFERENCE REPORT.

OCT. 18, SENATE AGREED TO CONFERENCE REPORT.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, VOL. 9, NO. 45;

NOV. 3, PRESIDENTIAL STATEMENT.

ITEM 31

00104.87.005650

PUBLIC LAW 93 - 151; 87 STAT. 565

93RD CONGRESS, S. 607

NOVEMBER 9, 1973

AN ACT

TO AMEND THE LEAD BASED PAINT POISONING PREVENTION ACT, AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, THAT (A) SECTION 101(A) OF THE LEAD BASED PAINT POISONING PREVENTION ACT IS AMENDED BY STRIKING OUT "UNITS OF GENERAL LOCAL GOVERNMENT IN ANY STATE" AND INSERTING IN LIEU THEREOF "PUBLIC AGENCIES OF UNITS OF GENERAL LOCAL GOVERNMENT IN ANY STATE AND TO PRIVATE NONPROFIT ORGANIZATIONS IN ANY STATE." //84 STAT. 2078. 42 USC 4801//

(B) SECTION 101(B) OF SUCH ACT IS AMENDED BY STRIKING OUT "75 PER CENTUM" AND INSERTING IN LIEU THEREOF "90 PER CENTUM".

(C) SECTION 101 OF SUCH ACT IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW SUBSECTION:

"(E) THE SECRETARY IS ALSO AUTHORIZED TO MAKE GRANTS TO STATE AGENCIES FOR THE PURPOSE OF ESTABLISHING CENTRALIZED LABORATORY FACILITIES FOR ANALYZING BIOLOGICAL AND ENVIRONMENTAL LEAD SPECIMENS OBTAINED FROM LOCAL LEAD BASED PAINT POISONING DETECTION PROGRAMS.".

(D) SECTION 101 OF SUCH ACT IS FURTHER AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW SUBSECTION:

"(F) NO GRANT MAY BE MADE UNDER THIS SECTION UNLESS THE SECRETARY DETERMINES THAT THERE IS SATISFACTORY ASSURANCE THAT (A) THE SERVICES TO BE PROVIDED WILL CONSTITUTE AN ADDITION TO, OR A SIGNIFICANT IMPROVEMENT IN QUALITY (AS DETERMINED IN ACCORDANCE WITH CRITERIA OF THE SECRETARY) IN, SERVICES THAT WOULD OTHERWISE BE PROVIDED, AND, (B) FEDERAL FUNDS MADE AVAILABLE UNDER THIS SECTION FOR ANY PERIOD WILL BE SO USED AS TO SUPPLEMENT AND, TO THE EXTENT PRACTICAL, INCREASE THE LEVEL OF STATE, LOCAL, AND OTHER NON-FEDERAL FUNDS THAT WOULD, IN THE ABSENCE OF SUCH FEDERAL FUNDS, BE MADE AVAILABLE FOR THE PROGRAM DESCRIBED IN THIS SECTION, AND WILL IN NO EVENT SUPPLANT SUCH STATE, LOCAL, AND OTHER NON-FEDERAL FUNDS.".

SEC. 2. (A) SECTION 201 OF THE LEAD BASED PAINT POISONING PREVENTION ACT IS AMENDED BY STRIKING OUT "UNITS OF GENERAL LOCAL GOVERNMENT IN ANY STATE" AND INSERTING IN LIEU THEREOF "PUBLIC AGENCIES OF UNITS OF GENERAL LOCAL GOVERNMENT IN ANY STATE AND TO PRIVATE NONPROFIT ORGANIZATIONS IN ANY STATE".

(B) SECTION 201(A)(2) OF SUCH ACT IS AMENDED TO READ AS FOLLOWS: //42 USC 4811//

"(2) THE DEVELOPMENT AND CARRYING OUT OF PROCEDURES TO REMOVE FROM EXPOSURE TO YOUNG CHILDREN ALL INTERIOR SURFACES OF RESIDENTIAL HOUSING, PORCHES, AND EXTERIOR SURFACES OF SUCH HOUSING TO WHICH CHILDREN MAY BE COMMONLY EXPOSED, IN THOSE AREAS THAT PRESENT A HIGH RISK FOR THE HEALTH OF RESIDENTS BECAUSE OF THE PRESENCE OF LEAD

BASED PAINTS. SUCH PROGRAMS SHOULD INCLUDE THOSE SURFACES ON WHICH NON-LEAD-BASED PAINTS HAVE BEEN USED TO COVER SURFACES TO WHICH LEAD BASED PAINTS WERE PREVIOUSLY APPLIED; AND".

(C) SECTION 201 OF SUCH ACT IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW SUBSECTION:

"(C) ANY PUBLIC AGENCY, OF A UNIT OF LOCAL GOVERNMENT OR PRIVATE NONPROFIT ORGANIZATION WHICH RECEIVES ASSISTANCE UNDER THIS ACT SHALL MAKE AVAILABLE TO THE SECRETARY AND THE COMPTROLLER GENERAL OF THE UNITED STATES, OR ANY OF THEIR DULY AUTHORIZED REPRESENTATIVES, FOR PURPOSES OF AUDIT AND EXAMINATION, ANY BOOKS, DOCUMENTS, PAPERS, AND RECORDS THAT ARE PERTINENT TO THE ASSISTANCE RECEIVED BY SUCH PUBLIC AGENCY OF A UNIT OF LOCAL GOVERNMENT OR PRIVATE NONPROFIT ORGANIZATION UNDER THIS ACT."

SEC. 3. SECTION 301 OF THE LEAD BASED PAINT POISONING PREVENTION ACT IS AMENDED TO READ AS FOLLOWS: //84 STAT. 2079. 42 USC 4821//

"FEDERAL DEMONSTRATION AND RESEARCH PROGRAM

"SEC. 301. (A) THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, IN CONSULTATION WITH THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE, SHALL DEVELOP AND CARRY OUT A DEMONSTRATION AND RESEARCH PROGRAM TO DETERMINE THE NATURE AND EXTENT OF THE PROBLEM OF LEAD BASED PAINT POISONING IN THE UNITED STATES, PARTICULARLY IN URBAN AREAS, INCLUDING THE METHODS BY WHICH THE LEAD BASED PAINT HAZARD CAN MOST EFFECTIVELY BE REMOVED FROM INTERIOR SURFACES, PORCHES, AND EXTERIOR SURFACES OF RESIDENTIAL HOUSING TO WHICH CHILDREN MAY BE EXPOSED.

"(B) THE CHAIRMAN OF THE CONSUMER PRODUCT SAFETY COMMISSION SHALL CONDUCT APPROPRIATE RESEARCH ON MULTIPLE LAYERS OF DRIED PAINT FILM, CONTAINING THE VARIOUS LEAD COMPOUNDS COMMONLY USED, IN ORDER TO ASCERTAIN THE SAFE LEVEL OF LEAD IN RESIDENTIAL PAINT PRODUCTS. NO LATER THAN DECEMBER 31, 1974, THE CHAIRMAN SHALL SUBMIT TO CONGRESS A FULL AND COMPLETE REPORT OF HIS FINDINGS AND RECOMMENDATIONS AS DEVELOPED PURSUANT TO SUCH PROGRAMS, TOGETHER WITH A STATEMENT OF ANY LEGISLATION WHICH SHOULD BE ENACTED OR ANY CHANGES IN EXISTING LAW WHICH SHOULD BE MADE IN ORDER TO CARRY OUT SUCH RECOMMENDATIONS."

SEC. 4. (A) TITLE III OF THE LEAD BASED PAINT POISONING PREVENTION ACT IS AMENDED--

(1) BY ADDING AT THE END THEREOF THE FOLLOWING:

"FEDERAL HOUSING ADMINISTRATION REQUIREMENTS

"SEC. 302. THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT (HEREAFTER IN THIS SECTION REFERRED TO AS THE 'SECRETARY') SHALL ESTABLISH PROCEDURES TO ELIMINATE AS FAR AS PRACTICABLE THE HAZARDS OF LEAD BASED PAINT POISONING WITH RESPECT TO ANY EXISTING HOUSING WHICH MAY PRESENT SUCH HAZARDS AND WHICH IS COVERED BY AN APPLICATION FOR MORTGAGE INSURANCE OR HOUSING ASSISTANCE PAYMENTS UNDER A PROGRAM ADMINISTERED BY THE SECRETARY. SUCH PROCEDURES SHALL APPLY TO ALL SUCH HOUSING CONSTRUCTED PRIOR TO 1950 AND SHALL AS A MINIMUM PROVIDE FOR (1) APPROPRIATE MEASURES TO ELIMINATE AS FAR AS PRACTICABLE IMMEDIATE HAZARDS DUE TO THE PRESENCE OF PAINT WHICH MAY CONTAIN LEAD AND TO WHICH CHILDREN MAY BE EXPOSED, AND (2) ASSURED NOTIFICATION TO PURCHASERS AND TENANTS OF SUCH HOUSING OF THE HAZARDS OF LEAD BASED PAINT, OF THE SYMPTOMS AND TREATMENT OF LEAD BASED PAINT

POISONING, AND OF THE IMPORTANCE AND AVAILABILITY OF MAINTENANCE AND REMOVAL TECHNIQUES FOR ELIMINATING SUCH HAZARDS. SUCH PROCEDURES MAY APPLY TO HOUSING CONSTRUCTED DURING OR AFTER 1950 IF THE SECRETARY DETERMINES, IN HIS DISCRETION, THAT SUCH HOUSING PRESENTS HAZARDS OF LEAD BASED PAINT. THE SECRETARY MAY ESTABLISH SUCH OTHER PROCEDURES AS MAY BE APPROPRIATE TO CARRY OUT THE PURPOSES OF THIS SECTION. FURTHER, THE SECRETARY SHALL ESTABLISH AND IMPLEMENT PROCEDURES TO ELIMINATE THE HAZARDS OF LEAD BASED PAINT POISONING IN ALL FEDERALLY OWNED PROPERTIES PRIOR TO THE SALE OF SUCH PROPERTIES WHEN THEIR USE IS INTENDED FOR RESIDENTIAL HABITATION." AND

(2) BY INSERTING AFTER "PROGRAM", IN THE CAPTION OF SUCH TITLE, A SEMICOLON AND THE FOLLOWING: "FEDERAL HOUSING ADMINISTRATION REQUIREMENTS".

(8) THE AMENDMENTS MADE BY SUBSECTION (A) OF THIS SECTION BECOME EFFECTIVE UPON THE EXPIRATION OF NINETY DAYS FOLLOWING THE DATE OF ENACTMENT OF THIS ACT.

SEC. 5. SECTION 401 OF THE LEAD BASED PAINT POISONING PREVENTION ACT IS AMENDED TO READ AS FOLLOWS: //42 USC 4831//

"PROHIBITION AGAINST USE OF LEAD BASED PAINT
IN CONSTRUCTION OF FACILITIES AND THE
MANUFACTURE OF CERTAIN TOYS AND UTENSILS

"SEC. 401. THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE, IN CONSULTATION WITH THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, SHALL TAKE SUCH STEPS AND IMPOSE SUCH CONDITIONS AS MAY BE NECESSARY OR APPROPRIATE--

"(1) TO PROHIBIT THE USE OF LEAD BASED PAINT IN RESIDENTIAL STRUCTURES CONSTRUCTED OR REHABILITATED BY THE FEDERAL GOVERNMENT, OR WITH FEDERAL ASSISTANCE IN ANY FORM, AFTER THE DATE OF ENACTMENT OF THIS ACT, AND

"(2) TO PROHIBIT THE APPLICATION OF LEAD BASED PAINT TO ANY TOY, FURNITURE, COOKING UTENSIL, DRINKING UTENSIL, OR EATING UTENSIL MANUFACTURED AND DISTRIBUTED AFTER THE DATE OF ENACTMENT OF THIS ACT."

SEC. 6. SECTION 501(3) OF THE LEAD BASED PAINT POISONING PREVENTION ACT IS AMENDED TO READ AS FOLLOWS: //84 STAT. 2080. 42 USC 4841//

"(3) THE TERM 'LEAD BASED PAINT' MEANS--

"(A) PRIOR TO DECEMBER 31, 1974, ANY PAINT CONTAINING MORE THAN FIVE-TENTHS OF 1 PER CENTUM LEAD BY WEIGHT (CALCULATED AS LEAD METAL) IN THE TOTAL NONVOLATILE CONTENT OF LIQUID PAINTS OR IN THE DRIED FILM OF PAINT ALREADY APPLIED,

"(B) AFTER DECEMBER 31, 1974, ANY PAINT CONTAINING MORE THAN SIX ONE-HUNDRETHS OF 1 PER CENTUM LEAD BY WEIGHT (CALCULATED AS LEAD METAL) IN THE TOTAL NONVOLATILE CONTENT OF LIQUID PAINTS OR IN THE DRIED FILM OF PAINT ALREADY APPLIED; EXCEPT THAT IF PRIOR TO DECEMBER 31, 1974, THE CHAIRMAN OF THE CONSUMER PRODUCT SAFETY COMMISSION, BASED ON STUDIES CONDUCTED IN ACCORDANCE WITH SECTION 301(B) OF THIS ACT, DETERMINES THAT ANOTHER LEVEL OF LEAD, NOT TO EXCEED FIVE-TENTHS OF 1 PER CENTUM, IS SAFE, THEN SUCH OTHER LEVEL

SHALL BE EFFECTIVE AFTER DECEMBER 31, 1974". //ANTE, P. 566//
 SEC. 7. (A) SECTION 503(A) OF THE LEAD BASED PAINT POISONING PREVENTION ACT IS AMENDED (1) BY STRIKING OUT THE WORD "AND" AND INSERTING IN LIEU THEREOF A COMMA, AND (2) BY INSERTING BEFORE THE PERIOD A COMMA AND THE FOLLOWING: "AND \$25,000,000 FOR EACH OF THE FISCAL YEARS 1974 AND 1975". //42 USC 4843//

(B) SECTION 503(B) OF SUCH ACT IS AMENDED (1) BY STRIKING OUT THE WORD "AND" AND INSERTING IN LIEU THEREOF A COMMA, AND (2) BY INSERTING BEFORE THE PERIOD A COMMA AND THE FOLLOWING: "AND \$35,000,000 FOR EACH OF THE FISCAL YEARS 1974 AND 1975".

(C) SECTION 503(C) OF SUCH ACT IS AMENDED (1) BY STRIKING OUT THE WORD "AND" AND BY INSERTING IN LIEU THEREOF A COMMA, AND (2) BY INSERTING BEFORE THE PERIOD A COMMA AND THE FOLLOWING: "AND \$3,000,000 FOR EACH OF THE FISCAL YEARS 1974 AND 1975".

(D) SECTION 503(D) OF SUCH ACT IS AMENDED BY STRIKING OUT ALL MATTER AFTER THE SEMICOLON AND INSERTING IN LIEU THEREOF "AND ANY AMOUNTS AUTHORIZED FOR ONE FISCAL YEAR BUT NOT APPROPRIATED MAY BE APPROPRIATED FOR THE SUCCEEDING FISCAL YEAR.".

(E) TITLE V OF THE LEAD BASED PAINT POISONING PREVENTION ACT IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW SECTIONS:

"ELIGIBILITY OF CERTAIN STATE AGENCIES
 "SEC. 504. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, GRANTS AUTHORIZED UNDER SECTIONS 101 AND 201 OF THIS ACT MAY BE MADE TO AN AGENCY OF STATE GOVERNMENT IN ANY CASE WHERE STATE GOVERNMENT PROVIDES DIRECT SERVICES TO CITIZENS IN LOCAL COMMUNITIES OR WHERE UNITS OF GENERAL LOCAL GOVERNMENT WITHIN THE STATE ARE PREVENTED BY STATE LAW FROM IMPLEMENTING OR RECEIVING SUCH GRANTS OR FROM EXPENDING SUCH GRANTS IN ACCORDANCE WITH THEIR INTENDED PURPOSE. //ANTE, P. 565. 87 STAT. 567. 87 STAT. 568//
 "ADVISORY BOARDS

"SEC. 505. (A) THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE, IN CONSULTATION WITH THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, IS AUTHORIZED TO ESTABLISH A NATIONAL CHILDHOOD LEAD BASED PAINT POISONING ADVISORY BOARD TO ADVISE THE SECRETARY ON POLICY RELATING TO THE ADMINISTRATION OF THIS ACT. MEMBERS OF THE BOARD SHALL INCLUDE RESIDENTS OF COMMUNITIES AND NEIGHBORHOODS AFFECTED BY LEAD BASED PAINT POISONING. EACH MEMBER OF THE NATIONAL ADVISORY BOARD WHO IS NOT AN OFFICER OF THE FEDERAL GOVERNMENT IS AUTHORIZED TO RECEIVE AN AMOUNT EQUAL TO THE MINIMUM DAILY RATE PRESCRIBED FOR GS-18, UNDER SECTION 5332 OF TITLE 5, UNITED STATES CODE, FOR EACH DAY HE IS ENGAGED IN THE ACTUAL PERFORMANCE OF HIS DUTIES (INCLUDING TRAVELTIME) AS A MEMBER OF THE BOARD. ALL MEMBERS SHALL BE REIMBURSED FOR TRAVEL, SUBSISTENCE, AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES. //5 USC 5332 NOTE//

"(B) THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE, IN CONSULTATION WITH THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, SHALL PROMULGATE REGULATIONS FOR ESTABLISHMENT OF AN ADVISORY BOARD FOR EACH LOCAL PROGRAM ASSISTED UNDER THIS ACT TO ASSIST IN CARRYING OUT THIS PROGRAM. TWO-THIRDS OF THE MEMBERS OF THE BOARD SHALL BE RESIDENTS OF COMMUNITIES AND NEIGHBORHOODS AFFECTED BY LEAD BASED PAINT POISONING. A MAJORITY OF

THE BOARD SHALL BE APPOINTED FROM AMONG PARENTS, WHO, WHEN APPOINTED, HAVE AT LEAST ONE CHILD UNDER SIX YEARS OF AGE. EACH MEMBER OF A LOCAL ADVISORY BOARD SHALL ONLY BE REIMBURSED FOR NECESSARY EXPENSES INCURRED IN THE ACTUAL PERFORMANCE OF HIS DUTIES AS A MEMBER OF THE BOARD.
EFFECT UPON STATE LAW

"SEC. 506. IT IS HEREBY EXPRESSLY DECLARED THAT IT IS THE INTENT OF THE CONGRESS TO SUPERSEDE ANY AND ALL LAWS OF THE STATES AND UNITS OF LOCAL GOVERNMENT INsofar AS THEY MAY NOW OR HEREAFTER PROVIDE FOR A REQUIREMENT, PROHIBITION, OR STANDARD RELATING TO THE LEAD CONTENT IN PAINTS OR OTHER SIMILAR SURFACE-COATING MATERIALS WHICH DIFFERS FROM THE PROVISIONS OF THIS ACT OR REGULATIONS ISSUED PURSUANT TO THIS ACT. ANY LAW, REGULATION, OR ORDINANCE PURPORTING TO ESTABLISH SUCH DIFFERENT REQUIREMENT, PROHIBITION, OR STANDARD SHALL BE NULL AND VOID." SEC. 8. SECTION 314(E) OF THE PUBLIC HEALTH SERVICE ACT IS AMENDED BY INSERTING AT THE END THEREOF THE FOLLOWING NEW PARAGRAPH: //80 STAT. 1186; 84 STAT. 1306. 42 USC 246//

"NO FUNDS APPROPRIATED PURSUANT TO THE AUTHORIZATION OF THIS SUBSECTION SHALL BE AVAILABLE FOR LEAD BASED PAINT POISONING CONTROL OF THE TYPE AUTHORIZED UNDER THE LEAD BASED PAINT POISONING PREVENTION ACT (84 STAT. 2078)." //42 USC 4801 NOTE//

LEGISLATIVE HISTORY:

HOUSE REPORTS NO. 93 - 373 ACCOMPANYING H.R. 8920 (COMM. ON BANKING AND CURRENCY) AND NO. 93 - 522 (COMM. OF CONFERENCE). SENATE REPORT NO. 93 - 130 (COMM. ON LABOR AND PUBLIC WELFARE). CONGRESSIONAL RECORD, VOL. 119 (1973):

MAY 9, CONSIDERED AND PASSED SENATE. SEPT. 5, CONSIDERED AND PASSED HOUSE, AMENDED, IN LIEU OF H.R. 8920. OCT. 16, SENATE AGREED TO CONFERENCE REPORT. OCT. 24, HOUSE AGREED TO CONFERENCE REPORT.

ITEM 33

00104.87.005940

PUBLIC LAW 93 - 154; 87 STAT. 594

EMERGENCY MEDICAL SERVICES SYSTEMS ACT OF 1973

93RD CONGRESS, S. 2410

NOVEMBER 16, 1973

AN ACT

TO AMEND THE PUBLIC HEALTH SERVICE ACT TO PROVIDE ASSISTANCE AND ENCOURAGEMENT FOR THE DEVELOPMENT OF COMPREHENSIVE AREA EMERGENCY MEDICAL SERVICES SYSTEMS.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED,

SHORT TITLE

SECTION 1. THIS ACT MAY BE CITED AS THE "EMERGENCY MEDICAL SERVICES SYSTEMS ACT OF 1973".

EMERGENCY MEDICAL SERVICES SYSTEMS

SEC. 2. (A) THE PUBLIC HEALTH SERVICE ACT IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW TITLE: //58 STAT. 682; 86 STAT. 137. 42 USC 201 NOTE//

"TITLE XII--EMERGENCY MEDICAL SERVICES SYSTEMS

DEFINITIONS

"SEC. 1201. FOR PURPOSES OF THIS TITLE:

"(1) THE TERM 'EMERGENCY MEDICAL SERVICES SYSTEM' MEANS A SYSTEM WHICH PROVIDES FOR THE ARRANGEMENT OF PERSONNEL, FACILITIES, AND EQUIPMENT FOR THE EFFECTIVE AND COORDINATED DELIVERY IN AN APPROPRIATE GEOGRAPHICAL AREA OF HEALTH CARE SERVICES UNDER EMERGENCY CONDITIONS (OCCURRING EITHER AS A RESULT OF THE PATIENT'S CONDITION OR OF NATURAL DISASTERS OR SIMILAR SITUATIONS) AND WHICH IS ADMINISTERED BY A PUBLIC OR NONPROFIT PRIVATE ENTITY WHICH HAS THE AUTHORITY AND THE RESOURCES TO PROVIDE EFFECTIVE ADMINISTRATION OF THE SYSTEM. //87 STAT. 595//

"(2) THE TERM 'STATE' INCLUDES THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO, THE VIRGIN ISLANDS, GUAM, AMERICAN SAMOA, AND THE TRUST TERRITORY OF THE PACIFIC ISLANDS.

"(3) THE TERM 'MODERNIZATION' MEANS THE ALTERATION, MAJOR REPAIR (TO THE EXTENT PERMITTED BY REGULATIONS), REMODELING, AND RENOVATION OF EXISTING BUILDINGS (INCLUDING INITIAL EQUIPMENT THEREOF), AND REPLACEMENT OF OBSOLETE, BUILT-IN (AS DETERMINED IN ACCORDANCE WITH REGULATIONS) EQUIPMENT OF EXISTING BUILDINGS.

"(4) THE TERM 'SECTION 314(A) STATE HEALTH PLANNING AGENCY' MEANS THE AGENCY OF A STATE WHICH ADMINISTERS OR SUPERVISES THE ADMINISTRATION OF A STATE'S HEALTH PLANNING FUNCTIONS UNDER A STATE PLAN APPROVED UNDER SECTION 314(A). //80 STAT. 1181; 84 STAT. 1304. 42 USC 246//

"(5) THE TERM 'SECTION 314(B) AREAWIDE HEALTH PLANNING AGENCY' MEANS A PUBLIC OR NONPROFIT PRIVATE AGENCY OR ORGANIZATION WHICH HAS DEVELOPED A COMPREHENSIVE REGIONAL, METROPOLITAN, OR OTHER LOCAL AREA PLAN OR PLANS REFERRED TO IN SECTION 314(B), AND THE TERM

'SECTION 314(B) PLAN' MEANS A COMPREHENSIVE REGIONAL, METROPOLITAN, OR OTHER LOCAL AREA PLAN OR PLANS REFERRED TO IN SECTION 314(B).
//84 STAT. 340, 1304//

"GRANTS AND CONTRACTS FOR FEASIBILITY STUDIES AND PLANNING
"SEC. 1201. (A) THE SECRETARY MAY MAKE GRANTS TO AND ENTER INTO CONTRACTS WITH ELIGIBLE ENTITIES (AS DEFINED IN SECTION 1206(A)) FOR PROJECTS WHICH INCLUDE BOTH (1) STUDYING THE FEASIBILITY OF ESTABLISHING (THROUGH EXPANSION OR IMPROVEMENT OF EXISTING SERVICES OR OTHERWISE) AND OPERATING AN EMERGENCY MEDICAL SERVICES SYSTEM, AND (2) PLANNING THE ESTABLISHMENT AND OPERATION OF SUCH A SYSTEM. //POST, P. 598//

"(B) IF THE SECRETARY MAKES A GRANT OR ENTERS INTO A CONTRACT UNDER THIS SECTION FOR A STUDY AND PLANNING PROJECT RESPECTING AN EMERGENCY MEDICAL SERVICES SYSTEM FOR A PARTICULAR GEOGRAPHICAL AREA, THE SECRETARY MAY NOT MAKE ANY OTHER GRANT OR ENTER INTO ANY OTHER CONTRACT UNDER THIS SECTION FOR SUCH PROJECT, AND HE MAY NOT MAKE A GRANT OR ENTER INTO A CONTRACT UNDER THIS SECTION FOR ANY OTHER STUDY AND PLANNING PROJECT RESPECTING AN EMERGENCY MEDICAL SERVICES SYSTEM FOR THE SAME AREA OR FOR AN AREA WHICH INCLUDES (IN WHOLE OR SUBSTANTIAL PART) SUCH AREA.

"(C) REPORTS OF THE RESULTS OF ANY STUDY AND PLANNING PROJECT ASSISTED UNDER THIS SECTION SHALL BE SUBMITTED TO THE SECRETARY AND THE INTERAGENCY COMMITTEE ON EMERGENCY MEDICAL SERVICES AT SUCH INTERVALS AS THE SECRETARY MAY PRESCRIBE, AND A FINAL REPORT OF SUCH RESULTS SHALL BE SUBMITTED TO THE SECRETARY AND SUCH COMMITTEE NOT LATER THAN ONE YEAR FROM THE DATE THE GRANT WAS MADE OR THE CONTRACT ENTERED INTO, AS THE CASE MAY BE. //87 STAT. 595//

"(D) AN APPLICATION FOR A GRANT OR CONTRACT UNDER THIS SECTION SHALL--

"(1) DEMONSTRATE TO THE SATISFACTION OF THE SECRETARY THE NEED OF THE AREA FOR WHICH THE STUDY AND PLANNING WILL BE DONE FOR AN EMERGENCY MEDICAL SERVICES SYSTEM;

"(2) CONTAIN ASSURANCES SATISFACTORY TO THE SECRETARY THAT THE APPLICANT IS QUALIFIED TO PLAN AN EMERGENCY MEDICAL SERVICES SYSTEM FOR SUCH AREA; AND

"(3) CONTAIN ASSURANCES SATISFACTORY TO THE SECRETARY THAT THE PLANNING WILL BE CONDUCTED IN COOPERATION (A) WITH EACH SECTION 314(B) AREA-WIDE HEALTH PLANNING AGENCY WHOSE SECTION 314(B) PLAN COVERS (IN WHOLE OR IN PART) SUCH AREA, AND (B) WITH ANY EMERGENCY MEDICAL SERVICES COUNCIL OR OTHER ENTITY RESPONSIBLE FOR REVIEW AND EVALUATION OF THE PROVISION OF EMERGENCY MEDICAL SERVICES IN SUCH AREA.

"(E) THE AMOUNT OF ANY GRANT UNDER THIS SECTION SHALL BE DETERMINED BY THE SECRETARY.

"GRANTS AND CONTRACTS FOR ESTABLISHING AND INITIAL OPERATION

"SEC. 1203. (A) THE SECRETARY MAY MAKE GRANTS TO AND ENTER INTO CONTRACTS WITH ELIGIBLE ENTITIES (AS DEFINED IN SECTION 1206(A)) FOR THE ESTABLISHMENT AND INITIAL OPERATION OF EMERGENCY MEDICAL SERVICES SYSTEMS.

"(B) SPECIAL CONSIDERATION SHALL BE GIVEN TO APPLICATIONS FOR GRANTS AND CONTRACTS FOR SYSTEMS WHICH WILL COORDINATE WITH STATEWIDE EMERGENCY MEDICAL SERVICES SYSTEM.

"(C)(1) GRANTS AND CONTRACTS UNDER THIS SECTION MAY BE USED FOR THE MODERNIZATION OF FACILITIES FOR EMERGENCY MEDICAL SERVICES SYSTEMS AND OTHER COSTS OF ESTABLISHMENT AND INITIAL OPERATION.

"(2) EACH GRANT OR CONTRACT UNDER THIS SECTION SHALL BE MADE FOR COSTS OF ESTABLISHMENT AND OPERATION IN THE YEAR FOR WHICH THE GRANT OR CONTRACT IS MADE. IF A GRANT OR CONTRACT IS MADE UNDER THIS SECTION FOR A SYSTEM, THE SECRETARY MAY MAKE ONE ADDITIONAL GRANT OR CONTRACT FOR THAT SYSTEM IF HE DETERMINES, AFTER A REVIEW OF THE FIRST NINE MONTHS' ACTIVITIES OF THE APPLICANT CARRIED OUT UNDER THE FIRST GRANT OR CONTRACT, THAT THE APPLICANT IS SATISFACTORILY PROGRESSING IN THE ESTABLISHMENT AND OPERATION OF THE SYSTEM IN ACCORDANCE WITH THE PLAN CONTAINED IN HIS APPLICATION (PURSUANT TO SECTION 1206(B)(4)) FOR THE FIRST GRANT OR CONTRACT. //POST, P. 599//

"(3) NO GRANT OR CONTRACT MAY BE MADE UNDER THIS SECTION FOR THE FISCAL YEAR ENDING JUNE 30, 1976, TO AN ENTITY WHICH DID NOT RECEIVE A GRANT OR CONTRACT UNDER THIS SECTION FOR THE PRECEDING FISCAL YEAR.

"(4) SUBJECT TO SECTION 1206(F)-- //POST, P. 601//

"(A) THE AMOUNT OF THE FIRST GRANT OR CONTRACT UNDER THIS SECTION FOR AN EMERGENCY MEDICAL SERVICES SYSTEM MAY NOT EXCEED (I) 50 PER CENTUM OF THE ESTABLISHMENT AND OPERATION COSTS (AS DETERMINED PURSUANT TO REGULATIONS OF THE SECRETARY) OF THE SYSTEM FOR THE YEAR FOR WHICH THE GRANT OR CONTRACT IS MADE, OR (II) IN THE CASE OF APPLICATIONS WHICH DEMONSTRATE AN EXCEPTIONAL NEED FOR FINANCIAL ASSISTANCE, 75 PER CENTUM OF SUCH COSTS FOR SUCH YEAR; AND //87 STAT. 596//

"(B) THE AMOUNT OF THE SECOND GRANT OR CONTRACT UNDER THIS SECTION FOR A SYSTEM MAY NOT EXCEED (I) 25 PER CENTUM OF THE ESTABLISHMENT AND OPERATION COSTS (AS DETERMINED PURSUANT TO REGULATIONS OF THE SECRETARY) OF THE SYSTEM FOR THE YEAR FOR WHICH THE GRANT OR CONTRACT IS MADE, OR (II) IN THE CASE OF APPLICATIONS WHICH DEMONSTRATE AN EXCEPTIONAL NEED FOR FINANCIAL ASSISTANCE, 50 PER CENTUM OF SUCH COSTS FOR SUCH YEAR. //87 STAT. 597//

"(5) IN CONSIDERING APPLICATIONS WHICH DEMONSTRATE EXCEPTIONAL NEED FOR FINANCIAL ASSISTANCE, THE SECRETARY SHALL GIVE SPECIAL CONSIDERATION TO APPLICATIONS SUBMITTED FOR EMERGENCY MEDICAL SERVICES SYSTEMS FOR RURAL AREAS (AS DEFINED IN REGULATIONS OF THE SECRETARY).

"GRANTS AND CONTRACTS FOR EXPANSION AND IMPROVEMENT

"SEC. 1204. (A) THE SECRETARY MAY MAKE GRANTS TO AND ENTER INTO CONTRACTS WITH ELIGIBLE ENTITIES (AS DEFINED IN SECTION 1206(A)) FOR PROJECTS FOR THE EXPANSION AND IMPROVEMENT OF EMERGENCY MEDICAL SERVICES SYSTEMS, INCLUDING THE ACQUISITION OF EQUIPMENT AND FACILITIES, THE MODERNIZATION OF FACILITIES, AND OTHER PROJECTS TO EXPAND AND IMPROVE SUCH SYSTEMS. //ANTE, P. 598//

"(B) SUBJECT TO SECTION 1206(F), THE AMOUNT OF ANY GRANT OR CONTRACT UNDER THIS SECTION FOR A PROJECT SHALL NOT EXCEED (I) 50 PER CENTUM OF THE COST OF THAT PROJECT (AS DETERMINED PURSUANT TO REGULATIONS OF THE SECRETARY), OR (II) IN THE CASE OF APPLICATIONS WHICH DEMONSTRATE AN

EXCEPTIONAL NEED FOR FINANCIAL ASSISTANCE, 75 PER CENTUM OF SUCH COSTS.

"GRANTS AND CONTRACTS FOR RESEARCH

"SEC. 1205. (A) THE SECRETARY MAY MAKE GRANTS TO PUBLIC OR PRIVATE NONPROFIT ENTITIES, AND ENTER INTO CONTRACTS WITH PRIVATE ENTITIES AND INDIVIDUALS, FOR THE SUPPORT OF RESEARCH IN EMERGENCY MEDICAL TECHNIQUES, METHODS, DEVICES, AND DELIVERY. THE SECRETARY SHALL GIVE SPECIAL CONSIDERATION TO APPLICATIONS FOR GRANTS OR CONTRACTS FOR RESEARCH RELATING TO THE DELIVERY OF EMERGENCY MEDICAL SERVICES IN RURAL AREAS.

"(B) NO GRANT MAY BE MADE OR CONTRACT ENTERED INTO UNDER THIS SECTION FOR AMOUNTS IN EXCESS OF \$35,000 UNLESS THE APPLICATION THEREFOR HAS BEEN RECOMMENDED FOR APPROVAL BY AN APPROPRIATE PEER REVIEW PANEL DESIGNATED OR ESTABLISHED BY THE SECRETARY. ANY APPLICATION FOR A GRANT OR CONTRACT UNDER THIS SECTION SHALL BE SUBMITTED IN SUCH FORM AND MANNER, AND CONTAIN SUCH INFORMATION, AS THE SECRETARY SHALL PRESCRIBE IN REGULATIONS.

"(C) THE RECIPIENT OF A GRANT OR CONTRACT UNDER THIS SECTION SHALL MAKE SUCH REPORTS TO THE SECRETARY AS THE SECRETARY MAY REQUIRE. //87 STAT. 597//

"GENERAL PROVISIONS RESPECTING GRANTS AND CONTRACTS

"SEC. 1206. (A) FOR PURPOSES OF SECTIONS 1202, 1203, AND 1204, THE TERM 'ELIGIBLE ENTITY' MEANS--

"(1) A STATE,

"(2) A UNIT OF GENERAL LOCAL GOVERNMENT,

"(3) A PUBLIC ENTITY ADMINISTERING A COMPACT OR OTHER REGIONAL ARRANGEMENT OR CONSORTIUM, OR

"(4) ANY OTHER PUBLIC ENTITY AND ANY NONPROFIT PRIVATE ENTITY.

//87 STAT. 598. ANTE, PP. 595 - 597//

"(B)(1) NO GRANT OR CONTRACT MAY BE MADE UNDER THIS TITLE UNLESS AN APPLICATION THEREFOR HAS BEEN SUBMITTED TO, AND APPROVED BY, THE SECRETARY.

"(2) IN CONSIDERING APPLICATIONS SUBMITTED UNDER THIS TITLE, THE SECRETARY SHALL GIVE PRIORITY TO APPLICATIONS SUBMITTED BY THE ENTITIES DESCRIBED IN CLAUSES (1), (2), AND (3) OF SUBSECTION (A).

"(3) NO APPLICATION FOR A GRANT OR CONTRACT UNDER SECTION 1202 MAY BE APPROVED UNLESS-- //ANTE, P. 595//

"(A) THE APPLICATION MEETS THE APPLICATION REQUIREMENTS OF SUCH SECTION;

"(B) IN THE CASE OF AN APPLICATION SUBMITTED BY A PUBLIC ENTITY ADMINISTERING A COMPACT OR OTHER REGIONAL ARRANGEMENT OR CONSORTIUM, THE COMPACT OR OTHER REGIONAL ARRANGEMENT OR CONSORTIUM INCLUDES EACH UNIT OF GENERAL LOCAL GOVERNMENT OF EACH STANDARD METROPOLITAN STATISTICAL AREA (AS DETERMINED BY THE OFFICE OF MANAGEMENT AND BUDGET) LOCATED (IN WHOLE OR IN PART) IN THE SERVICE AREA OF THE EMERGENCY MEDICAL SERVICES SYSTEM FOR WHICH THE APPLICATION IS SUBMITTED;

"(C) IN THE CASE OF AN APPLICATION SUBMITTED BY AN ENTITY DESCRIBED IN CLAUSE (4) OF SUBSECTION (A), SUCH ENTITY HAS PROVIDED A COPY OF ITS APPLICATION TO EACH ENTITY DESCRIBED IN CLAUSES (1), (2), AND (3) OF SUCH SUBSECTION WHICH IS LOCATED (IN WHOLE OR IN

PART) IN THE SERVICE AREA OF THE EMERGENCY MEDICAL SERVICES SYSTEM FOR WHICH THE APPLICATION IS SUBMITTED AND HAS PROVIDED EACH SUCH ENTITY A REASONABLE OPPORTUNITY TO SUBMIT TO THE SECRETARY COMMENTS ON THE APPLICATION;

"(D) THE--

"(I) SECTION 314(A) STATE HEALTH PLANNING AGENCY OF EACH STATE IN WHICH THE SERVICE AREA OF THE EMERGENCY MEDICAL SERVICES SYSTEM FOR WHICH THE APPLICATION IS SUBMITTED WILL BE LOCATED, AND //80 STAT. 1181; 84 STAT. 1304. 42 USC 246//

"(II) SECTION 314(B) AREAWIDE HEALTH PLANNING AGENCY (IF ANY) WHOSE SECTION 314(B) PLAN COVERS (IN WHOLE OR IN PART) THE SERVICE AREA OF SUCH SYSTEM, //84 STAT. 340, 1304// HAVE HAD NOT LESS THAN THIRTY DAYS (MEASURED FROM THE DATE A COPY OF THE APPLICATION WAS SUBMITTED TO THE AGENCY BY THE APPLICANT) IN WHICH TO COMMENT ON THE APPLICATION;

"(E) THE APPLICANT AGREES TO MAINTAIN SUCH RECORDS AND MAKE SUCH REPORTS TO THE SECRETARY AS THE SECRETARY DETERMINES ARE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS TITLE; AND //87 STAT. 599//

"(F) THE APPLICATION IS SUBMITTED IN SUCH FORM AND SUCH MANNER AND CONTAINS SUCH INFORMATION (INCLUDING SPECIFICATION OF APPLICABLE PROVISIONS OF LAW OR REGULATIONS WHICH RESTRICT THE FULL UTILIZATION OF THE TRAINING AND SKILLS OF HEALTH PROFESSIONS AND ALLIED AND OTHER HEALTH PERSONNEL IN THE PROVISION OF HEALTH CARE SERVICES IN SUCH A SYSTEM) AS THE SECRETARY SHALL PRESCRIBE IN REGULATIONS.

"(4)(A) AN APPLICATION FOR A GRANT OR CONTRACT UNDER SECTION 1203 OR 1204 MAY NOT BE APPROVED BY THE SECRETARY UNLESS (I) THE APPLICATION MEETS THE REQUIREMENTS OF SUBPARAGRAPHS (B) THROUGH (F) OF PARAGRAPH (3), AND (II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (B)(II), THE APPLICANT (I) DEMONSTRATES TO THE SATISFACTION OF THE SECRETARY THAT THE EMERGENCY MEDICAL SERVICES SYSTEM FOR WHICH THE APPLICATION IS SUBMITTED WILL, WITHIN THE PERIOD SPECIFIED IN SUBPARAGRAPH (B)(I), MEET EACH OF THE EMERGENCY MEDICAL SERVICES SYSTEM REQUIREMENTS SPECIFIED IN SUBPARAGRAPH (C), AND (II) PROVIDES IN THE APPLICATION A PLAN SATISFACTORY TO THE SECRETARY FOR THE SYSTEM TO MEET EACH SUCH REQUIREMENT WITHIN SUCH PERIOD. //ANTE, PP. 595, 596. ANTE, P. 598//

"(B)(II) THE PERIOD WITHIN WHICH AN EMERGENCY MEDICAL SERVICES SYSTEM MUST MEET EACH OF THE REQUIREMENTS SPECIFIED IN SUBPARAGRAPH (A) IS THE PERIOD OF THE GRANT OR CONTRACT FOR WHICH APPLICATION IS MADE; EXCEPT THAT IF THE APPLICANT DEMONSTRATES TO THE SATISFACTION OF THE SECRETARY THE INABILITY OF THE APPLICANT'S EMERGENCY MEDICAL SERVICES SYSTEM TO MEET ONE OR MORE OF SUCH REQUIREMENTS WITHIN SUCH PERIOD, THE PERIOD (OR PERIODS) WITHIN WHICH THE SYSTEM MUST MEET SUCH REQUIREMENT (OR REQUIREMENTS) IS SUCH PERIOD (OR PERIODS) AS THE SECRETARY MAY REQUIRE.

"(II) IF AN APPLICANT SUBMITS AN APPLICATION FOR A GRANT OR CONTRACT UNDER SECTION 1203 OR 1204 AND DEMONSTRATES TO THE SATISFACTION OF THE SECRETARY THE INABILITY OF THE SYSTEM FOR WHICH THE APPLICATION IS SUBMITTED TO MEET ONE OR MORE OF THE REQUIREMENTS SPECIFIED IN SUBPARAGRAPH (C) WITHIN ANY SPECIFIC PERIOD OF TIME, THE DEMONSTRATION AND

PLAN PREREQUISITES PRESCRIBED BY CLAUSE (II) OF SUBPARAGRAPH (A) SHALL NOT APPLY WITH RESPECT TO SUCH REQUIREMENT (OR REQUIREMENTS) AND THE APPLICANT SHALL PROVIDE IN HIS APPLICATION A PLAN, SATISFACTORY TO THE SECRETARY, FOR ACHIEVING APPROPRIATE ALTERNATIVES TO SUCH REQUIREMENT (OR REQUIREMENTS).

"(C) AN EMERGENCY MEDICAL SERVICES SYSTEM SHALL--

"(I) INCLUDE AN ADEQUATE NUMBER OF HEALTH PROFESSIONS, ALLIED HEALTH PROFESSIONS, AND OTHER HEALTH PERSONNEL WITH APPROPRIATE TRAINING AND EXPERIENCE;

"(II) PROVIDE FOR ITS PERSONNEL APPROPRIATE TRAINING (INCLUDING CLINICAL TRAINING) AND CONTINUING EDUCATION PROGRAMS WHICH (I) ARE COORDINATED WITH OTHER PROGRAMS IN THE SYSTEM'S SERVICE AREA WHICH PROVIDE SIMILAR TRAINING AND EDUCATION, AND (II) EMPHASIZE RECRUITMENT AND NECESSARY TRAINING OF VETERANS OF THE ARMED FORCES WITH MILITARY TRAINING AND EXPERIENCE IN HEALTH CARE FIELDS AND OF APPROPRIATE PUBLIC SAFETY PERSONNEL IN SUCH AREA;

"(III) JOIN THE PERSONNEL, FACILITIES, AND EQUIPMENT OF THE SYSTEM BY A CENTRAL COMMUNICATIONS SYSTEM SO THAT REQUESTS FOR EMERGENCY HEALTH CARE SERVICES WILL BE HANDLED BY A COMMUNICATIONS FACILITY WHICH (I) UTILIZES EMERGENCY MEDICAL TELEPHONIC SCREENING, (II) UTILIZES OR, WITHIN SUCH PERIOD AS THE SECRETARY PRESCRIBES WILL UTILIZE, THE UNIVERSAL EMERGENCY TELEPHONE NUMBER 911, AND (III) WILL HAVE DIRECT COMMUNICATION CONNECTIONS AND INTERCONNECTIONS WITH THE PERSONNEL, FACILITIES, AND EQUIPMENT OF THE SYSTEM AND WITH OTHER APPROPRIATE EMERGENCY MEDICAL SERVICES SYSTEMS: //87 STAT. 600//

"(IV) INCLUDE AN ADEQUATE NUMBER OF NECESSARY GROUND, AIR, AND WATER VEHICLES AND OTHER TRANSPORTATION FACILITIES TO MEET THE INDIVIDUAL CHARACTERISTICS OF THE SYSTEM'S SERVICE AREA--

"(I) WHICH VEHICLES AND FACILITIES MEET APPROPRIATE STANDARDS RELATING TO LOCATION, DESIGN, PERFORMANCE, AND EQUIPMENT, AND

"(II) THE OPERATORS AND OTHER PERSONNEL FOR WHICH VEHICLES AND FACILITIES MEET APPROPRIATE TRAINING AND EXPERIENCE REQUIREMENTS;

"(V) INCLUDE AN ADEQUATE NUMBER OF EASILY ACCESSIBLE EMERGENCY MEDICAL SERVICES FACILITIES WHICH ARE COLLECTIVELY CAPABLE OF PROVIDING SERVICES ON A CONTINUOUS BASIS, WHICH HAVE APPROPRIATE NONDUPLICATIVE AND CATEGORIZED CAPABILITIES, WHICH MEET APPROPRIATE STANDARDS RELATING TO CAPACITY, LOCATION, PERSONNEL, AND EQUIPMENT, AND WHICH ARE COORDINATED WITH OTHER HEALTH CARE FACILITIES OF THE SYSTEM;

"(VI) PROVIDE ACCESS (INCLUDING APPROPRIATE TRANSPORTATION) TO SPECIALIZED CRITICAL MEDICAL CARE UNITS IN THE SYSTEM'S SERVICE AREA, OR, IF THERE ARE NO SUCH UNITS OR AN INADEQUATE NUMBER OF THEM IN SUCH AREA, PROVIDE ACCESS TO SUCH UNITS IN NEIGHBORING AREAS IF ACCESS TO SUCH UNITS IS FEASIBLE IN TERMS OF TIME AND DISTANCE;

"(VII) PROVIDE FOR THE EFFECTIVE UTILIZATION OF THE APPROPRIATE PERSONNEL, FACILITIES, AND EQUIPMENT OF EACH PUBLIC SAFETY AGENCY PROVIDING EMERGENCY SERVICES IN THE SYSTEM'S SERVICE AREA;

"(VIII) BE ORGANIZED IN A MANNER THAT PROVIDES PERSONS WHO RESIDE IN THE SYSTEM'S SERVICE AREA AND WHO HAVE NO PROFESSIONAL TRAINING OR FINANCIAL INTEREST IN THE PROVISION OF HEALTH CARE WITH AN ADEQUATE OPPORTUNITY TO PARTICIPATE IN THE MAKING OF POLICY FOR THE SYSTEM;

"(IX) PROVIDE, WITHOUT PRIOR INQUIRY AS TO ABILITY TO PAY, NECESSARY EMERGENCY MEDICAL SERVICES TO ALL PATIENTS REQUIRING SUCH SERVICES;

"(X) PROVIDE FOR TRANSFER OF PATIENTS TO FACILITIES AND PROGRAMS WHICH OFFER SUCH FOLLOWUP CARE AND REHABILITATION AS IS NECESSARY TO EFFECT THE MAXIMUM RECOVERY OF THE PATIENT;

"(XI) PROVIDE FOR A STANDARDIZED PATIENT RECORDKEEPING SYSTEM MEETING APPROPRIATE STANDARDS ESTABLISHED BY THE SECRETARY, WHICH RECORDS SHALL COVER THE TREATMENT OF THE PATIENT FROM INITIAL ENTRY INTO THE SYSTEM THROUGH HIS DISCHARGE FROM IT, AND SHALL BE CONSISTENT WITH ENSUING PATIENT RECORDS USED IN FOLLOWUP CARE AND REHABILITATION OF THE PATIENT;

"(XII) PROVIDE PROGRAMS OF PUBLIC EDUCATION AND INFORMATION IN THE SYSTEM'S SERVICE AREA (TAKING INTO ACCOUNT THE NEEDS OF VISITORS TO, AS WELL AS RESIDENTS OF, THAT AREA TO KNOW OR BE ABLE TO LEARN IMMEDIATELY THE MEANS OF OBTAINING EMERGENCY MEDICAL SERVICES) WHICH PROGRAMS STRESS THE GENERAL DISSEMINATION OF INFORMATION REGARDING APPROPRIATE METHODS OF MEDICAL SELF-HELP AND FIRST-AID AND REGARDING THE AVAILABILITY OF FIRST-AID TRAINING PROGRAMS IN THE AREA;

"(XIII) PROVIDE FOR (I) PERIODIC, COMPREHENSIVE, AND INDEPENDENT REVIEW AND EVALUATION OF THE EXTENT AND QUALITY OF THE EMERGENCY HEALTH CARE SERVICES PROVIDED IN THE SYSTEM'S SERVICE AREA, AND (II) SUBMISSION TO THE SECRETARY OF THE REPORTS OF EACH SUCH REVIEW AND EVALUATION;

"(XIV) HAVE A PLAN TO ASSURE THAT THE SYSTEM WILL BE CAPABLE OF PROVIDING EMERGENCY MEDICAL SERVICES IN THE SYSTEM'S SERVICE AREA DURING MASS CASUALTIES, NATURAL DISASTERS, OR NATIONAL EMERGENCIES; AND //87 STAT. 601//

"(XV) PROVIDE FOR THE ESTABLISHMENT OF APPROPRIATE ARRANGEMENTS WITH EMERGENCY MEDICAL SERVICES SYSTEMS OR SIMILAR ENTITIES SERVING NEIGHBORING AREAS FOR THE PROVISION OF EMERGENCY MEDICAL SERVICES ON A RECIPROCAL BASIS WHERE ACCESS TO SUCH SERVICES WOULD BE MORE APPROPRIATE AND EFFECTIVE IN TERMS OF THE SERVICES AVAILABLE, TIME, AND DISTANCE.

"THE SECRETARY SHALL BE REGULATIONS PRESCRIBE STANDARDS AND CRITERIA FOR THE REQUIREMENTS PRESCRIBED BY THIS SUBPARAGRAPH. IN PRESCRIBING SUCH STANDARDS AND CRITERIA, THE SECRETARY SHALL CONSIDER RELEVANT STANDARDS AND CRITERIA PRESCRIBED BY OTHER PUBLIC AGENCIES AND BY PRIVATE ORGANIZATIONS.

"(5) THE SECRETARY SHALL PROVIDE TECHNICAL ASSISTANCE, AS APPROPRIATE, TO ELIGIBLE ENTITIES AS NECESSARY FOR THE PURPOSE OF THEIR PREPARING APPLICATIONS OR OTHERWISE QUALIFYING FOR OR CARRYING OUT GRANTS OR CONTRACTS UNDER SECTIONS 1202, 1203, OR 1204, WITH SPECIAL CONSIDERATION

FOR APPLICANTS IN RURAL AREAS. //ANTE, PP. 595, 596//

"(C) PAYMENTS UNDER GRANTS AND CONTRACTS UNDER THIS TITLE MAY BE MADE IN ADVANCE OR BY WAY OR REIMBURSEMENT AND IN SUCH INSTALLMENTS AND ON SUCH CONDITIONS AS THE SECRETARY DETERMINES WILL MOST EFFECTIVELY CARRY OUT THIS TITLE.

"(D) CONTRACTS MAY BE ENTERED INTO UNDER THIS TITLE WITHOUT REGARD TO SECTIONS 3648 AND 3709 OF THE REVISED STATUTES (31 U.S.C. 529; 41 U.S.C. 5).

"(E) NO FUNDS APPROPRIATED UNDER ANY PROVISION OF THIS ACT OTHER THAN SECTION 1207 OR TITLE VII MAY BE USED TO MAKE A NEW GRANT OR CONTRACT IN ANY FISCAL YEAR FOR A PURPOSE FOR WHICH A GRANT OR CONTRACT IS AUTHORIZED BY THIS TITLE UNLESS (1) ALL THE FUNDS AUTHORIZED TO BE APPROPRIATED BY SECTION 1207 FOR SUCH FISCAL YEAR HAVE BEEN APPROPRIATED AND MADE AVAILABLE FOR OBLIGATION IN SUCH FISCAL YEAR, AND (2) SUCH NEW GRANT OR CONTRACT IS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THIS TITLE THAT WOULD BE APPLICABLE TO SUCH GRANT OR CONTRACT IF IT WAS MADE UNDER THIS TITLE. //POST, P. 602// FOR PURPOSES OF THIS SUBSECTION, THE TERM 'NEW GRANT OR CONTRACT' MEANS A GRANT OR CONTRACT FOR A PROGRAM OR PROJECT FOR WHICH AN APPLICATION WAS FIRST SUBMITTED AFTER THE DATE OF THE ENACTMENT OF THE ACT WHICH MAKES THE FIRST APPROPRIATIONS UNDER THE AUTHORIZATIONS CONTAINED IN SECTION 1207.

"(F)(1) IN DETERMINING THE AMOUNT OF ANY GRANT OR CONTRACT UNDER SECTION 1203 OR 1204, THE SECRETARY SHALL TAKE INTO CONSIDERATION THE AMOUNT OF FUNDS AVAILABLE TO THE APPLICANT FROM FEDERAL GRANT OR CONTRACT PROGRAMS UNDER LAWS OTHER THAN THIS ACT FOR ANY ACTIVITY WHICH THE APPLICANT PROPOSES TO UNDERTAKE IN CONNECTION WITH THE ESTABLISHMENT AND OPERATION OR EXPANSION AND IMPROVEMENT OF AN EMERGENCY MEDICAL SERVICES SYSTEM AND FOR WHICH THE SECRETARY MAY AUTHORIZE THE USE OF FUNDS UNDER A GRANT OR CONTRACT UNDER SECTIONS 1203 AND 1204.

"(2) THE SECRETARY MAY NOT AUTHORIZE THE RECIPIENT OF A GRANT OR CONTRACT UNDER SECTION 1203 OR 1204 TO USE FUNDS UNDER SUCH GRANT OR CONTRACT FOR ANY TRAINING PROGRAM IN CONNECTION WITH AN EMERGENCY MEDICAL SERVICES SYSTEM UNLESS THE APPLICANT FILED AN APPLICATION (AS APPROPRIATE) UNDER TITLE VII OR VIII FOR A GRANT OR CONTRACT FOR SUCH PROGRAM AND SUCH APPLICATION WAS NOT APPROVED OR WAS APPROVED BUT FOR WHICH NO OR INADEQUATE FUNDS WERE MADE AVAILABLE UNDER SUCH TITLE. //58 STAT. 711; 70 STAT. 721; 77 STAT. 164. 42 USC 201 NOTE. 42 USC 292 NOTE. 87 STAT. 602//

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1207. (A)(1) FOR THE PURPOSE OF MAKING PAYMENTS PURSUANT TO GRANTS AND CONTRACTS UNDER SECTIONS 1202, 1203, AND 1204, THERE ARE AUTHORIZED TO BE APPROPRIATED \$30,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, AND \$60,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975; AND FOR THE PURPOSE OF MAKING PAYMENTS PURSUANT TO GRANTS AND CONTRACTS UNDER SECTIONS 1203 AND 1204 FOR THE FISCAL YEAR ENDING JUNE 30, 1976, THERE ARE AUTHORIZED TO BE APPROPRIATED \$70,000,000.

"(2) OF THE SUMS APPROPRIATED UNDER PARAGRAPH (1) FOR ANY FISCAL YEAR, NOT LESS THAN 20 PER CENTUM SHALL BE MADE AVAILABLE FOR GRANTS AND

CONTRACTS UNDER THIS TITLE FOR SUCH FISCAL YEAR FOR EMERGENCY MEDICAL SERVICES SYSTEMS WHICH SERVE OR WILL SERVE RURAL AREAS (AS DEFINED IN REGULATIONS OF THE SECRETARY UNDER SECTION 1203(C)(5)).

"(3) OF THE SUMS APPROPRIATED UNDER PARAGRAPH (1) FOR THE FISCAL YEAR ENDING JUNE 30, 1974, OR THE SUCCEEDING FISCAL YEAR--

"(A) 15 PER CENTUM OF SUCH SUMS FOR EACH SUCH FISCAL YEAR SHALL BE MADE AVAILABLE ONLY FOR GRANTS AND CONTRACTS UNDER SECTION 1202 (RELATING TO FEASIBILITY STUDIES AND PLANNING) FOR SUCH FISCAL YEAR;

"(B) 60 PER CENTUM OF SUCH SUMS FOR EACH SUCH FISCAL YEAR SHALL BE MADE AVAILABLE ONLY FOR GRANTS AND CONTRACTS UNDER SECTION 1203 (RELATING TO ESTABLISHMENT AND INITIAL OPERATION) FOR SUCH FISCAL YEAR; AND

"(C) 25 PER CENTUM OF SUCH SUMS FOR EACH SUCH FISCAL YEAR SHALL BE MADE AVAILABLE ONLY FOR GRANTS AND CONTRACTS UNDER SECTION 1204 (RELATING TO EXPANSION AND IMPROVEMENT) FOR SUCH FISCAL YEAR.

"(4) OF THE SUMS APPROPRIATED UNDER PARAGRAPH (1) FOR THE FISCAL YEAR ENDING JUNE 30, 1976--

"(A) 75 PER CENTUM OF SUCH SUMS SHALL BE MADE AVAILABLE ONLY FOR GRANTS AND CONTRACTS UNDER SECTION 1203 FOR SUCH FISCAL YEAR.

"(B) 25 PER CENTUM OF SUCH SUMS SHALL BE MADE AVAILABLE ONLY FOR GRANTS AND CONTRACTS UNDER SECTION 1204 FOR SUCH FISCAL YEAR.

"(B) FOR THE PURPOSE OF MAKING PAYMENTS PURSUANT TO GRANTS AND CONTRACTS UNDER SECTION 1205 (RELATING TO ~~RESEARCH~~), THERE ARE AUTHORIZED TO BE APPROPRIATED \$5,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, AND FOR EACH OF THE NEXT TWO FISCAL YEARS.

"ADMINISTRATION

"SEC. 1208. THE SECRETARY SHALL ADMINISTER THE PROGRAM OF GRANTS AND CONTRACTS AUTHORIZED BY THIS TITLE THROUGH AN IDENTIFIABLE ADMINISTRATIVE UNIT WITHIN THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE. SUCH UNIT SHALL ALSO BE RESPONSIBLE FOR COLLECTING, ANALYZING, CATALOGING, AND DISSEMINATING ALL DATA USEFUL IN THE DEVELOPMENT AND OPERATION OF EMERGENCY MEDICAL SERVICES SYSTEMS, INCLUDING DATA DERIVED FROM REVIEWS AND EVALUATIONS OF EMERGENCY MEDICAL SERVICES SYSTEMS ASSISTED UNDER SECTION 1203 OR 1204.

"INTERAGENCY COMMITTEE ON EMERGENCY MEDICAL SERVICES

"SEC. 1209. (A) THE SECRETARY SHALL ESTABLISH AN INTERAGENCY COMMITTEE ON EMERGENCY MEDICAL SERVICES. THE COMMITTEE SHALL EVALUATE THE ADEQUACY AND TECHNICAL SOUNDNESS OF ALL FEDERAL PROGRAMS AND ACTIVITIES WHICH RELATE TO EMERGENCY MEDICAL SERVICES AND PROVIDE FOR THE COMMUNICATION AND EXCHANGE OF INFORMATION NECESSARY TO MAINTAIN THE COORDINATION AND EFFECTIVENESS OF SUCH PROGRAMS AND ACTIVITIES, AND SHALL MAKE RECOMMENDATIONS TO THE SECRETARY RESPECTING THE ADMINISTRATION OF THE PROGRAM OF GRANTS AND CONTRACTS UNDER THIS TITLE (INCLUDING THE MAKING OF REGULATIONS FOR SUCH PROGRAM). //87 STAT. 603//

"(B) THE SECRETARY OR HIS DESIGNEE SHALL SERVE AS CHAIRMAN OF THE COMMITTEE, THE MEMBERSHIP OF WHICH SHALL INCLUDE (1) APPROPRIATE SCIENTIFIC, MEDICAL, OR TECHNICAL REPRESENTATION FROM THE DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT OF JUSTICE, THE DEPARTMENT OF DEFENSE, THE

VETERANS' ADMINISTRATION, THE NATIONAL SCIENCE FOUNDATION, THE FEDERAL COMMUNICATIONS COMMISSION, THE NATIONAL ACADEMY OF SCIENCES, AND SUCH OTHER FEDERAL AGENCIES AND OFFICES (INCLUDING APPROPRIATE AGENCIES AND OFFICES OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE), AS THE SECRETARY DETERMINES ADMINISTER PROGRAMS DIRECTLY AFFECTING THE FUNCTIONS OR RESPONSIBILITIES OF EMERGENCY MEDICAL SERVICES SYSTEMS, AND (2) FIVE INDIVIDUALS FROM THE GENERAL PUBLIC APPOINTED BY THE PRESIDENT FROM INDIVIDUALS WHO BY VIRTUE OF THEIR TRAINING OR EXPERIENCE ARE PARTICULARLY QUALIFIED TO PARTICIPATE IN THE PERFORMANCE OF THE COMMITTEE'S FUNCTIONS. THE COMMITTEE SHALL MEET AT THE CALL OF THE CHAIRMAN, BUT NOT LESS OFTEN THAN FOUR TIMES A YEAR.

"(C) EACH APPOINTED MEMBER OF THE COMMITTEE SHALL BE APPOINTED FOR A TERM OF FOUR YEARS, EXCEPT THAT--

"(1) ANY MEMBER APPOINTED TO FILL A VACANCY OCCURRING PRIOR TO THE EXPIRATION OF THE TERM FOR WHICH HIS PREDECESSOR WAS APPOINTED SHALL BE APPOINTED FOR THE REMAINDER OF SUCH TERM; AND

"(2) OF THE MEMBERS FIRST APPOINTED, TWO SHALL BE APPOINTED FOR A TERM OF FOUR YEARS, TWO SHALL BE APPOINTED FOR A TERM OF THREE YEARS AND ONE SHALL BE APPOINTED FOR A TERM OF ONE YEAR, AS DESIGNATED BY THE PRESIDENT AT THE TIME OF APPOINTMENT.

APPOINTED MEMBERS MAY SERVE AFTER THE EXPIRATION OF THEIR TERMS UNTIL THEIR SUCCESSORS HAVE TAKEN OFFICE.

"(D) APPOINTED MEMBERS OF THE COMMITTEE SHALL RECEIVE FOR EACH DAY THEY ARE ENGAGED IN THE PERFORMANCE OF THE FUNCTIONS OF THE COMMITTEE COMPENSATION AT RATES NOT TO EXCEED THE DAILY EQUIVALENT OF THE ANNUAL RATE IN EFFECT FOR GRADE GS-18 OF THE GENERAL SCHEDULE, INCLUDING TRAVELTIME; AND ALL MEMBERS, WHILE SO SERVING AWAY FROM THEIR HOMES OR REGULAR PLACES OF BUSINESS, MAY BE ALLOWED TRAVEL EXPENSES, INCLUDING PER DIEM IN LIEU OF SUBSISTENCE, IN THE SAME MANNER AS SUCH EXPENSES ARE AUTHORIZED BY SECTION 5703 OF TITLE 5, UNITED STATES CODE, FOR PERSONS IN THE GOVERNMENT SERVICE EMPLOYED INTERMITTENTLY. //5 USC 5332//

"(E) THE SECRETARY SHALL MAKE AVAILABLE TO THE COMMITTEE SUCH STAFF, INFORMATION (INCLUDING COPIES OF REPORTS OF REVIEWS AND EVALUATIONS OF EMERGENCY MEDICAL SERVICES SYSTEMS ASSISTED UNDER SECTION 1203 OR 1204), AND OTHER ASSISTANCE AS IT MAY REQUIRE TO CARRY OUT ITS ACTIVITIES EFFECTIVELY. //83 STAT. 190//

"ANNUAL REPORT

"SEC. 1210. THE SECRETARY SHALL PREPARE AND SUBMIT ANNUALLY TO THE CONGRESS A REPORT ON THE ADMINISTRATION OF THIS TITLE. EACH REPORT SHALL INCLUDE AN EVALUATION OF THE ADEQUACY OF THE PROVISION OF EMERGENCY MEDICAL SERVICES IN THE UNITED STATES DURING THE PERIOD COVERED BY THE REPORT, AND EVALUATION OF THE EXTENT TO WHICH THE NEEDS FOR SUCH SERVICES ARE BEING ADEQUATELY MET THROUGH ASSISTANCE PROVIDED UNDER THIS TITLE, AND HIS RECOMMENDATIONS FOR SUCH LEGISLATION AS HE DETERMINES IS REQUIRED TO PROVIDE EMERGENCY MEDICAL SERVICES AT A LEVEL ADEQUATE TO MEET SUCH NEEDS. //87 STAT. 604// THE FIRST REPORT UNDER THIS SECTION SHALL BE SUBMITTED NOT LATER THAN SEPTEMBER 30, 1974, AND SHALL COVER THE FISCAL YEAR ENDING JUNE 30, 1974."

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(B)(1) SECTION 1 OF THE PUBLIC HEALTH SERVICE ACT IS AMENDED BY STRIKING OUT "TITLES I TO XI" AND INSERTING IN LIEU THEREOF "TITLES I TO XII". //58 STAT. 682; 86 STAT. 137. 42 USC 201 NOTE//

(2) THE ACT OF JULY 1, 1944 (58 STAT. 682), AS AMENDED, IS FURTHER AMENDED BY RENUMBERING TITLE XII (AS IN EFFECT PRIOR TO THE DATE OF ENACTMENT OF THIS ACT) AS TITLE XIII, AND BY RENUMBERING SECTIONS 1291 THROUGH 1214 (AS IN EFFECT PRIOR TO SUCH DATE), AND REFERENCES THERETO, AS SECTIONS 1301 THROUGH 1314, RESPECTIVELY.

TRAINING ASSISTANCE

SEC. 3. (A) PART E OF TITLE VII OF THE PUBLIC HEALTH SERVICE ACT IS AMENDED BY INSERTING AFTER SECTION 775 THE FOLLOWING NEW SECTION: //85 STAT. 448. 42 USC 295G//

"TRAINING IN EMERGENCY MEDICAL SERVICES

"SEC. 776. (A) THE SECRETARY MAY MAKE GRANTS TO AND ENTER INTO CONTRACTS WITH SCHOOLS OF MEDICINE, DENTISTRY, OSTEOPATHY, AND NURSING, TRAINING CENTERS FOR ALLIED HEALTH PROFESSIONS, AND OTHER APPROPRIATE EDUCATIONAL ENTITIES TO ASSIST IN MEETING THE COST OF TRAINING PROGRAMS IN THE TECHNIQUES AND METHODS OF PROVIDING EMERGENCY MEDICAL SERVICES (INCLUDING THE SKILLS REQUIRED IN CONNECTION WITH THE PROVISION OF AMBULANCE SERVICE), ESPECIALLY TRAINING PROGRAMS AFFORDING CLINICAL EXPERIENCE IN EMERGENCY MEDICAL SERVICES SYSTEMS RECEIVING ASSISTANCE UNDER TITLE XII OF THIS ACT.

"(B) NO GRANT OR CONTRACT MAY BE MADE OR ENTERED INTO UNDER THIS SECTION UNLESS (1) THE APPLICANT IS A PUBLIC OR NONPROFIT PRIVATE ENTITY, AND (2) AN APPLICATION THEREFOR HAS BEEN SUBMITTED TO, AND APPROVED BY, THE SECRETARY. SUCH APPLICATION SHALL BE IN SUCH FORM, SUBMITTED IN SUCH MANNER, AND CONTAIN SUCH INFORMATION, AS THE SECRETARY SHALL BY REGULATION PRESCRIBE.

"(C) THE AMOUNT OF ANY GRANT OR CONTRACT UNDER THIS SECTION SHALL BE DETERMINED BY THE SECRETARY. PAYMENTS UNDER GRANTS AND CONTRACTS UNDER THIS SECTION MAY BE MADE IN ADVANCE OR BY WAY OF REIMBURSEMENT AND AT SUCH INTERVALS AND ON SUCH CONDITIONS AS THE SECRETARY FINDS NECESSARY. GRANTEEES AND CONTRACTEES UNDER THIS SECTION SHALL MAKE SUCH REPORTS AT SUCH INTERVALS, AND CONTAINING SUCH INFORMATION, AS THE SECRETARY MAY REQUIRE.

"(D) CONTRACTS MAY BE ENTERED INTO UNDER THIS SECTION WITHOUT REGARD TO SECTIONS 3648 AND 3709 OF THE REVISED STATUTES (31 U.S.C. 529; 41 U.S.C. 5).

"(E) FOR THE PURPOSE OF MAKING PAYMENTS PURSUANT TO GRANTS AND CONTRACTS UNDER THIS SECTION, THERE ARE AUTHORIZED TO BE APPROPRIATED \$10,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974."

(B) SECTION 772(A) OF SUCH ACT (42 U.S.C. 295F - 2(A)) IS AMENDED--

(1) BY STRIKING OUT "OR" AT THE END OF PARAGRAPH (12).

(2) BY STRIKING OUT THE PERIOD AT THE END OF PARAGRAPH (13) AND INSERTING IN LIEU THEREOF "; OR", AND //85 STAT. 445//

(3) BY INSERTING AFTER PARAGRAPH (13) THE FOLLOWING NEW PARAGRAPH: //87 STAT. 605//

"(14) ESTABLISH AND OPERATE PROGRAMS IN THE INTERDISCIPLINARY

TRAINING OF HEALTH PERSONNEL FOR THE PROVISION OF EMERGENCY MEDICAL SERVICES, WITH PARTICULAR EMPHASIS ON THE ESTABLISHMENT AND OPERATION OF TRAINING PROGRAMS AFFORDING CLINICAL EXPERIENCE IN EMERGENCY MEDICAL SERVICES SYSTEMS RECEIVING ASSISTANCE UNDER TITLE XII OF THIS ACT."

(C) SECTION 774(A)(1)(D) OF SUCH ACT (42 U.S.C. 295F - 4(A)(1) (D)) IS AMENDED BY INSERTING "(INCLUDING EMERGENCY MEDICAL SERVICES)" AFTER "SERVICES" EACH TIME IT APPEARS. //85 STAT. 446//

STUDY

SEC. 4. THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE SHALL CONDUCT A STUDY TO DETERMINE THE LEGAL BARRIERS TO THE EFFECTIVE DELIVERY OF MEDICAL CARE UNDER EMERGENCY CONDITIONS. THE STUDY SHALL INCLUDE CONSIDERATION OF THE NEED FOR A UNIFORM CONFLICT OF LAWS RULE PRESCRIBING THE LAW APPLICABLE OF THE PROVISION OF EMERGENCY MEDICAL SERVICES TO PERSONS IN THE COURSE OF TRAVELS ON INTERSTATE COMMON CARRIERS. WITHIN TWELVE MONTHS OF THE DATE OF THE ENACTMENT OF THIS ACT, THE SECRETARY SHALL REPORT TO THE CONGRESS THE RESULTS OF SUCH STUDY AND RECOMMENDATIONS FOR SUCH LEGISLATION AS MAY BE NECESSARY TO OVERCOME SUCH BARRIERS AND PROVIDE SUCH RULE.

LEGISLATIVE HISTORY:

HOUSE REPORT NO. 93 - 601 ACCOMPANYING H.R. 10956 (COMM. ON INTERSTATE AND FOREIGN COMMERCE).

SENATE REPORT NO. 93 - 397 (COMM. ON LABOR AND PUBLIC WELFARE).

CONGRESSIONAL RECORD, VOL. 119 (1973):

SEPT. 19, CONSIDERED AND PASSED SENATE. OCT. 25, CONSIDERED AND PASSED HOUSE, AMENDED, IN LIEU OF

H.R. 10956. OCT. 30, SENATE AGREED TO HOUSE AMENDMENT WITH AMENDMENTS. OCT. 31, HOUSE CONCURRED IN SENATE AMENDMENTS.

ITEM 42

00104.87.008390

PUBLIC LAW 93 - 203; 87 STAT. 839, COMPREHENSIVE EMPLOYMENT AND TRAINING ACT OF 1973 (TITLES I - III)

93RD CONGRESS, S. 1559

DECEMBER 28, 1973

AN ACT

TO ASSURE OPPORTUNITIES FOR EMPLOYMENT AND TRAINING TO UNEMPLOYED AND UNDEREMPLOYED PERSONS.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, THAT THIS ACT MAY BE CITED AS THE "COMPREHENSIVE EMPLOYMENT AND TRAINING ACT OF 1973".

STATEMENT OF PURPOSE

SEC. 2. IT IS THE PURPOSE OF THIS ACT TO PROVIDE JOB TRAINING AND EMPLOYMENT OPPORTUNITIES FOR ECONOMICALLY DISADVANTAGED, UNEMPLOYED, AND UNDEREMPLOYED PERSONS, AND TO ASSURE THAT TRAINING AND OTHER SERVICES LEAD TO MAXIMUM EMPLOYMENT OPPORTUNITIES AND ENHANCE SELF-SUFFICIENCY BY ESTABLISHING A FLEXIBLE AND DECENTRALIZED SYSTEM OF FEDERAL, STATE, AND LOCAL PROGRAMS.

TRANSITIONAL PROVISIONS

SEC. 3. (A) TO THE EXTENT NECESSARY TO PROVIDE FOR THE ORDERLY TRANSITION OF SUPPORTING JOB TRAINING PROGRAMS, AND TO PROVIDE CONTINUED FINANCIAL ASSISTANCE FOR SUCH PROGRAMS, PRIOR TO JULY 1, 1974, THE SECRETARY IS AUTHORIZED TO PROVIDE FINANCIAL ASSISTANCE IN THE SAME MANNER AND ON THE SAME CONDITIONS AS PROVIDED IN THE MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962, AS IN EFFECT PRIOR TO JUNE 30, 1973, TITLE I OF THE ECONOMIC OPPORTUNITY ACT OF 1964, AND THE EMERGENCY EMPLOYMENT ACT OF 1971, AS IN EFFECT PRIOR TO JUNE 30, 1973, FROM FUNDS APPROPRIATED PURSUANT TO THIS ACT. //76 STAT. 23. 42 USC 2571 78 STAT. 508. 42 USC 2701. 85 STAT. 146. 42 USC 4871-//

(B) THE AUTHORITY CONTAINED IN THIS SECTION SHALL NOT BE CONSTRUED TO POSTPONE OR IMPEDE THE PROMPT DESIGNATION OF PRIME SPONSORS AND THE IMPLEMENTATION OF OTHER PROVISIONS OF THIS ACT.

(C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, OTHER THAN THE PROVISIONS OF SECTION 4 (D) (1), THE SECRETARY IS AUTHORIZED FROM APPROPRIATIONS AVAILABLE UNDER THIS ACT FOR FISCAL YEAR 1974 TO PROVIDE FINANCIAL ASSISTANCE FOR THE PROGRAM DESCRIBED IN SECTION 304 (A) (3) DURING THE PERIOD JUNE 1, 1974, //POST, P. 859.// THROUGH OCTOBER 1, 1974, IN THE SAME MANNER AND ON THE SAME CONDITIONS AS PROVIDED PURSUANT TO THE MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962, AS IN EFFECT PRIOR TO JUNE 30, 1973, AND TITLE I OF THE ECONOMIC OPPORTUNITY ACT OF 1964, AS IN EFFECT PRIOR TO REPEAL BY THIS ACT.

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. (A) THERE ARE AUTHORIZED TO BE APPROPRIATED SUCH SUMS AS MAY BE NECESSARY FOR THE FISCAL YEAR ENDING JUNE 30, 1974, AND FOR EACH OF THE THREE SUCCEEDING FISCAL YEARS FOR CARRYING OUT THE PROVISIONS OF THIS ACT.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, UNLESS ENACTED IN SPECIFIC LIMITATION OF THE PROVISIONS OF THIS SUBSECTION, ANY FUNDS

APPROPRIATED TO CARRY OUT THIS ACT WHICH ARE NOT OBLIGATED PRIOR TO THE END OF THE FISCAL YEAR FOR WHICH SUCH FUNDS WERE APPROPRIATED SHALL REMAIN AVAILABLE FOR OBLIGATION DURING THE SUCCEEDING FISCAL YEAR, AND ANY FUNDS OBLIGATED IN ANY FISCAL YEAR MAY BE EXPENDED DURING A PERIOD OF TWO YEARS FROM THE DATE OF OBLIGATION.

(C) (1) FOR THE PURPOSE OF AFFORDING ADEQUATE NOTICE OF FUNDING AVAILABLE UNDER THIS ACT, APPROPRIATIONS UNDER THIS ACT ARE AUTHORIZED TO BE INCLUDED IN AN APPROPRIATION ACT FOR THE FISCAL YEAR PRECEDING THE FISCAL YEAR FOR WHICH THEY ARE AVAILABLE FOR OBLIGATION.

(2) IN ORDER TO EFFECT A TRANSITION TO THE ADVANCE FUNDING METHOD OF TIMING APPROPRIATION ACTION, THE PROVISIONS OF THIS SUBSECTION SHALL APPLY NOTWITHSTANDING THAT ITS INITIAL APPLICATION WILL RESULT IN THE ENACTMENT IN THE SAME YEAR (WHETHER IN THE SAME APPROPRIATION ACT OR OTHERWISE) OF TWO SEPARATE APPROPRIATIONS, ONE FOR THE THEN CURRENT FISCAL YEAR AND ONE FOR THE SUCCEEDING FISCAL YEAR.

(D) (1) OF THE AMOUNTS APPROPRIATED TO CARRY OUT THIS ACT, THE SECRETARY SHALL RESERVE AND MAKE AVAILABLE NOT LESS THAN \$250,000,000 IN THE FISCAL YEAR ENDING JUNE 30, 1974, AND NOT LESS THAN \$350,000,000 IN THE FISCAL YEAR ENDING JUNE 30, 1975, TO CARRY OUT PUBLIC SERVICE EMPLOYMENT PROGRAMS UNDER TITLE II. //POST, P. 850.//

(2) IN ADDITION TO THE AMOUNTS RESERVED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THERE ARE AUTHORIZED TO BE APPROPRIATED AND MADE AVAILABLE FOR THE FISCAL YEARS ENDING JUNE 30, 1974, AND JUNE 30, 1975, SUCH SUMS AS MAY BE NECESSARY TO CARRY OUT PUBLIC SERVICE EMPLOYMENT PROGRAMS UNDER TITLE II. THERE ARE AUTHORIZED TO BE APPROPRIATED AND MADE AVAILABLE FOR THE FISCAL YEAR ENDING JUNE 30, 1976, AND FOR THE SUCCEEDING FISCAL YEAR SUCH SUMS AS MAY BE NECESSARY TO CARRY OUT PUBLIC SERVICE EMPLOYMENT PROGRAMS UNDER TITLE II.

(E) OF THE AMOUNT APPROPRIATED TO CARRY OUT THIS ACT FOR ANY FISCAL YEAR, NOT MORE THAN 20 PERCENT OF SUCH AMOUNT (EXCLUDING ANY AMOUNT IN EXCESS OF \$250,000,000 OF THE AMOUNT MADE AVAILABLE FOR CARRYING OUT TITLE II) SHALL BE AVAILABLE FOR CARRYING OUT THE PROVISIONS OF TITLE III AND TITLE IV. //POST, PP. 859, 863.//

TITLE I--COMPREHENSIVE MANPOWER SERVICES DESCRIPTION OF PROGRAM

SEC. 101. IT IS THE PURPOSE OF THIS TITLE TO ESTABLISH A PROGRAM TO PROVIDE COMPREHENSIVE MANPOWER SERVICES THROUGHOUT THE NATION. SUCH PROGRAM SHALL INCLUDE THE DEVELOPMENT AND CREATION OF JOB OPPORTUNITIES AND THE TRAINING, EDUCATION, AND OTHER SERVICES NEEDED TO ENABLE INDIVIDUALS TO SECURE AND RETAIN EMPLOYMENT AT THEIR MAXIMUM CAPACITY. COMPREHENSIVE MANPOWER SERVICES MAY INCLUDE, BUT SHALL NOT BE LIMITED TO, PROGRAMS AND ACTIVITIES DESIGNED TO CARRY OUT THE PURPOSE OF THIS TITLE, SUCH AS--

(1) OUTREACH TO MAKE PERSONS AWARE OF THE AVAILABILITY OF MANPOWER SERVICES AND PERSUADE THEM TO USE SUCH SERVICES,

(2) ASSESSMENT OF THE INDIVIDUAL'S NEEDS, INTERESTS, AND POTENTIAL IN THE LABOR MARKET AND REFERRAL TO APPROPRIATE EMPLOYMENT, TRAINING, OR OTHER OPPORTUNITIES.

(3) ORIENTATION, COUNSELING, EDUCATION, AND INSTITUTIONAL SKILL TRAINING TO PREPARE THE INDIVIDUAL TO ENTER THE LABOR MARKET OR TO QUALIFY FOR MORE PRODUCTIVE JOB OPPORTUNITIES,

(4) TRAINING ON THE JOB,

(5) PAYMENTS OR OTHER INDUCEMENTS TO PUBLIC OR PRIVATE EMPLOYERS TO EXPAND JOB OPPORTUNITIES, BUT PAYMENTS TO EMPLOYERS ORGANIZED FOR PROFIT SHALL NOT EXCEED THE DIFFERENCE BETWEEN THE COSTS OF RECRUITING, TRAINING, AND PROVIDING SUPPORTIVE SERVICES FOR LOW-INCOME PERSONS AND THOSE REGULARLY EMPLOYED,

(6) SERVICES TO INDIVIDUALS TO ENABLE THEM TO RETAIN EMPLOYMENT,

(7) PAYMENT OF ALLOWANCES TO PERSONS IN TRAINING FOR WHICH THEY RECEIVE NO REMUNERATION FOR TRANSPORTATION, SUBSISTENCE, OR OTHER EXPENSES INCURRED IN PARTICIPATING IN MANPOWER SERVICES OR EMPLOYMENT AS ARE NECESSARY TO ENABLE THE INDIVIDUAL TO PARTICIPATE THEREIN,

(8) SUPPORTIVE SERVICES TO ENABLE INDIVIDUALS TO TAKE ADVANTAGE OF EMPLOYMENT OPPORTUNITIES, INCLUDING NECESSARY HEALTH CARE AND MEDICAL SERVICES, CHILD CARE, RESIDENTIAL SUPPORT, ASSISTANCE IN SECURING BONDS, OR ANY OTHER NECESSARY ASSISTANCE INCIDENT TO EMPLOYMENT, AND ANY OTHER SERVICE NEEDED TO PARTICIPATE IN EMPLOYMENT OR MANPOWER SERVICES,

(9) DEVELOPMENT OF INFORMATION CONCERNING THE LABOR MARKET AND ACTIVITIES, SUCH AS JOB RESTRUCTURING, TO MAKE IT MORE RESPONSIVE TO OBJECTIVES OF THE MANPOWER SERVICES PROGRAM,

(10) MANPOWER TRAINING, EMPLOYMENT OPPORTUNITIES, AND RELATED SERVICES CONDUCTED BY COMMUNITY-BASED ORGANIZATIONS,

(11) TRANSITIONAL PUBLIC SERVICE EMPLOYMENT PROGRAMS, AND

(12) ANY PROGRAMS AUTHORIZED BY PART A OF TITLE III AND BY TITLE IV OF THIS ACT.

PRIME SPONSORS

SEC. 102. (A) THE SECRETARY MAY MAKE FINANCIAL ASSISTANCE AVAILABLE TO A PRIME SPONSOR TO ENABLE IT TO CARRY OUT ALL OR A SUBSTANTIAL PART OF A COMPREHENSIVE MANPOWER PROGRAM. A PRIME SPONSOR SHALL BE--

(1) A STATE;

(2) A UNIT OF GENERAL LOCAL GOVERNMENT WHICH HAS A POPULATION OF ONE HUNDRED THOUSAND OR MORE PERSONS ON THE BASIS OF THE MOST SATISFACTORY CURRENT DATA AVAILABLE TO THE SECRETARY;

(3) ANY COMBINATION OF UNITS OF GENERAL LOCAL GOVERNMENT WHICH INCLUDES ANY UNIT OF GENERAL LOCAL GOVERNMENT QUALIFYING UNDER PARAGRAPH (2) OF THIS SUBSECTION;

(4) ANY UNIT OF GENERAL LOCAL GOVERNMENT OR ANY COMBINATION OF SUCH UNITS, WITHOUT REGARD TO POPULATION, WHICH, IN EXCEPTIONAL CIRCUMSTANCES, IS DETERMINED BY THE SECRETARY OF LABOR--

(A) (I) TO SERVE A SUBSTANTIAL PORTION OF A FUNCTIONING LABOR MARKET AREA, OR (II) TO BE A RURAL AREA HAVING HIGH LEVEL OF UNEMPLOYMENT; AND

(B) TO HAVE DEMONSTRATED (I) THAT IT HAS THE CAPABILITY FOR ADEQUATELY CARRYING OUT PROGRAMS UNDER THIS ACT, AND (II) THAT THERE

IS A SPECIAL NEED FOR SERVICES WITHIN THE AREA TO BE SERVED, AND (III) THAT IT WILL CARRY OUT SUCH PROGRAMS AND SERVICES IN SUCH AREA AS EFFECTIVELY AS THE STATE: OR

(5) A LIMITED NUMBER OF EXISTING CONCENTRATED EMPLOYMENT PROGRAM GRANTEEES SERVING RURAL AREAS HAVING A HIGH LEVEL OF UNEMPLOYMENT WHICH THE SECRETARY DETERMINES HAVE DEMONSTRATED SPECIAL CAPABILITIES FOR CARRYING OUT PROGRAMS IN SUCH AREAS AND ARE DESIGNATED BY HIM FOR THAT PURPOSE.

(B) (1) A STATE SHALL NOT QUALIFY AS A PRIME SPONSOR FOR ANY GEOGRAPHICAL AREA WITHIN THE JURISDICTION OF ANY PRIME SPONSOR DESCRIBED IN PARAGRAPH (2), (3), (4), OR (5) OF SUBSECTION (A) UNLESS SUCH PRIME SPONSOR HAS NOT SUBMITTED AN APPROVABLE COMPREHENSIVE MANPOWER PLAN FOR SUCH AREA.

(2) A UNIT OF GENERAL LOCAL GOVERNMENT SHALL NOT QUALIFY AS A PRIME SPONSOR WITH RESPECT TO ANY AREA WITHIN THE JURISDICTION OF ANOTHER ELIGIBLE UNIT OF GENERAL LOCAL GOVERNMENT UNLESS SUCH SMALLER UNIT HAS NOT SUBMITTED AN APPROVABLE COMPREHENSIVE MANPOWER PLAN FOR SUCH AREA.

(C) (1) TO BE ELIGIBLE FOR PRIME SPONSORSHIP FOR ANY FISCAL YEAR, AN OTHERWISE ELIGIBLE APPLICANT MUST SUBMIT TO THE SECRETARY A NOTICE OF INTENT TO APPLY FOR PRIME SPONSORSHIP BY SUCH DATE AS THE SECRETARY SHALL PRESCRIBE.

(2) THE SECRETARY MAY NOT, PRIOR TO MARCH 1, 1974, DESIGNATE AS A PRIME SPONSOR, ANY STATE OR UNIT OF GENERAL LOCAL GOVERNMENT CONTAINING ANOTHER UNIT OF GENERAL LOCAL GOVERNMENT MEETING THE REQUIREMENTS OF SUBSECTION (A) (2) OF THIS SECTION UNLESS SUCH SMALLER UNIT HAS SUBMITTED TO THE SECRETARY WRITTEN CONSENT FOR SUCH DESIGNATION.

ALLOCATION OF FUNDS

SEC. 103. (A) (1) EIGHTY PERCENT OF THE AMOUNT AVAILABLE FOR THIS TITLE IN ANY FISCAL YEAR SHALL BE ALLOTTED IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBSECTION.

(2) SUBJECT TO THE PROVISIONS OF PARAGRAPH (4)--

(A) 50 PERCENT OF THE AMOUNT ALLOTTED UNDER THIS SUBSECTION SHALL BE ALLOTTED ON THE BASIS OF THE MANPOWER ALLOTMENT OF THE STATE IN THE FISCAL YEAR PRIOR TO THE YEAR FOR WHICH THE DETERMINATION IS MADE COMPARED TO THE MANPOWER ALLOTMENT FOR ALL STATES IN THAT YEAR;

(B) 37 1/2 PERCENT OF THE AMOUNT ALLOTTED UNDER THIS SUBSECTION SHALL BE ALLOTTED ON THE BASIS OF THE RELATIVE NUMBER OF UNEMPLOYED PERSONS WITHIN THE STATE AS COMPARED TO SUCH NUMBERS IN ALL STATES;

(C) 12 1/2 PERCENT OF THE AMOUNT ALLOTTED UNDER THIS SUBSECTION SHALL BE ALLOTTED ON THE BASIS OF THE RELATIVE NUMBER OF ADULTS IN FAMILIES WITH AN ANNUAL INCOME BELOW THE LOW-INCOME LEVEL WITHIN THE STATE COMPARED TO SUCH TOTAL NUMBERS IN ALL STATES;

(D) NOT LESS THAN \$2,000,000 SHALL BE ALLOTTED AMONG GUAM, THE VIRGIN ISLANDS, AMERICAN SAMOA, AND THE TRUST TERRITORY OF THE PACIFIC ISLANDS, IN ACCORDANCE WITH THEIR RESPECTIVE NEEDS.

(3) THE SUM ALLOTTED TO EACH STATE SHALL BE ALLOTTED BY THE SECRETARY AMONG AREAS WITHIN THE STATE ON AN EQUITABLE BASIS BASED UPON THE FACTORS SET FORTH IN PARAGRAPH (2).

(4) NO PRIME SPONSOR SHALL BE ALLOCATED AN AMOUNT WHICH IS IN EXCESS OF 150 PERCENT OF THE AMOUNT RECEIVED BY THE AREA SERVED BY THAT PRIME SPONSOR IN THE FISCAL YEAR IMMEDIATELY PRECEDING THE FISCAL YEAR FOR WHICH THE DETERMINATION WAS MADE EXCEPT THAT IF THE AMOUNT SO ALLOCATED IS LESS THAN 50 PERCENT OF THE AMOUNT TO WHICH SUCH PRIME SPONSOR IS ENTITLED UNDER PARAGRAPH (2) IN THE FISCAL YEAR FOR WHICH A DETERMINATION WAS MADE, THEN SUCH ALLOCATION SHALL BE INCREASED TO 50 PERCENT OF THE AMOUNT OF SUCH ENTITLEMENT.

(8) NOT MORE THAN 5 PERCENT OF THE AMOUNT AVAILABLE FOR THIS TITLE SHALL BE AVAILABLE TO THE SECRETARY TO ENCOURAGE, AFTER CONSULTATION WITH AND RECEIVING RECOMMENDATIONS FROM THE GOVERNOR OF THE APPROPRIATE STATE, VOLUNTARY COMBINATIONS FORMED UNDER SECTION 102 (A) (3).

(C) FIVE PERCENT OF THE FUNDS AVAILABLE UNDER TITLE I SHALL BE AVAILABLE ONLY FOR GRANTS UNDER SECTION 112 EXCEPT THAT SUCH GRANTS SHALL NOT INCREASE THE FUNDS AVAILABLE IN ANY PRIME SPONSOR'S AREA BY MORE THAN 20 PERCENT OF THE AMOUNT ALLOCATED TO SUCH PRIME SPONSOR UNDER SUBSECTION (A). //POST, P. 850.//

(D) ONE PERCENT OF THE AMOUNT ALLOCATED UNDER SUBSECTION (A) SHALL BE AVAILABLE TO THE SECRETARY TO BE ALLOCATED IN THE SAME MANNER AS PROVIDED UNDER SUBSECTION (A) TO STATE PRIME SPONSORS FOR THE COSTS INCURRED IN CARRYING OUT THE PROVISIONS OF SECTION 107 (A) (2) (B). IF ANY STATE DOES NOT NEED THE AMOUNT ALLOCATED UNDER THIS SUBSECTION FOR ANY FISCAL YEAR, THAT AMOUNT SHALL BE AVAILABLE FOR STATE SERVICES UNDER SECTION 106.

(E) FOUR PERCENT OF THE AMOUNTS AVAILABLE FOR THIS TITLE SHALL BE AVAILABLE TO EACH STATE IN THE SAME PROPORTION AS THAT STATE'S ALLOCATION UNDER SUBSECTION (A) FOR STATE SERVICES UNDER SECTION 106.

(F) THE REMAINDER OF THE FUNDS SHALL BE AVAILABLE IN THE SECRETARY'S DISCRETION. IN EXERCISING HIS DISCRETION THE SECRETARY SHALL FIRST UTILIZE SUCH FUNDS TO PROVIDE EACH PRIME SPONSOR WITH AN AMOUNT FOR ANY FISCAL YEAR EQUAL TO 90 PERCENT OF SUCH AREA'S MANPOWER ALLOTMENT IN THE PRECEDING FISCAL YEAR. THE REMAINDER SHALL BE DISTRIBUTED IN THE SECRETARY'S DISCRETION AMONG AREAS SERVED BY PRIME SPONSORS (OR WHERE A PRIME SPONSOR'S PLAN HAS NOT BEEN APPROVED, AN AREA SERVED BY THE SECRETARY UNDER HIS AUTHORITY IN SECTION 110). IN EXERCISING HIS DISCRETION THE SECRETARY SHALL TAKE INTO ACCOUNT THE NEED FOR CONTINUED FUNDING OF PROGRAMS OF DEMONSTRATED EFFECTIVENESS.

(G) GRANTS MADE TO PRIME SPONSORS DESIGNATED UNDER SECTION 102 (A) (5) SHALL BE FROM FUNDS NOT ALLOCATED UNDER SUBSECTION (A).

(H) AS SOON AS PRACTICABLE AFTER FUNDS ARE APPROPRIATED TO CARRY OUT THIS ACT FOR ANY FISCAL YEAR, THE SECRETARY SHALL PUBLISH IN THE FEDERAL REGISTER THE ALLOTMENTS MADE PURSUANT TO THIS SECTION. ALLOTMENTS UNDER THIS SECTION SHALL BE BASED ON THE LATEST SATISFACTORY DATA AND ESTIMATES AVAILABLE.

(I) THE SECRETARY IS AUTHORIZED TO MAKE SUCH REALLOCATIONS UNDER THIS TITLE AS HE DEEMS APPROPRIATE OF THE UNOBLIGATED AMOUNT OF ANY ALLOTMENT PURSUANT TO SUBSECTION (A) TO THE EXTENT THAT THE SECRETARY DETERMINES THAT IT WILL NOT BE REQUIRED FOR THE PERIOD FOR WHICH SUCH ALLOTMENT IS AVAILABLE. ALLOTED AMOUNTS MAY NOT BE REALLOCATED FOR ANY REASON BEFORE

THE EXPIRATION OF THE NINTH MONTH OF THE FISCAL YEAR FOR WHICH SUCH FUNDS WERE ALLOTTED AND THEREAFTER MAY BE REALLCATED ONLY IF THE SECRETARY HAS PROVIDED THIRTY DAYS' ADVANCE NOTICE TO THE PRIME SPONSOR FOR SUCH AREA AND TO THE GOVERNOR OF THE STATE OF THE PROPOSED REALLOCATION, DURING WHICH PERIOD OF TIME THE PRIME SPONSOR AND THE GOVERNOR MAY SUBMIT COMMENTS TO THE SECRETARY. AFTER CONSIDERING ANY COMMENTS SUBMITTED DURING SUCH PERIOD OF TIME THE SECRETARY SHALL NOTIFY THE GOVERNOR AND AFFECTED PRIME SPONSORS OF ANY DECISION TO REALLOCATE FUNDS AND SHALL PUBLISH ANY SUCH DECISION IN THE FEDERAL REGISTER. PRIORITY SHALL BE GIVEN IN REALLOCATING SUCH FUNDS TO OTHER AREAS WITHIN THE SAME STATE.

PRIME SPONSOR'S PLANNING COUNCILS

SEC. 104. EACH PRIME SPONSOR DESIGNATED UNDER THIS TITLE SHALL ESTABLISH A PLANNING COUNCIL CONSISTING, TO THE EXTENT PRACTICAL, OF MEMBERS WHO ARE REPRESENTATIVE OF THE CLIENT COMMUNITY AND OF COMMUNITY-BASED ORGANIZATIONS, THE EMPLOYMENT SERVICE, EDUCATION AND TRAINING AGENCIES AND INSTITUTIONS, BUSINESS, LABOR, AND, WHERE APPROPRIATE, AGRICULTURE. THE PRIME SPONSOR SHALL APPOINT THE MEMBERS OF THE COUNCIL, DESIGNATE THE CHAIRMAN, AND PROVIDE PROFESSIONAL, TECHNICAL, AND CLERICAL STAFF TO SERVE THE COUNCIL. IT IS THE FUNCTION OF THE COUNCIL TO SUBMIT RECOMMENDATIONS REGARDING PROGRAM PLANS AND BASIC GOALS, POLICIES, AND PROCEDURES, TO MONITOR AND PROVIDE FOR OBJECTIVE EVALUATIONS OF EMPLOYMENT AND TRAINING PROGRAMS CONDUCTED IN THE PRIME SPONSORSHIP AREA, AND TO PROVIDE FOR CONTINUING ANALYSES OF NEEDS FOR EMPLOYMENT, TRAINING, AND RELATED SERVICES IN SUCH AREA. ANY FINAL DECISION WITH RESPECT TO SUCH RECOMMENDATIONS SHALL BE MADE BY THE PRIME SPONSOR.

CONDITIONS FOR RECEIPT OF FINANCIAL ASSISTANCE

SEC. 105. (A) THE SECRETARY SHALL NOT PROVIDE FINANCIAL ASSISTANCE FOR ANY FISCAL YEAR TO A PRIME SPONSOR UNLESS SUCH SPONSOR SUBMITS A COMPREHENSIVE MANPOWER PLAN, IN SUCH DETAIL AS THE SECRETARY DEEMS NECESSARY, WHICH--

(1) SETS FORTH A COMPREHENSIVE MANPOWER PROGRAM WHICH MEETS THE OBJECTIVES OF THIS TITLE, INCLUDING (A) A DESCRIPTION OF THE SERVICES TO BE PROVIDED, AND PERFORMANCE GOALS, (B) ASSURANCE THAT SUCH SERVICES WILL BE ADMINISTERED BY OR UNDER THE SUPERVISION OF THE PRIME SPONSOR, (C) A DESCRIPTION OF THE GEOGRAPHICAL AREAS TO BE SERVED UNDER THE PLAN, AND (D) ASSURANCES THAT TO THE MAXIMUM EXTENT FEASIBLE MANPOWER SERVICES, INCLUDING THE DEVELOPMENT OF JOB OPPORTUNITIES, WILL BE PROVIDED TO THOSE MOST IN NEED OF THEM, INCLUDING LOW-INCOME PERSONS AND PERSONS OF LIMITED ENGLISH-SPEAKING ABILITY, AND THAT THE NEED FOR CONTINUED FUNDING OF PROGRAMS OF DEMONSTRATED EFFECTIVENESS IS TAKEN INTO ACCOUNT IN SERVING SUCH GROUPS AND PERSONS;

(2) PROVIDES, IN THE CASE OF PRIME SPONSORS WHO ARE RECIPIENTS OF FUNDS UNDER TITLE II FOR THE DEVELOPMENT OF A PUBLIC SERVICE EMPLOYMENT PROGRAM, THAT IT IS FULLY INTEGRATED WITH THE SERVICES UNDER THIS TITLE IN ORDER TO ASSURE THAT PERSONS EMPLOYED IN SUCH A PROGRAM ARE AFFORDED A BETTER OPPORTUNITY TO FIND REGULAR EMPLOYMENT NOT SUPPORTED UNDER THIS ACT;

(3) (A) PROVIDES APPROPRIATE ARRANGEMENTS WITH COMMUNITY-BASED ORGANIZATIONS SERVING THE POVERTY COMMUNITY, AND OTHER SPECIAL TARGET GROUPS FOR THEIR PARTICIPATION IN THE PLANNING OF PROGRAMS INCLUDED IN THE PLAN; (B) PROVIDES FOR UTILIZING THOSE SERVICES AND FACILITIES WHICH ARE AVAILABLE, WITH OR WITHOUT REIMBURSEMENT OF THE REASONABLE COST, FROM FEDERAL, STATE, AND LOCAL AGENCIES TO THE EXTENT DEEMED APPROPRIATE BY THE PRIME SPONSOR, AFTER GIVING DUE CONSIDERATION TO THE EFFECTIVENESS OF SUCH EXISTING SERVICES AND FACILITIES, INCLUDING, BUT NOT LIMITED TO, THE STATE EMPLOYMENT SERVICE, STATE VOCATIONAL EDUCATION AND VOCATIONAL REHABILITATION AGENCIES, AREA SKILLS CENTERS, LOCAL EDUCATIONAL AGENCIES, POSTSECONDARY TRAINING AND EDUCATION INSTITUTIONS, AND COMMUNITY ACTION AGENCIES, BUT NOTHING CONTAINED HEREIN SHALL BE CONSTRUED TO LIMIT THE UTILIZATION OF SERVICES AND FACILITIES OF PRIVATE AGENCIES, INSTITUTIONS AND ORGANIZATIONS (SUCH AS PRIVATE BUSINESSES, LABOR ORGANIZATIONS, PRIVATE EMPLOYMENT AGENCIES AND PRIVATE EDUCATIONAL AND VOCATIONAL INSTITUTIONS) WHICH CAN, AT COMPARABLE COST, PROVIDE SUBSTANTIALLY EQUIVALENT TRAINING OR SERVICES OR OTHERWISE AID IN REDUCING MORE QUICKLY UNEMPLOYMENT OR CURRENT AND PROSPECTIVE MANPOWER SHORTAGES; (C) PROVIDES THAT IN MAKING ARRANGEMENTS FOR INSTITUTIONAL TRAINING PRIORITY SHALL BE GIVEN (TO THE EXTENT FEASIBLE) TO THE USE OF SKILLS CENTERS ESTABLISHED UNDER THE AUTHORITY OF SECTION 231 OF THE MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962; //76 STAT. 30. 42 USC 2601.// (D) PROVIDES ARRANGEMENTS TO THE EXTENT FEASIBLE FOR THE COORDINATION OF SERVICES FOR WHICH FINANCIAL ASSISTANCE IS PROVIDED UNDER PROGRAMS ADMINISTERED BY THE SECRETARY OF LABOR RELATING TO MANPOWER AND MANPOWER-RELATED SERVICES;

(4) PROVIDES FOR PAYING THE ALLOWANCES AND COMPENSATION PROVIDED BY SECTION 111; //POST, P. 849.//

(5) PROVIDES THAT ANY TRANSITIONAL PUBLIC SERVICE EMPLOYMENT PROGRAMS MEET THE REQUIREMENTS OF SECTION 205 (C) AND SECTION 208, AND THAT PERSONS HIRED TO FILL JOBS CREATED BY SUCH PROGRAMS WILL BE RESIDENTS OF THE AREAS DESCRIBED UNDER PARAGRAPH (1) (C) OF THIS SUBSECTION;

(6) PROVIDES ASSURANCES THAT PROGRAMS OF INSTITUTIONAL TRAINING BE DESIGNED FOR OCCUPATIONS IN WHICH SKILL SHORTAGES EXIST AND ASSURANCES THAT SUCH PROGRAMS AND TRAINING ON THE JOB SHALL, WHEREVER POSSIBLE, RESULT IN EMPLOYMENT WHICH PROVIDES ECONOMIC SELF-SUFFICIENCY;

(7) CONTAINS SUCH OTHER INFORMATION, ASSURANCES, STATEMENTS, AND ARRANGEMENTS CONSISTENT WITH THE PROVISIONS OF THIS ACT AS THE SECRETARY SHALL PRESCRIBE BY REGULATION INCLUDING PROVISIONS DESIGNED TO ASSIST THE SECRETARY IN CARRYING OUT HIS SPECIAL RESPONSIBILITIES UNDER THIS SECTION AND SECTION 108.

(B) THE SECRETARY SHALL NOT PROVIDE FINANCIAL ASSISTANCE FOR ANY FISCAL YEAR TO A PRIME SPONSOR UNLESS SUCH SPONSOR CERTIFIES THAT--
(1) ITS PLAN MEETS ALL THE REQUIREMENTS OF THIS SECTION; AND

(2) IT WILL COMPLY WITH ALL PROVISIONS OF THIS ACT.
 (C) THE SECRETARY SHALL PROVIDE FINANCIAL ASSISTANCE TO EACH PRIME SPONSOR UNDER THIS TITLE TO CARRY OUT THE PLAN SUBMITTED BY EACH SUCH PRIME SPONSOR UPON DETERMINING THAT--

(1) THE PLAN IS CONSISTENT WITH THE PROVISIONS OF THIS TITLE;
 (2) THE PLAN WAS MADE PUBLIC PRIOR TO SUBMISSION TO THE SECRETARY;

(3) THE PRIME SPONSOR HAS DEMONSTRATED MAXIMUM EFFORTS TO IMPLEMENT THE PROVISIONS IN THE PRIOR YEAR'S PLAN.

SPECIAL PROVISIONS RELATING TO STATE PRIME SPONSORS

SEC. 106. (A) ANY STATE SEEKING ASSISTANCE UNDER THIS ACT SHALL SUBMIT A STATE COMPREHENSIVE MANPOWER PLAN TO THE SECRETARY FOR APPROVAL IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

(B) THE STATE COMPREHENSIVE MANPOWER PLAN SHALL IN ADDITION TO MEETING THE REQUIREMENTS OF SECTION 105--

(1) PROVIDE SATISFACTORY ARRANGEMENTS FOR SERVING ALL GEOGRAPHICAL AREAS UNDER ITS JURISDICTION EXCEPT AREAS SERVED BY AN ELIGIBLE APPLICANT WHO HAS FILED A NOTICE OF INTENT UNDER SECTION 102 (C), EXCEPT THAT SUCH PLAN MAY BE AMENDED TO INCLUDE AREAS SERVED BY AN ELIGIBLE APPLICANT WHOSE PLAN IS FINALLY DISAPPROVED WITHOUT PREJUDICE TO THE REMEDIES AVAILABLE TO SUCH ELIGIBLE APPLICANT UNDER SECTION 109;

(2) PROVIDE FOR THE COOPERATION AND PARTICIPATION OF ALL STATE AGENCIES PROVIDING MANPOWER AND MANPOWER-RELATED SERVICES IN THE IMPLEMENTATION OF COMPREHENSIVE MANPOWER SERVICES PLANS BY PRIME SPONSORS IN ACCORDANCE WITH THE PROVISIONS OF THIS ACT;

(3) SET FORTH AN OVERALL STATE PLAN FOR THE DEVELOPMENT AND SHARING OF RESOURCES AND FACILITIES NEEDED TO CONDUCT MANPOWER PROGRAMS UNDER ITS DIRECT SPONSORSHIP WITHOUT UNNECESSARY DUPLICATION AND OTHERWISE IN THE MOST EFFICIENT AND ECONOMICAL MANNER;

(4) PROVIDE FOR THE COORDINATION OF PROGRAMS FINANCED UNDER THE WAGNER-PEYSEY ACT IN ACCORDANCE WITH SUCH RULES, REGULATIONS, AND GUIDELINES AS THE SECRETARY DETERMINES NECESSARY FOR THE PURPOSE OF PROVIDING COORDINATED AND COMPREHENSIVE ASSISTANCE TO THOSE INDIVIDUALS REQUIRING MANPOWER AND MANPOWER-RELATED SERVICES TO ACHIEVE THEIR FULL OCCUPATIONAL POTENTIAL IN ACCORDANCE WITH THE POLICIES OF THIS ACT; //48 STAT. 113. 29 USC 49.//

(5) SET FORTH ARRANGEMENTS FOR ASSISTING THE SECRETARY IN CARRYING OUT HIS RESPONSIBILITIES FOR ENFORCING THE REQUIREMENT FOR FEDERAL CONTRACTORS AND SUBCONTRACTORS TO LIST ALL SUITABLE EMPLOYMENT OPENINGS WITH LOCAL OFFICES OF THE STATE EMPLOYMENT SERVICE AND PROVIDE SPECIAL EMPHASIS, AS REQUIRED IN SECTION 2012 (A) OF TITLE 38, UNITED STATES CODE; //86 STAT. 1097.//

(6) SET FORTH ARRANGEMENTS, IF ANY, WHICH THE STATE MAY DESIRE TO PROVIDE FOR PLANNING AREAS TO SERVE GEOGRAPHICAL REGIONS WITHIN THE STATE; AND

(7) MAKE ADEQUATE PROVISION FOR THE COORDINATION OF THE THE

MANPOWER AND RELATED SERVICES TO BE PROVIDED BY THE STATE IN AREAS TO BE SERVED BY PRIME SPONSORS OTHER THAN THE STATE, AND THAT PROVISION HAS BEEN MADE FOR THE ESTABLISHMENT OF MECHANISMS TO (A) PROVIDE FOR THE EXCHANGE OF INFORMATION BETWEEN STATES AND LOCAL GOVERNMENTS ON STATE, INTRASTATE, AND REGIONAL PLANNING IN AREAS SUCH AS ECONOMIC DEVELOPMENT, HUMAN RESOURCE DEVELOPMENT, EDUCATION, AND SUCH OTHER AREAS THAT MAY BE RELEVANT TO MANPOWER PLANNING; AND (B) PROMOTE THE COORDINATION OF ALL MANPOWER PLANS IN A STATE SO AS TO ELIMINATE CONFLICT, DUPLICATION, AND OVERLAPPING BETWEEN MANPOWER SERVICES.

(C) FUNDS AVAILABLE TO EACH STATE UNDER SECTION 103 (E) MAY BE USED FOR-- //ANTE, P. 842.//

(1) THE PROVISION OF SERVICES UNDER THIS ACT THROUGHOUT THE STATE BY STATE AGENCIES RESPONSIBLE FOR EMPLOYMENT AND TRAINING AND RELATED SERVICES;

(2) PROVIDING FINANCIAL ASSISTANCE FOR SPECIAL PROGRAMS AND SERVICES DESIGNED TO MEET THE NEEDS OF RURAL AREAS OUTSIDE MAJOR LABOR MARKET AREAS;

(3) DEVELOPING AND PUBLISHING INFORMATION REGARDING ECONOMIC, INDUSTRIAL, AND LABOR MARKET CONDITIONS, INCLUDING BUT NOT LIMITED TO JOB OPPORTUNITIES AND SKILL REQUIREMENTS, LABOR SUPPLY IN VARIOUS SKILLS, OCCUPATIONAL OUTLOOK AND EMPLOYMENT TRENDS IN VARIOUS OCCUPATIONS, AND ECONOMIC AND BUSINESS DEVELOPMENT AND LOCATION TRENDS;

(4) PROVIDING, WITHOUT REIMBURSEMENT AND UPON REQUEST, TO ANY PRIME SPONSOR SERVING AN AREA WITHIN THE STATE, SUCH INFORMATION AND TECHNICAL ASSISTANCE AS MAY BE APPROPRIATE TO ASSIST ANY SUCH PRIME SPONSOR IN DEVELOPING AND IMPLEMENTING ITS PROGRAMS UNDER THIS ACT; AND

(5) CARRYING OUT SPECIAL MODEL TRAINING AND EMPLOYMENT PROGRAMS AND RELATED SERVICES, INCLUDING PROGRAMS FOR OFFENDERS SIMILAR TO PROGRAMS DESCRIBED IN SECTION 301 (C) OF THIS ACT.

(D) THE STATE PRIME SPONSOR SHALL ANNUALLY CERTIFY COMPLIANCE WITH ALL THE REQUIREMENTS FOR STATE PRIME SPONSORS.

STATE MANPOWER SERVICES COUNCIL

SEC. 107. (A) (1) ANY STATE WHICH DESIRES TO BE DESIGNATED AS A PRIME SPONSOR AND TO ENTER INTO ARRANGEMENTS WITH THE SECRETARY UNDER THIS TITLE SHALL ESTABLISH A MANPOWER SERVICES COUNCIL (HEREINAFTER REFERRED TO AS THE "COUNCIL") WHICH SHALL EXERCISE THE POWERS AND DUTIES SET FORTH IN THIS SECTION.

(2) THE COUNCIL ESTABLISHED PURSUANT TO PARAGRAPH (1) SHALL--

(A) BE APPOINTED BY THE GOVERNOR (WHO SHALL DESIGNATE ONE MEMBER THEREOF TO BE CHAIRMAN), AND SHALL BE COMPOSED OF--

(1) REPRESENTATIVES OF THE UNITS OR COMBINATIONS OF UNITS OF GENERAL LOCAL GOVERNMENT IN SUCH STATE, WHO SHALL COMPRISE AT LEAST ONE-THIRD OF THE MEMBERSHIP OF THE COUNCIL, WHICH HAVE COMPREHENSIVE MANPOWER PLANS APPROVED UNDER SECTION 108 (EXCEPT THAT THE INITIAL APPOINTMENTS TO THE COUNCIL MAY CONSIST OF REPRESENTATIVES OF UNITS

OR COMBINATIONS OF UNITS OF GENERAL LOCAL GOVERNMENT DESCRIBED IN CLAUSES (2), (3), (4), AND (5) OF SECTION 102 (4) WHICH HAVE INDICATED AN INTENTION TO SUBMIT A PLAN FOR APPROVAL UNDER SECTION 106, AND SUCH REPRESENTATIVES SHALL BE DESIGNATED BY THE CHIEF EXECUTIVE OFFICERS OF THE UNITS OR COMBINATION OF UNITS OF GENERAL LOCAL GOVERNMENT WHICH QUALIFY FOR REPRESENTATION UNDER THIS SECTION IN ACCORDANCE WITH PROCEDURES AGREED UPON BY SUCH CHIEF EXECUTIVE OFFICERS;

(II) ONE REPRESENTATIVE EACH OF THE STATE BOARD OF VOCATIONAL EDUCATION AND THE PUBLIC EMPLOYMENT SERVICE OF SUCH STATE;

(III) ONE REPRESENTATIVE OF EACH SUCH OTHER STATE AGENCY AS THE GOVERNOR MAY DETERMINE TO HAVE A DIRECT INTEREST IN OVERALL MANPOWER TRAINING AND UTILIZATION WITHIN THE STATE;

(IV) REPRESENTATIVES OF ORGANIZED LABOR;

(V) REPRESENTATIVES OF BUSINESS AND INDUSTRY;

(VI) REPRESENTATIVES OF COMMUNITY-BASED ORGANIZATIONS AND OF THE CLIENT COMMUNITY TO BE SERVED UNDER THIS ACT (INCLUDING, WHERE PERSONS OF LIMITED ENGLISH-SPEAKING ABILITY REPRESENT A SUBSTANTIAL PORTION OF THE CLIENT POPULATION, APPROPRIATE REPRESENTATION OF SUCH PERSONS); AND

(VII) REPRESENTATIVES OF THE GENERAL PUBLIC.

(B) BE APPROPRIATELY STAFFED AND SERVICED BY THE STATE PRIME SPONSOR;

(C) MEET AT SUCH TIMES AND IN SUCH PLACES AS IT DEEMS NECESSARY.

(8) THE COUNCIL SHALL--

(1) REVIEW THE PLANS OF EACH PRIME SPONSOR AND THE PLANS OF STATE AGENCIES FOR THE PROVISION OF SERVICES TO SUCH PRIME SPONSORS AND AGENCIES FOR THE MORE EFFECTIVE COORDINATION OF EFFORTS TO MEET THE OVERALL MANPOWER NEEDS OF THE STATE;

(2) CONTINUOUSLY MONITOR THE OPERATION OF PROGRAMS CONDUCTED BY EACH PRIME SPONSOR, AND THE AVAILABILITY, RESPONSIVENESS, AND ADEQUACY OF STATE SERVICES, AND MAKE RECOMMENDATIONS TO THE PRIME SPONSORS, TO AGENCIES PROVIDING MANPOWER SERVICES, AND TO THE GOVERNOR AND THE GENERAL PUBLIC WITH RESPECT TO WAYS TO IMPROVE THE EFFECTIVENESS OF SUCH PROGRAMS OR SERVICES IN FULFILLING THE PURPOSES OF THIS ACT;

(3) MAKE AN ANNUAL REPORT TO THE GOVERNOR WHICH SHALL BE A PUBLIC DOCUMENT, AND ISSUE SUCH OTHER STUDIES, REPORTS, OR DOCUMENTS AS IT DEEMS ADVISABLE TO ASSIST PRIME SPONSORS OR TO OTHERWISE HELP CARRY OUT THE PURPOSES OF THIS ACT.

REVIEW OF PLANS

SEC. 106. (A) THE SECRETARY SHALL NOT APPROVE A COMPREHENSIVE MANPOWER PLAN OR ANY AMENDMENT THERETO UNTIL HE DETERMINES THAT IT MEETS THE REQUIREMENTS OF SECTION 105, AND IN THE CASE OF A STATE PLAN SECTION 106, AND THAT THE PLAN WAS SUBMITTED TO, AND AN OPPORTUNITY TO COMMENT THEREON PROVIDED, THE GOVERNOR OF THE STATE AND APPROPRIATE OFFICIALS IN UNITS OF GENERAL LOCAL GOVERNMENT OF THE AREA TO BE SERVED.

(B) (1) THE SECRETARY SHALL NOT FINALLY DISAPPROVE ANY COMPREHENSIVE

MANPOWER PLAN SUBMITTED UNDER THIS TITLE, OR ANY MODIFICATIONS THEREOF, WITHOUT FIRST AFFORDING THE PRIME SPONSOR SUBMITTING THE PLAN REASONABLE NOTICE AND OPPORTUNITY FOR A HEARING.

(2) IF THE SECRETARY RECEIVES A FORMAL ALLEGATION FROM AN AFFECTED UNIT OF GENERAL LOCAL GOVERNMENT THAT A PRIME SPONSOR HAS CHANGED ITS COMPREHENSIVE MANPOWER PLAN SO THAT IT NO LONGER COMPLIES WITH SECTION 105 OR THAT IN THE ADMINISTRATION OF THE PLAN THERE IS A FAILURE TO COMPLY SUBSTANTIALLY WITH ANY SUCH PROVISION, WITH ANY PROVISION OF THE PLAN, OR WITH ANY REQUIREMENT OF SECTION 603 OR 604, HE SHALL, AND, IF HE RECEIVES SUCH AN ALLEGATION FROM ANY OTHER INTERESTED PERSON, HE MAY, OR, IF SUCH ALLEGATION IS SUPPORTED BY SUBSTANTIAL EVIDENCE, HE SHALL, AFTER DUE NOTICE AND OPPORTUNITY FOR A HEARING TO THE PRIME SPONSOR, DETERMINE WHETHER THE ALLEGATION IS TRUE. IF HE DETERMINES SUCH AN ALLEGATION TO BE TRUE, THE SECRETARY SHALL NOTIFY THE PRIME SPONSOR THAT NO FURTHER PAYMENTS WILL BE MADE TO THE PRIME SPONSOR UNDER THE PLAN (OR, IN HIS DISCRETION, THAT FURTHER PAYMENTS WILL BE LIMITED TO PROGRAMS UNDER OR PORTIONS OF THE PLAN NOT AFFECTED BY SUCH FAILURE), UNTIL HE IS SATISFIED THAT THERE WILL NO LONGER BE ANY FAILURE TO COMPLY. UNTIL HE IS SO SATISFIED, THE SECRETARY SHALL MAKE NO FURTHER PAYMENTS TO SUCH SPONSOR UNDER THE PLAN (OR SHALL LIMIT PAYMENTS TO PROGRAMS UNDER THE PLAN NOT AFFECTED BY THE FAILURE).

(C) THE SECRETARY SHALL NOT DISAPPROVE ANY PLAN SOLELY BECAUSE OF THE PERCENTAGE OF FUNDS DEVOTED TO A PARTICULAR PROGRAM OR ACTIVITY AUTHORIZED UNDER SECTION 101 OF THIS ACT.

(D) WHENEVER THE SECRETARY DETERMINES, AFTER NOTICE AND OPPORTUNITY FOR PUBLIC HEARING, THAT ANY PRIME SPONSOR DESIGNATED TO SERVE UNDER THIS ACT IS--

(1) MAINTAINING A PATTERN OR PRACTICE OF DISCRIMINATION IN VIOLATION OF SECTION 603 (1) OR SECTION 612 (A) OF THIS ACT OR OTHERWISE FAILING TO SERVE EQUITABLY THE ECONOMICALLY DISADVANTAGED, UNEMPLOYED, OR UNDEREMPLOYED PERSONS IN THE AREA IT SERVES;

(2) INCURRING UNREASONABLE ADMINISTRATIVE COSTS IN THE CONDUCT OF ACTIVITIES AND PROGRAMS, AS DETERMINED PURSUANT TO REGULATION;

(3) FAILING TO GIVE DUE CONSIDERATION TO CONTINUED FUNDING OF PROGRAMS OF DEMONSTRATED EFFECTIVENESS INCLUDING THOSE PREVIOUSLY CONDUCTED UNDER PROVISIONS OF LAW REPEALED BY SECTION 614 OF THIS ACT; OR

(4) OTHERWISE MATERIALLY FAILING TO CARRY OUT THE PURPOSES AND PROVISIONS OF THIS ACT;

THE SECRETARY SHALL REVOKE THE PRIME SPONSOR'S PLAN FOR THE AREA, IN WHOLE OR IN PART, AND TO THE EXTENT NECESSARY AND APPROPRIATE SHALL NOT MAKE ANY FURTHER PAYMENTS TO SUCH PRIME SPONSOR UNDER THIS ACT, AND HE SHALL NOTIFY SUCH SPONSOR TO RETURN TO HIM ALL OR PART OF THE UNEXPENDED SUMS PAID UNDER THIS ACT DURING THAT FISCAL YEAR.

JUDICIAL REVIEW

SEC. 109. (A) IF ANY PRIME SPONSOR IS DISSATISFIED WITH THE SECRETARY'S FINAL ACTION WITH RESPECT TO THE APPROVAL OF ITS COMPREHENSIVE MANPOWER PLAN SUBMITTED UNDER SECTION 105 OR SECTION 106 OR WITH HIS FINAL

ACTION UNDER SECTION 108, SUCH PRIME SPONSOR MAY, WITHIN SIXTY DAYS AFTER NOTICE OF SUCH ACTION, FILE WITH THE UNITED STATES COURT OF APPEALS FOR THE CIRCUIT IN WHICH THE PRIME SPONSOR IS LOCATED A PETITION FOR REVIEW OF THAT ACTION. A COPY OF THE PETITION SHALL BE FORTHWITH TRANSMITTED BY THE CLERK OF THE COURT TO THE SECRETARY. THEREUPON THE SECRETARY SHALL FILE IN THE COURT THE RECORD OF THE PROCEEDINGS ON WHICH HE BASED HIS ACTION, AS PROVIDED IN SECTION 2112 OF TITLE 28, UNITED STATES CODE. //72 STAT. 941; 80 STAT. 1323.//

(B) THE FINDINGS OF FACT BY THE SECRETARY, IF SUPPORTED BY SUBSTANTIAL EVIDENCE, SHALL BE CONCLUSIVE; BUT THE COURT, FOR GOOD CAUSE SHOWN, MAY REMAND THE CASE TO THE SECRETARY TO TAKE FURTHER EVIDENCE, AND THE SECRETARY MAY THEREUPON MAKE NEW OR MODIFIED FINDINGS OF FACT AND MAY MODIFY HIS PREVIOUS ACTION, AND SHALL CERTIFY TO THE COURT THE RECORD OF THE FURTHER PROCEEDINGS. SUCH NEW OR MODIFIED FINDINGS OF FACT SHALL LIKEWISE BE CONCLUSIVE IF SUPPORTED BY SUBSTANTIAL EVIDENCE.

(C) THE COURT SHALL HAVE JURISDICTION TO AFFIRM THE ACTION OF THE SECRETARY OR TO SET IT ASIDE, IN WHOLE OR IN PART. THE JUDGMENT OF THE COURT SHALL BE SUBJECT TO REVIEW BY THE SUPREME COURT OF THE UNITED STATES UPON CERTIORARI OR CERTIFICATION AS PROVIDED IN SECTION 1254 OF TITLE 28, UNITED STATES CODE. //62 STAT. 928.//

AUTHORITY OF SECRETARY TO PROVIDE SERVICES

SEC. 110. (A) IN ANY AREA OF A STATE WHICH HAS NOT QUALIFIED AS A PRIME SPONSOR AND FOR WHICH NO OTHER PRIME SPONSOR HAS QUALIFIED UNDER PARAGRAPH (2), (3), (4), OR (5) OF SECTION 102 (A) OR WHERE THE SECRETARY HAS TAKEN AN ACTION UNDER SUBSECTION (B) (2) OR (C) OF SECTION 108 WHICH RESULTS IN SUCH SERVICES NOT BEING PROVIDED IN SUCH AREA, THE SECRETARY IS AUTHORIZED AND DIRECTED OUT OF FUNDS ALLOTTED TO SUCH STATE OR LOCAL AREA UNDER SECTION 103 (A) TO PROVIDE FOR CONTINUING PROGRAMS BY MAKING PAYMENTS DIRECTLY TO PUBLIC AND PRIVATE NONPROFIT AGENCIES AND ORGANIZATIONS CONDUCTING ACTIVITIES WHICH HE DETERMINES ARE NOT IN VIOLATION OF THE REQUIREMENTS OF THIS SECTION. TO THE EXTENT NECESSARY TO ASSURE THE DELIVERY OF SERVICES IN THE AREAS SERVED BY ANY PRIME SPONSOR SUBJECT TO THE PROVISIONS OF THIS SECTION, THE SECRETARY IS AUTHORIZED (IF NO OTHER ELIGIBLE PRIME SPONSOR IS DESIGNATED UNDER SECTION 102 OF THIS ACT TO SERVE SUCH AREA) TO MAKE GRANTS TO AND ENTER INTO CONTRACTS WITH PUBLIC AND PRIVATE NONPROFIT AGENCIES AND ORGANIZATIONS IN THE SAME MANNER AND TO THE SAME EXTENT AS IF THE SECRETARY WERE THE PRIME SPONSOR FOR THAT AREA.

(B) THE SECRETARY SHALL, PRIOR TO MAKING ANY PAYMENTS UNDER THIS ACT FOR ANY FISCAL YEAR, ENTER INTO AN AGREEMENT WITH ANY PRIME SPONSOR RECEIVING PAYMENTS UNDER THIS ACT WHICH CONTAINS PROVISIONS ADEQUATE TO ASSURE THAT THE PROVISIONS OF THIS SECTION ARE CARRIED OUT EFFECTIVELY. ALLOWANCES

SEC. 111. (A) BASIC WEEKLY ALLOWANCES FOR INDIVIDUALS RECEIVING TRAINING OR EDUCATION UNDER THIS TITLE FOR WHICH NO WAGES ARE PAYABLE SHALL BE AT A RATE PRESCRIBED BY THE SECRETARY WHICH WHEN ADDED TO AMOUNTS RECEIVED BY THE TRAINEE IN THE FORM OF UNEMPLOYMENT COMPENSATION PAYMENTS SHALL EQUAL THE MINIMUM WAGE FOR A WORK WEEK OF FORTY HOURS UNDER SECTION

6 (A) (1) OF THE FAIR LABOR STANDARDS ACT OF 1938 OR, IF HIGHER, UNDER THE APPLICABLE STATE OR LOCAL MINIMUM WAGE LAW, AND SUCH BASIC ALLOWANCES SHALL, IN THE CASE OF AN INDIVIDUAL WITH DEPENDENTS, BE INCREASED BY \$5 A WEEK FOR EACH DEPENDENT OVER TWO UP TO A MAXIMUM OF FOUR ADDITIONAL DEPENDENTS. //80 STAT. 838, 29 USC 206.// THE PRIME SPONSOR MAY WAIVE THE PAYMENT OF ALL OR PART OF THE ALLOWANCES WHEN IT DETERMINES, UNDER REGULATIONS PRESCRIBED BY THE SECRETARY, THAT SUCH WAIVER WILL PROMOTE THE PURPOSES OF THIS ACT. TRAINEES RECEIVING PUBLIC ASSISTANCE OR WHOSE NEEDS OR INCOME ARE TAKEN INTO ACCOUNT IN DETERMINING SUCH PUBLIC ASSISTANCE PAYMENTS TO OTHERS, SHALL RECEIVE AN INCENTIVE ALLOWANCE OF \$30 PER WEEK. SUCH ALLOWANCE SHALL BE DISREGARDED IN DETERMINING THE AMOUNT OF PUBLIC ASSISTANCE PAYMENTS UNDER FEDERAL OR FEDERALLY ASSISTED PUBLIC ASSISTANCE PROGRAMS. IN PRESCRIBING ALLOWANCES, THE PRIME SPONSOR SHALL, IN ACCORDANCE WITH REGULATIONS PRESCRIBED BY THE SECRETARY, ALLOW ADDITIONAL SUMS FOR SPECIAL CIRCUMSTANCES SUCH AS EXCEPTIONAL EXPENSES INCURRED BY TRAINEES, INCLUDING BUT NOT LIMITED TO MEAL AND TRAVEL ALLOWANCES, OR HE MAY REDUCE SUCH ALLOWANCES BY AN AMOUNT REFLECTING THE FAIR VALUE OF MEALS, LODGING, OR OTHER NECESSARIES FURNISHED TO THE TRAINEE. THE PRIME SPONSOR SHALL TAKE SUCH ACTION AS MAY BE NECESSARY TO INSURE THAT SUCH PERSONS RECEIVE NO ALLOWANCES WITH RESPECT TO PERIODS DURING WHICH THEY ARE FAILING TO PARTICIPATE IN SUCH PROGRAMS, TRAINING, OR INSTRUCTION AS PRESCRIBED HEREIN WITHOUT GOOD CAUSE. NOTWITHSTANDING THE PRECEDING PROVISIONS OF THIS SUBSECTION, THE PRIME SPONSOR SHALL, IN ACCORDANCE WITH SUCH REGULATIONS AS THE SECRETARY SHALL PRESCRIBE, MAKE SUCH ADJUSTMENTS AS HE DEEMS APPROPRIATE IN ALLOWANCES WHICH WOULD OTHERWISE BE PAYABLE UNDER THIS TITLE, INCLUDING BUT NOT LIMITED TO ADJUSTMENTS WHICH TAKE INTO ACCOUNT THE AMOUNT OF TIME PER WEEK SPENT BY THE INDIVIDUAL PARTICIPATING IN SUCH PROGRAMS AND ADJUSTMENTS TO REFLECT THE SPECIAL ECONOMIC CIRCUMSTANCES WHICH EXIST IN THE AREA IN WHICH THE PROGRAM IS TO BE CARRIED ON. ALLOWANCES SHALL NOT BE PAID FOR ANY COURSE OF TRAINING HAVING A DURATION IN EXCESS OF ONE HUNDRED AND FOUR WEEKS.

(B) INDIVIDUALS RECEIVING TRAINING ON THE JOB SHALL BE COMPENSATED BY THE EMPLOYER AT SUCH RATES, INCLUDING PERIODIC INCREASES, AS MAY BE DEEMED REASONABLE UNDER REGULATIONS PRESCRIBED BY THE SECRETARY, CONSIDERING SUCH FACTORS AS INDUSTRY, GEOGRAPHICAL REGION, AND TRAINEE PROFICIENCY, BUT IN NO EVENT AT A RATE LESS THAN THAT SPECIFIED IN SECTION 6 (A) (1) OF THE FAIR LABOR STANDARDS ACT OF 1938 OR, IF HIGHER, UNDER THE APPLICABLE STATE OR LOCAL MINIMUM WAGE LAW.

SUPPLEMENTAL VOCATIONAL EDUCATION ASSISTANCE

SEC. 112. (A) FROM THE FUNDS AVAILABLE TO HIM FOR THIS SECTION, THE SECRETARY SHALL MAKE GRANTS TO GOVERNORS TO PROVIDE FINANCIAL ASSISTANCE, THROUGH STATE VOCATIONAL EDUCATION BOARDS, TO PROVIDE NEEDED VOCATIONAL EDUCATION SERVICES IN AREAS SERVED BY PRIME SPONSORS.

(B) ALL OF THE SUMS AVAILABLE TO CARRY OUT THIS SECTION SHALL BE ALLOTTED AMONG THE STATES IN THE MANNER PROVIDED FOR ALLOTING FUNDS UNDER SECTION 103 (A). //ANTE, P. 842.//

(C) FUNDS AVAILABLE UNDER THIS SECTION SHALL BE USED ONLY FOR PROVIDING VOCATIONAL EDUCATION AND SERVICES TO PARTICIPANTS IN PROGRAMS UNDER THIS

TITLE IN ACCORDANCE WITH AN AGREEMENT BETWEEN THE STATE VOCATIONAL EDUCATION BOARD AND THE PRIME SPONSOR.

TITLE II -- PUBLIC EMPLOYMENT PROGRAMS
STATEMENT OF PURPOSE

SEC. 201. IT IS THE PURPOSE OF THIS TITLE TO PROVIDE UNEMPLOYED AND UNDEREMPLOYED PERSONS WITH TRANSITIONAL EMPLOYMENT IN JOBS PROVIDING NEEDED PUBLIC SERVICES IN AREAS OF SUBSTANTIAL UNEMPLOYMENT AND, WHEREVER FEASIBLE, RELATED TRAINING AND MANPOWER SERVICES TO ENABLE SUCH PERSONS TO MOVE INTO EMPLOYMENT OR TRAINING NOT SUPPORTED UNDER THIS TITLE.

ALLOCATION OF FUNDS

SEC. 202. (A) EIGHTY PER CENTUM OF FUNDS AVAILABLE FOR ANY FISCAL YEAR UNDER THIS TITLE SHALL BE ALLOCATED AMONG ELIGIBLE APPLICANTS IN ACCORDANCE WITH THE NUMBER OF UNEMPLOYED RESIDING IN AREAS OF SUBSTANTIAL UNEMPLOYMENT WITHIN THE JURISDICTION OF THE APPLICANT COMPARED TO THE NUMBER OF UNEMPLOYED RESIDING IN ALL SUCH AREAS.

(B) THE REMAINDER MAY BE DISTRIBUTED BY THE SECRETARY IN HIS DISCRETION TAKING INTO ACCOUNT THE SEVERITY OF UNEMPLOYMENT WITHIN SUCH AREAS.

FINANCIAL ASSISTANCE

SEC. 203. (A) THE SECRETARY SHALL ENTER INTO ARRANGEMENTS WITH ELIGIBLE APPLICANTS IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE IN ORDER TO MAKE FINANCIAL ASSISTANCE AVAILABLE IN AREAS OF SUBSTANTIAL UNEMPLOYMENT FOR THE PURPOSE OF PROVIDING TRANSITIONAL EMPLOYMENT FOR UNEMPLOYED AND UNDEREMPLOYED PERSONS IN JOBS PROVIDING NEEDED PUBLIC SERVICES, AND TRAINING AND MANPOWER SERVICES RELATED TO SUCH EMPLOYMENT WHICH ARE OTHERWISE UNAVAILABLE, AND ENABLING SUCH PERSONS TO MOVE INTO EMPLOYMENT OR TRAINING NOT SUPPORTED UNDER THIS TITLE.

(B) NOT LESS THAN 90 PER CENTUM OF THE FUNDS APPROPRIATED PURSUANT TO THIS TITLE WHICH ARE USED BY AN ELIGIBLE APPLICANT FOR PUBLIC SERVICE EMPLOYMENT PROGRAMS SHALL BE EXPENDED ONLY FOR WAGES AND EMPLOYMENT BENEFITS TO PERSONS EMPLOYED IN PUBLIC SERVICE JOBS PURSUANT TO THIS TITLE.

ELIGIBLE APPLICANTS

SEC. 204. (A) FINANCIAL ASSISTANCE UNDER THIS TITLE MAY BE PROVIDED BY THE SECRETARY ONLY PURSUANT TO APPLICATIONS SUBMITTED BY ELIGIBLE APPLICANTS WHICH ARE--

- (1) PRIME SPONSORS QUALIFIED UNDER TITLE I; OR
- (2) INDIAN TRIBES ON FEDERAL OR STATE RESERVATIONS AND WHICH INCLUDE AREAS OF SUBSTANTIAL UNEMPLOYMENT.

(B) FOR FISCAL YEAR 1974, ELIGIBLE APPLICANTS INCLUDE ANY ENTITY ELIGIBLE TO BE A PRIME SPONSOR UNDER SECTION 102 (A).

(C) FOR THE PURPOSES OF THIS TITLE "AREAS OF SUBSTANTIAL UNEMPLOYMENT" MEANS ANY AREA OF SUFFICIENT SIZE AND SCOPE TO SUSTAIN A PUBLIC SERVICE EMPLOYMENT PROGRAM AND WHICH HAS A RATE OF UNEMPLOYMENT EQUAL TO OR IN EXCESS OF 6.5 PERCENTUM FOR THREE CONSECUTIVE MONTHS AS DETERMINED BY THE SECRETARY. DETERMINATIONS CONCERNING THE RATE OF UNEMPLOYMENT SHALL BE MADE BY THE SECRETARY AT LEAST ONCE EACH FISCAL YEAR.

(D) (1) WHENEVER AN AREA OF SUBSTANTIAL UNEMPLOYMENT WITHIN THE JURISDICTION OF AN ELIGIBLE APPLICANT IS ALSO WITHIN THE JURISDICTION OF A

UNIT OF GENERAL LOCAL GOVERNMENT OR A COMBINATION OF SUCH UNITS HAVING A POPULATION OF 50,000 OR MORE (BUT LESS THAN THAT NECESSARY TO QUALIFY AS A PRIME SPONSOR UNDER TITLE I), THE ELIGIBLE APPLICANT SHALL DELEGATE TO SUCH UNIT OR UNITS OF GENERAL LOCAL GOVERNMENT THE FUNCTIONS OF PROGRAM AGENT WITH RESPECT TO THE FUNDS ALLOCATED TO SUCH ELIGIBLE APPLICANT ON ACCOUNT OF SUCH AREA OF SUBSTANTIAL UNEMPLOYMENT.

(2) FOR PURPOSES OF THIS SUBSECTION THE FUNCTIONS OF PROGRAM AGENT INCLUDE THE ADMINISTRATIVE RESPONSIBILITY FOR DEVELOPING, FUNDING, OVERSEEING, AND MONITORING PROGRAMS WITHIN THE AREA BUT SUCH FUNCTIONS SHALL BE CARRIED ON CONSISTENTLY WITH THE APPLICATION FOR FINANCIAL ASSISTANCE WHICH SHALL BE DEVELOPED BY THE ELIGIBLE APPLICANT IN COOPERATION WITH THE PROGRAM AGENT.

(3) WHENEVER TWO OR MORE UNITS OF GENERAL LOCAL GOVERNMENT QUALIFY AS PROGRAM AGENTS WITH RESPECT TO THE SAME AREA OF SUBSTANTIAL UNEMPLOYMENT THE PROVISIONS OF SECTION 102 (B) (2) SHALL BE APPLICABLE. //ANTE, P. 841.//

(E) WHENEVER THE SECRETARY MAKES ANY DETERMINATION REQUIRED BY THIS SECTION, HE SHALL PROMPTLY NOTIFY THE CONGRESS AND SHALL PUBLISH SUCH DETERMINATION IN THE FEDERAL REGISTER.

APPLICATIONS

SEC. 205. (A) FINANCIAL ASSISTANCE UNDER THIS TITLE MAY BE PROVIDED BY THE SECRETARY FOR ANY FISCAL YEAR ONLY PURSUANT TO AN APPLICATION WHICH IS SUBMITTED BY AN ELIGIBLE APPLICANT AND WHICH IS APPROVED BY THE SECRETARY IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE. ANY SUCH APPLICATION SHALL SET FORTH A PUBLIC SERVICE EMPLOYMENT PROGRAM DESIGNED TO PROVIDE EMPLOYMENT, IN JOBS PROVIDING NEEDED PUBLIC SERVICES, FOR PERSONS RESIDING IN AREAS OF SUBSTANTIAL UNEMPLOYMENT WHO HAVE BEEN UNEMPLOYED FOR AT LEAST THIRTY DAYS AND, WHERE APPROPRIATE, TRAINING AND MANPOWER SERVICES RELATED TO SUCH EMPLOYMENT WHICH ARE OTHERWISE UNAVAILABLE, AND TO ENABLE SUCH PERSONS TO MOVE INTO EMPLOYMENT OR TRAINING NOT SUPPORTED UNDER THIS TITLE.

(B) PROGRAMS ASSISTED UNDER THIS TITLE SHALL, TO THE EXTENT FEASIBLE BE DESIGNED WITH A VIEW TOWARD --

(1) DEVELOPING NEW CAREERS, OR

(2) PROVIDING OPPORTUNITIES FOR CAREER ADVANCEMENT, OR

(3) PROVIDING OPPORTUNITIES FOR CONTINUED TRAINING, INCLUDING ON-THE-JOB TRAINING, OR

(4) PROVIDING TRANSITIONAL PUBLIC SERVICE EMPLOYMENT WHICH WILL ENABLE THE INDIVIDUALS SO EMPLOYED TO MOVE INTO PUBLIC OR PRIVATE EMPLOYMENT OR TRAINING NOT SUPPORTED UNDER THIS ACT.

(C) AN APPLICATION FOR FINANCIAL ASSISTANCE FOR A PUBLIC SERVICE EMPLOYMENT PROGRAM UNDER THIS TITLE SHALL INCLUDE PROVISIONS SETTING FORTH--

(1) ASSURANCES THAT THE ACTIVITIES AND SERVICES FOR WHICH ASSISTANCE IS SOUGHT UNDER THIS TITLE WILL BE ADMINISTERED BY OR UNDER THE SUPERVISION OF THE APPLICANT, IDENTIFYING ANY AGENCY OR INSTITUTION DESIGNATED TO CARRY OUT SUCH ACTIVITIES OR SERVICES UNDER SUCH SUPERVISION;

(2) A DESCRIPTION OF THE AREA TO BE SERVED BY SUCH PROGRAMS, AND A PLAN FOR EFFECTIVELY SERVING ON AN EQUITABLE BASIS THE SIGNIFICANT SEGMENTS OF THE POPULATION TO BE SERVED, INCLUDING DATA INDICATING THE NUMBER OF POTENTIAL ELIGIBLE PARTICIPANTS AND THEIR INCOME AND EMPLOYMENT STATUS;

(3) ASSURANCES THAT ONLY PERSONS RESIDING WITHIN THE AREAS OF SUBSTANTIAL UNEMPLOYMENT QUALIFYING FOR ASSISTANCE WILL BE HIRED TO FILL JOBS CREATED UNDER THIS TITLE, AND THAT THE PUBLIC SERVICES PROVIDED BY SUCH JOBS SHALL, TO THE EXTENT FEASIBLE, BE DESIGNED TO BENEFIT THE RESIDENTS OF SUCH AREAS;

(4) ASSURANCES THAT SPECIAL CONSIDERATION WILL BE GIVEN TO THE FILLING OF JOBS WHICH PROVIDE SUFFICIENT PROSPECTS FOR ADVANCEMENT OR SUITABLE CONTINUED EMPLOYMENT BY PROVIDING COMPLEMENTARY TRAINING AND MANPOWER SERVICES DESIGNED TO (A) PROMOTE THE ADVANCEMENT OF PARTICIPANTS TO EMPLOYMENT OR TRAINING OPPORTUNITIES SUITABLE TO THE INDIVIDUALS INVOLVED, WHETHER IN THE PUBLIC OR PRIVATE SECTOR OF THE ECONOMY, (B) PROVIDE PARTICIPANTS WITH SKILLS FOR WHICH THERE IS AN ANTICIPATED HIGH DEMAND, OR (C) PROVIDE PARTICIPANTS WITH SELF-DEVELOPMENT SKILLS, BUT NOTHING CONTAINED IN THIS PARAGRAPH SHALL BE CONSTRUED TO PRECLUDE PERSONS OR PROGRAMS FOR WHOM THE FOREGOING GOALS ARE NOT FEASIBLE OR APPROPRIATE;

(5) ASSURANCES (A) THAT SPECIAL CONSIDERATION IN FILLING TRANSITIONAL PUBLIC SERVICE JOBS WILL BE GIVEN TO UNEMPLOYED PERSONS WHO SERVED IN THE ARMED FORCES IN INDOCHINA OR KOREA ON OR AFTER AUGUST 5, 1964, IN ACCORDANCE WITH CRITERIA ESTABLISHED BY THE SECRETARY (AND WHO HAVE RECEIVED OTHER THAN DISHONORABLE DISCHARGES), AND A DESCRIPTION OF THE SPECIFIC STEPS TO BE UNDERTAKEN DURING SUCH FISCAL YEAR TO PROVIDE SUCH SPECIAL CONSIDERATION, AND OF THE TYPES OF JOBS TO BE MADE AVAILABLE TO SUCH VETERANS, WITH SPECIAL EMPHASIS ON THE DEVELOPMENT OF JOBS WHICH WILL UTILIZE, TO THE MAXIMUM EXTENT FEASIBLE, THE SKILLS WHICH SUCH VETERANS ACQUIRED IN CONNECTION WITH THEIR MILITARY TRAINING AND SERVICE, AND (B) THAT THE APPLICANT SHALL (I) MAKE SPECIAL EFFORTS TO ACQUAINT SUCH VETERANS WITH THE PROGRAM AND THE PUBLIC SERVICE JOBS AVAILABLE TO VETERANS UNDER THIS ACT, AND (II) COORDINATE EFFORTS IN BEHALF OF SUCH VETERANS WITH THOSE ACTIVITIES AUTHORIZED BY CHAPTER 41 OF TITLE 38, UNITED STATES CODE (RELATING TO JOB COUNSELING AND EMPLOYMENT SERVICES FOR VETERANS), OR CARRIED OUT BY OTHER PUBLIC OR PRIVATE ORGANIZATIONS OR AGENCIES; //86 STAT. 1094. 38 USC 2001.//

(6) ASSURANCES THAT, TO THE EXTENT FEASIBLE, PUBLIC SERVICE JOBS SHALL BE PROVIDED IN OCCUPATIONAL FIELDS WHICH ARE MOST LIKELY TO EXPAND WITHIN THE PUBLIC OR PRIVATE SECTOR AS THE UNEMPLOYMENT RATE RECEDES;

(7) ASSURANCES THAT SPECIAL CONSIDERATION IN FILLING TRANSITIONAL PUBLIC SERVICE JOBS WILL BE GIVEN TO UNEMPLOYED PERSONS WHO ARE THE MOST SEVERELY DISADVANTAGED IN TERMS OF THE LENGTH OF TIME THEY HAVE BEEN UNEMPLOYED AND THEIR PROSPECTS FOR FINDING EMPLOYMENT WITHOUT

ASSISTANCE UNDER THIS TITLE, BUT SUCH SPECIAL CONSIDERATION SHALL NOT AUTHORIZE THE HIRING OF ANY PERSON WHEN ANY OTHER PERSON IS ON LAY-OFF FROM THE SAME OR ANY SUBSTANTIALLY EQUIVALENT JOB;

(8) ASSURANCES THAT NO FUNDS RECEIVED UNDER THIS TITLE WILL BE USED TO HIRE ANY PERSON TO FILL A JOB OPENING CREATED BY THE ACTION OF AN EMPLOYER IN LAYING OFF OR TERMINATING THE EMPLOYMENT OF ANY REGULAR EMPLOYEE NOT SUPPORTED UNDER THIS TITLE IN ANTICIPATION OF FILLING THE VACANCY SO CREATED BY HIRING AN EMPLOYEE TO BE SUPPORTED UNDER THIS TITLE;

(9) ASSURANCES THAT DUE CONSIDERATION BE GIVEN TO PERSONS WHO HAVE PARTICIPATED IN MANPOWER TRAINING PROGRAMS FOR WHOM EMPLOYMENT OPPORTUNITIES WOULD NOT BE OTHERWISE IMMEDIATELY AVAILABLE;

(10) A DESCRIPTION OF THE METHODS TO BE USED TO RECRUIT, SELECT, AND ORIENT PARTICIPANTS, INCLUDING SPECIFIC ELIGIBILITY CRITERIA, AND PROGRAMS TO PREPARE THE PARTICIPANTS FOR THEIR JOB RESPONSIBILITIES;

(11) A DESCRIPTION OF UNMET PUBLIC SERVICE NEEDS AND A STATEMENT OF PRIORITIES AMONG SUCH NEEDS;

(12) A DESCRIPTION OF JOBS TO BE FILLED, A LISTING OF THE MAJOR KINDS OF WORK TO BE PERFORMED AND SKILLS TO BE ACQUIRED AND THE APPROXIMATE DURATION FOR WHICH PARTICIPANTS WOULD BE ASSIGNED TO SUCH JOBS;

(13) THE WAGES OR SALARIES TO BE PAID PERSONS EMPLOYED IN PUBLIC SERVICE JOBS UNDER THIS TITLE AND A COMPARISON WITH THE WAGES PAID FOR SIMILAR PUBLIC OCCUPATIONS BY THE SAME EMPLOYER;

(14) WHERE APPROPRIATE, THE EDUCATION, TRAINING, AND SUPPORTIVE SERVICES (INCLUDING COUNSELING AND HEALTH CARE SERVICES) WHICH COMPLEMENT THE WORK PERFORMED;

(15) THE PLANNING FOR AND TRAINING OF SUPERVISORY PERSONNEL IN WORKING WITH PARTICIPANTS;

(16) A DESCRIPTION OF CAREER OPPORTUNITIES AND JOB ADVANCEMENT POTENTIALITIES FOR PARTICIPANTS;

(17) ASSURANCES THAT PROCEDURES ESTABLISHED PURSUANT TO SECTION 207 (A) WILL BE COMPLIED WITH;

(18) ASSURANCES THAT AGENCIES AND INSTITUTIONS TO WHOM FINANCIAL ASSISTANCE IS MADE AVAILABLE UNDER THIS TITLE HAVE UNDERTAKEN, OR WILL UNDERTAKE, ANALYSES OF JOB DESCRIPTIONS AND REVALUATIONS AND, WHERE SHOWN NECESSARY, REVISIONS OF QUALIFICATION REQUIREMENTS AT ALL LEVELS OF EMPLOYMENT, INCLUDING CIVIL SERVICE REQUIREMENTS AND PRACTICES RELATING THERETO, IN ACCORDANCE WITH REGULATIONS PRESCRIBED BY THE SECRETARY, WITH A VIEW TOWARD REMOVING ARTIFICIAL BARRIERS TO PUBLIC EMPLOYMENT OF THOSE WHOM IT IS THE PURPOSE OF THIS TITLE TO ASSIST;

(19) ASSURANCES THAT THE APPLICANT WILL, WHERE T APPROPRIATE, MAINTAIN OR PROVIDE LINKAGES WITH UPGRADING AND OTHER MANPOWER PROGRAMS FOR THE PURPOSE OF (A) PROVIDING THOSE PERSONS EMPLOYED IN PUBLIC SERVICE JOBS UNDER THIS TITLE WHO WANT TO PURSUE WORK WITH THE EMPLOYER, IN THE SAME OR SIMILAR WORK, WITH OPPORTUNITIES TO DO

SO AND TO FIND PERMANENT, UPWARDLY MOBILE CAREERS IN THAT FIELD, AND (B) PROVIDING THOSE PERSONS TO EMPLOYED WHO DO NOT WISH TO PURSUE PERMANENT CAREERS IN SUCH FIELD, WITH OPPORTUNITIES TO SEEK, PREPARE FOR, AND OBTAIN WORK IN OTHER FIELDS;

(20) ASSURANCES THAT ALL PERSONS EMPLOYED UNDER ANY SUCH PROGRAM, OTHER THAN NECESSARY TECHNICAL, SUPERVISORY, AND ADMINISTRATIVE PERSONNEL, WILL BE SELECTED FROM AMONG UNEMPLOYED AND UNDEREMPLOYED PERSONS;

(21) ASSURANCES THAT THE PROGRAM WILL, TO THE MAXIMUM EXTENT FEASIBLE, CONTRIBUTE TO THE ELIMINATION OF ARTIFICIAL BARRIERS TO EMPLOYMENT AND OCCUPATIONAL ADVANCEMENT, INCLUDING CIVIL SERVICE REQUIREMENTS WHICH RESTRICT EMPLOYMENT OPPORTUNITIES FOR THE DISADVANTAGED;

(22) ASSURANCES THAT NOT MORE THAN ONE-THIRD OF THE PARTICIPANTS IN THE PROGRAM WILL BE EMPLOYED IN A BONA FIDE PROFESSIONAL CAPACITY (AS SUCH TERM IS USED IN SECTION 13 (A) (1) OF THE FAIR LABOR STANDARDS ACT OF 1938), 1775 STAT. 71; 80 STAT. 837. 29 USC 213.// EXCEPT THAT THIS PARAGRAPH SHALL NOT BE APPLICABLE IN THE CASE OF PARTICIPANTS EMPLOYED AS CLASSROOM TEACHERS, AND THE SECRETARY MAY WAIVE THIS LIMITATION IN EXCEPTIONAL CIRCUMSTANCES;

(23) A DESCRIPTION OF THE MANPOWER NEEDS OF LOCAL GOVERNMENTS AND OF LOCAL EDUCATIONAL AGENCIES WITHIN THE AREA TO BE SERVED TOGETHER WITH THE COMMENTS OF SUCH GOVERNMENTS AND AGENCIES WHERE APPROPRIATE, AND ASSURANCES THAT JOBS WILL BE ALLOCATED EQUITABLY TO SUCH GOVERNMENTS AND AGENCIES TAKING INTO ACCOUNT THE NUMBER OF UNEMPLOYED WITHIN THEIR JURISDICTIONS AND THE NEEDS OF THE AGENCIES;

(24) ASSURANCES THAT THE JOBS IN EACH JOB CATEGORY IN NO WAY INFRINGE UPON THE PROMOTIONAL OPPORTUNITIES WHICH WOULD OTHERWISE BE AVAILABLE TO PERSONS CURRENTLY EMPLOYED IN PUBLIC SERVICE JOBS NOT SUBSIDIZED UNDER THIS TITLE, AND ASSURANCES THAT NO JOB WILL BE FILLED IN OTHER THAN AN ENTRY LEVEL POSITION IN EACH JOB CATEGORY UNTIL APPLICABLE PERSONNEL PROCEDURES AND COLLECTIVE BARGAINING AGREEMENTS HAVE BEEN COMPLIED WITH;

(25) ASSURANCES THAT JOBS FUNDED UNDER THIS TITLE ARE IN ADDITION TO THOSE THAT WOULD BE FUNDED BY THE SPONSOR IN THE ABSENCE OF ASSISTANCE UNDER THIS ACT; AND

(26) SUCH OTHER ASSURANCES, ARRANGEMENTS, AND CONDITIONS CONSISTENT WITH THE PROVISIONS OF THIS TITLE, AS THE SECRETARY DEEMS NECESSARY, IN ACCORDANCE WITH SUCH REGULATIONS AS HE SHALL PRESCRIBE.

APPROVAL OF APPLICATIONS

SEC. 206. AN APPLICATION, OR MODIFICATION OR AMENDMENT THEREOF, FOR FINANCIAL ASSISTANCE UNDER THIS TITLE MAY BE APPROVED ONLY IF THE SECRETARY DETERMINES THAT--

(1) THE APPLICATION MEETS THE REQUIREMENTS SET FORTH IN THIS TITLE;

(2) AN OPPORTUNITY HAS BEEN PROVIDED TO OFFICIALS OF THE APPROPRIATE UNITS OF GENERAL LOCAL GOVERNMENT TO SUBMIT COMMENTS

WITH RESPECT TO THE APPLICATION TO THE APPLICANT AND TO THE SECRETARY;

(3) AN OPPORTUNITY HAS BEEN PROVIDED TO THE GOVERNOR OF THE STATE TO SUBMIT COMMENTS WITH RESPECT TO THE APPLICATION TO THE APPLICANT AND TO THE SECRETARY; AND

(4) WHERE A LABOR ORGANIZATION REPRESENTS EMPLOYEES WHO ARE ENGAGED IN SIMILAR WORK IN THE SAME AREA TO THAT PROPOSED IN THE APPLICATION, AN OPPORTUNITY HAS BEEN PROVIDED SUCH ORGANIZATION TO SUBMIT COMMENTS WITH RESPECT TO THE APPLICATION TO THE APPLICANT AND TO THE SECRETARY.

SPECIAL RESPONSIBILITIES OF THE SECRETARY

SEC. 207. (A) THE SECRETARY SHALL ESTABLISH PROCEDURES FOR PERIODIC REVIEWS BY AN APPROPRIATE AGENCY OF THE STATUS OF EACH PERSON EMPLOYED IN A PUBLIC SERVICE JOB UNDER THIS TITLE TO ASSURE THAT IN THE EVENT THAT ANY PERSON EMPLOYED IN A PUBLIC SERVICE JOB UNDER THIS TITLE AND THE REVIEWING AGENCY FIND THAT SUCH JOB WILL NOT PROVIDE SUFFICIENT PROSPECTS FOR ADVANCEMENT OR SUITABLE CONTINUED EMPLOYMENT, MAXIMUM EFFORTS SHALL BE MADE TO LOCATE EMPLOYMENT OR TRAINING OPPORTUNITIES PROVIDING SUCH PROSPECTS, AND SUCH PERSON SHALL BE OFFERED APPROPRIATE ASSISTANCE IN SECURING PLACEMENT IN THE OPPORTUNITY WHICH HE CHOOSES AFTER APPROPRIATE COUNSELING.

(B) THE SECRETARY SHALL REVIEW THE IMPLEMENTATION OF THE PROCEDURES ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION SIX MONTHS AFTER FUNDS ARE FIRST OBLIGATED UNDER THIS TITLE AND AT SIX-MONTH INTERVALS THEREAFTER.

(C) WHERE THE SECRETARY DETERMINES THAT AN INDIAN TRIBE ON A FEDERAL OR STATE RESERVATION IS UNABLE TO SUBMIT AN APPLICATION TO CARRY OUT A PUBLIC SERVICE EMPLOYMENT PROGRAM WHICH MEETS THE REQUIREMENTS OF SECTION 205, THE SECRETARY SHALL ASSIST SUCH TRIBE IN PREPARING, SUBMITTING, AND IMPLEMENTING A PUBLIC SERVICE EMPLOYMENT PROGRAM. THE PROVISIONS OF SECTION 208 SHALL APPLY TO PROGRAMS CARRIED OUT UNDER THIS SUBSECTION.

SPECIAL CONDITIONS

SEC. 208. (A) THE SECRETARY SHALL NOT PROVIDE FINANCIAL ASSISTANCE FOR ANY PROGRAM OR ACTIVITY UNDER THIS TITLE UNLESS HE DETERMINES, IN ACCORDANCE WITH SUCH REGULATIONS AS HE SHALL PRESCRIBE, THAT--

(1) THE PROGRAM (A) WILL RESULT IN AN INCREASE IN EMPLOYMENT OPPORTUNITIES OVER THOSE OPPORTUNITIES WHICH WOULD OTHERWISE BE AVAILABLE, (B) WILL NOT RESULT IN THE DISPLACEMENT OF CURRENTLY EMPLOYED WORKERS (INCLUDING PARTIAL DISPLACEMENT SUCH AS A REDUCTION IN THE HOURS OF NON-OVERTIME WORK OR WAGES OR EMPLOYMENT BENEFITS), (C) WILL NOT IMPAIR EXISTING CONTRACTS FOR SERVICES OR RESULT IN THE SUBSTITUTION OF FEDERAL FOR OTHER FUNDS IN CONNECTION WITH WORK THAT WOULD OTHERWISE BE PERFORMED, AND (D) WILL NOT SUBSTITUTE PUBLIC SERVICE JOBS FOR EXISTING FEDERALLY ASSISTED JOBS;

(2) PERSONS EMPLOYED IN PUBLIC SERVICE JOBS UNDER THIS ACT SHALL BE PAID WAGES WHICH SHALL NOT BE LOWER THAN WHICHEVER IS THE HIGHEST OF (A) THE MINIMUM WAGE WHICH WOULD BE APPLICABLE TO THE EMPLOYEE UNDER THE FAIR LABOR STANDARDS ACT OF 1938, IF SECTION 6 (A) (1) OF

SUCH TITLE APPLIED TO THE PARTICIPANT AND IF HE WERE NOT EXEMPT UNDER SECTION 13 THEREOF, //52 STAT. 1060; 63 STAT. 910. 29 USC 201 NOTE. 29 USC 206. 29 USC 213.// (B) THE STATE OR LOCAL MINIMUM WAGE FOR THE MOST NEARLY COMPARABLE COVERED EMPLOYMENT, OR (C) THE PREVAILING RATES OF PAY FOR PERSONS EMPLOYED IN SIMILAR PUBLIC OCCUPATIONS BY THE SAME EMPLOYER;

(3) FUNDS UNDER THIS TITLE WILL NOT BE USED TO PAY PERSONS EMPLOYED IN PUBLIC SERVICE JOBS UNDER THIS TITLE AT A RATE IN EXCESS OF \$10,000 PER YEAR;

(4) ALL PERSONS EMPLOYED IN PUBLIC SERVICE JOBS UNDER THIS TITLE WILL BE ASSURED OF WORKMEN'S COMPENSATION, HEALTH INSURANCE, UNEMPLOYMENT INSURANCE, AND OTHER BENEFITS AT THE SAME LEVELS AND TO THE SAME EXTENT AS OTHER EMPLOYEES OF THE EMPLOYER AND TO WORKING CONDITIONS AND PROMOTIONAL OPPORTUNITIES NEITHER MORE NOR LESS FAVORABLE THAN SUCH OTHER EMPLOYEES ENJOY;

(5) THE PROVISIONS OF SECTION 2 (A) (3) OF PUBLIC LAW 89 - 286 (RELATING TO HEALTH AND SAFETY CONDITIONS) SHALL APPLY TO SUCH PROGRAM OR ACTIVITY; //79 STAT. 1034. 41 USC 351.//

(6) THE PROGRAM WILL, TO THE MAXIMUM EXTENT FEASIBLE, CONTRIBUTE TO THE OCCUPATIONAL DEVELOPMENT OR UPWARD MOBILITY OF INDIVIDUAL PARTICIPANTS;

(7) NO FUNDS UNDER THIS TITLE WILL BE USED FOR THE ACQUISITION OF, OR FOR THE RENTAL OR LEASING OF SUPPLIES, EQUIPMENT, MATERIALS, OR REAL PROPERTY; AND

(8) EVERY PARTICIPANT SHALL BE ADVISED, PRIOR TO ENTERING UPON EMPLOYMENT, OF HIS RIGHTS AND BENEFITS IN CONNECTION WITH SUCH EMPLOYMENT.

(B) CONSISTENT WITH THE PROVISIONS OF THIS TITLE, THE SECRETARY SHALL MAKE FINANCIAL ASSISTANCE UNDER THIS TITLE AVAILABLE IN SUCH A MANNER THAT, TO THE EXTENT PRACTICABLE, PUBLIC SERVICE EMPLOYMENT OPPORTUNITIES WILL BE AVAILABLE ON AN EQUITABLE BASIS IN ACCORDANCE WITH THE PURPOSES OF THIS TITLE AMONG SIGNIFICANT SEGMENTS OF THE POPULATION OF UNEMPLOYED PERSONS, GIVING CONSIDERATION TO THE RELATIVE NUMBERS OF UNEMPLOYED PERSONS IN EACH SUCH SEGMENT.

(C) WHERE A LABOR ORGANIZATION REPRESENTS EMPLOYEES WHO ARE ENGAGED IN SIMILAR WORK IN THE SAME AREA TO THAT PROPOSED TO BE PERFORMED UNDER ANY PROGRAM FOR WHICH AN APPLICATION IS BEING DEVELOPED FOR SUBMISSION UNDER THIS TITLE, SUCH ORGANIZATION SHALL BE NOTIFIED AND AFFORDED A REASONABLE PERIOD OF TIME PRIOR TO THE SUBMISSION OF THE APPLICATION IN WHICH TO MAKE COMMENTS TO THE APPLICANT AND TO THE SECRETARY.

(D) THE SECRETARY SHALL PRESCRIBE REGULATIONS TO ASSURE THAT PROGRAMS UNDER THIS TITLE HAVE ADEQUATE INTERNAL ADMINISTRATIVE CONTROLS, ACCOUNTING REQUIREMENTS, PERSONNEL STANDARDS, EVALUATION PROCEDURES, AND OTHER POLICIES AS MAY BE NECESSARY TO PROMOTE THE EFFECTIVE USE OF FUNDS.

(E) THE SECRETARY SHALL NOT PROVIDE FINANCIAL ASSISTANCE FOR ANY PROGRAM UNDER THIS TITLE UNLESS HE DETERMINES, IN ACCORDANCE WITH REGULATIONS WHICH HE SHALL PRESCRIBE, THAT PERIODIC REPORTS WILL BE SUBMITTED TO HIM CONTAINING DATA DESIGNED TO ENABLE THE SECRETARY AND THE

CONGRESS TO MEASURE THE RELATIVE AND, WHERE PROGRAMS CAN BE COMPARED APPROPRIATELY, COMPARATIVE EFFECTIVENESS OF THE PROGRAMS AUTHORIZED UNDER THIS TITLE AND OTHER FEDERALLY SUPPORTED MANPOWER PROGRAMS. SUCH DATA SHALL INCLUDE INFORMATION ON--

(1) CHARACTERISTICS OF PARTICIPANTS INCLUDING AGE, SEX, RACE, HEALTH, EDUCATION LEVEL, AND PREVIOUS WAGE AND EMPLOYMENT EXPERIENCE;

(2) DURATION IN EMPLOYMENT SITUATIONS, INCLUDING INFORMATION ON THE DURATION OF EMPLOYMENT OF PROGRAM PARTICIPANTS FOR AT LEAST A YEAR FOLLOWING THE TERMINATION OF PARTICIPATION IN FEDERALLY ASSISTED PROGRAMS AND COMPARABLE INFORMATION ON OTHER EMPLOYEES OR TRAINEES OF PARTICIPATING EMPLOYERS; AND

(3) TOTAL DOLLAR COST PER PARTICIPANT, INCLUDING BREAKDOWN BETWEEN WAGES, TRAINING, AND SUPPORTIVE SERVICES, ALL FRINGE BENEFITS, AND ADMINISTRATIVE COSTS.

THE SECRETARY SHALL COMPILE SUCH INFORMATION ON A STATE, REGIONAL AND NATIONAL BASIS, AND SHALL INCLUDE SUCH INFORMATION IN THE REPORT REQUIRED BY SECTION 209 OF THIS TITLE.

(F) THE SECRETARY SHALL NOT PROVIDE FINANCIAL ASSISTANCE FOR ANY PROGRAM UNDER THIS TITLE UNLESS THE GRANT, CONTRACT, OR AGREEMENT WITH RESPECT THERETO SPECIFICALLY PROVIDES THAT NO PERSON WITH RESPONSIBILITIES IN THE OPERATION OF SUCH PROGRAM WILL DISCRIMINATE WITH RESPECT TO ANY PROGRAM PARTICIPANT OR ANY APPLICANT FOR PARTICIPATION IN SUCH PROGRAM BECAUSE OF RACE, CREED, COLOR, NATIONAL ORIGIN, SEX, POLITICAL AFFILIATION, OR BELIEFS.

(G) THE SECRETARY SHALL NOT PROVIDE FINANCIAL ASSISTANCE FOR ANY PROGRAM UNDER THIS TITLE WHICH INVOLVES POLITICAL ACTIVITIES; AND NEITHER THE PROGRAM, THE FUNDS PROVIDED THEREFOR, NOR PERSONNEL EMPLOYED IN THE ADMINISTRATION THEREOF, SHALL BE, IN ANY WAY OR TO ANY EXTENT, ENGAGED IN THE CONDUCT OF POLITICAL ACTIVITIES IN CONTRAVENTION OF CHAPTER 15 OF TITLE 5, UNITED STATES CODE. //80 STAT. 403. 5 USC 1501.//

(H) THE SECRETARY SHALL NOT PROVIDE FINANCIAL ASSISTANCE FOR ANY PROGRAM UNDER THIS TITLE UNLESS HE DETERMINES THAT PARTICIPANTS IN THE PROGRAM WILL NOT BE EMPLOYED ON THE CONSTRUCTION, OPERATION, OR MAINTENANCE OF SO MUCH OF ANY FACILITY AS IS USED OR TO BE USED FOR SECTARIAN INSTRUCTION OR AS A PLACE FOR RELIGIOUS WORSHIP.

SPECIAL REPORT

SEC. 209. THE SECRETARY SHALL TRANSMIT TO THE CONGRESS AT LEAST ANNUALLY A DETAILED REPORT SETTING FORTH THE ACTIVITIES CONDUCTED UNDER THIS TITLE, INCLUDING INFORMATION DERIVED FROM EVALUATIONS REQUIRED BY THIS TITLE AND INFORMATION ON THE EXTENT TO WHICH (1) PARTICIPANTS IN SUCH ACTIVITIES SUBSEQUENTLY SECURE AND RETAIN PUBLIC OR PRIVATE EMPLOYMENT OR PARTICIPATE IN TRAINING OR EMPLOYABILITY DEVELOPMENT PROGRAMS, (2) SEGMENTS OF THE POPULATION OF UNEMPLOYED PERSONS ARE PROVIDED PUBLIC SERVICE OPPORTUNITIES IN ACCORDANCE WITH THE PURPOSES OF THIS TITLE.

UTILIZATION OF FUNDS

SEC. 210. FUNDS AVAILABLE UNDER THIS TITLE TO AN ELIGIBLE APPLICANT MAY, AT ITS OPTION, BE UTILIZED FOR RESIDENTS OF THE AREAS OF SUBSTANTIAL

UNEMPLOYMENT DESIGNATED UNDER THIS TITLE FOR PROGRAMS AUTHORIZED UNDER TITLE I AND PART A OF TITLE III OF THIS ACT.

SPECIAL PROVISION

SEC. 211. THE DETERMINATIONS TO BE MADE UNDER SECTION 204 (C) SHALL TAKE INTO ACCOUNT THE RATE OF UNEMPLOYMENT FOR A PERIOD OF THREE CONSECUTIVE MONTHS EVEN THOUGH ALL OR PART OF SUCH PERIOD MAY HAVE OCCURRED PRIOR TO THE ENACTMENT OF THIS ACT. //ANTE, P. 851.//

TITLE III--SPECIAL FEDERAL RESPONSIBILITIES

PART A--SPECIAL TARGET GROUPS

SPECIAL MANPOWER TARGET GROUPS

SEC. 301. (A) THE SECRETARY SHALL USE FUNDS AVAILABLE UNDER THIS TITLE TO PROVIDE ADDITIONAL MANPOWER SERVICES AS AUTHORIZED UNDER TITLES I AND II TO SEGMENTS OF THE POPULATION THAT ARE IN PARTICULAR NEED OF SUCH SERVICES, INCLUDING YOUTH, OFFENDERS, PERSONS OF LIMITED ENGLISH-SPEAKING ABILITY, OLDER WORKERS, AND OTHER PERSONS WHICH THE SECRETARY DETERMINES HAVE PARTICULAR DISADVANTAGES IN THE LABOR MARKET. THE SECRETARY SHALL TAKE INTO ACCOUNT THE NEED FOR CONTINUED FUNDING OF PROGRAMS OF DEMONSTRATED EFFECTIVENESS.

(B) WITH RESPECT TO PROGRAMS FOR PERSONS OF LIMITED ENGLISH-SPEAKING ABILITY UNDER THIS ACT, THE SECRETARY SHALL ESTABLISH APPROPRIATE PROCEDURES TO ENSURE THAT PARTICIPANTS ARE PROVIDED WITH MANPOWER TRAINING AND RELATED ASSISTANCE AND SUPPORTIVE SERVICES (WHERE FEASIBLE, AT TIMES DESIGNED TO MEET THE NEEDS OF INDIVIDUALS UNABLE TO ATTEND DURING NORMAL WORKING HOURS) DESIGNED TO INCREASE THE EMPLOYMENT AND TRAINING OPPORTUNITIES FOR UNEMPLOYED AND UNDEREMPLOYED PERSONS OF LIMITED ENGLISH-SPEAKING ABILITY, INCLUDING (A) THE TEACHING OF OCCUPATIONAL SKILLS IN THE PRIMARY LANGUAGE OF SUCH PERSONS FOR OCCUPATIONS WHICH DO NOT REQUIRE A HIGH PROFICIENCY IN ENGLISH, AND (B) DEVELOPING NEW EMPLOYMENT OPPORTUNITIES FOR LIMITED ENGLISH-SPEAKING PERSONS AND OPPORTUNITIES FOR PROMOTION WITHIN EXISTING EMPLOYMENT SITUATIONS FOR SUCH PERSONS, INCLUDING PROGRAMS FOR THE DISSEMINATION OF APPROPRIATE INFORMATION, AND JOB PLACEMENT, AND COUNSELING ASSISTANCE, AND THE CONDUCT OF TRAINING AND EMPLOYMENT PROGRAMS, IN THE PRIMARY LANGUAGE OF SUCH PERSONS, AS WELL AS PROGRAMS DESIGNED TO INCREASE THE ENGLISH-SPEAKING ABILITY OF SUCH PERSONS.

(C) WITH RESPECT TO PROGRAMS FOR OFFENDERS REFERRED TO IN SUBSECTION (A), THE SECRETARY SHALL ESTABLISH APPROPRIATE PROCEDURES TO INSURE THAT PARTICIPANTS ARE PROVIDED WITH SUCH MANPOWER TRAINING AND RELATED ASSISTANCE AND SUPPORT SERVICES (INCLUDING BASIC EDUCATION, DRUG ADDICTION OR DEPENDENCY REHABILITATION, HEALTH CARE AND OTHER SERVICES) WHICH WILL ENABLE THEM TO SECURE AND OBTAIN MEANINGFUL EMPLOYMENT. TO ENSURE THE OBJECTIVES OF THIS SUBSECTION, THE SECRETARY MAY, WHEREVER FEASIBLE, PROVIDE FOR APPROPRIATE ARRANGEMENTS WITH EMPLOYERS AND LABOR ORGANIZATIONS, APPROPRIATE PAROLE, PROBATIONARY AND JUDICIAL AUTHORITIES, AND FOR THE UTILIZATION OF TRAINING EQUIPMENT COMPARABLE TO THAT CURRENTLY USED FOR THE JOB IN WHICH TRAINING IS FURNISHED. TO SUPPORT SUCH PROGRAMS, THE SECRETARY SHALL DEVELOP INFORMATION CONCERNING THE SPECIAL NEEDS OF OFFENDERS FOR SUCH SERVICES, INCLUDING SPECIAL STUDIES REGARDING

THE INCIDENCE OF UNEMPLOYMENT AMONG OFFENDERS AND THE MEANS OF INCREASING EMPLOYMENT OPPORTUNITY FOR OFFENDERS.

(D) THE SECRETARY SHALL CARRY OUT FULLY AND EFFECTIVELY HIS RESPONSIBILITIES FOR THE ASSIGNMENT OF ASSISTANT VETERANS EMPLOYMENT REPRESENTATIVES UNDER SECTION 2003 OF TITLE 38, UNITED STATES CODE, //86 STAT. 1094. 38 USC 2001.// AND HIS OTHER RESPONSIBILITIES UNDER CHAPTER 41 OF SUCH TITLE AND FOR THE LISTING OF ALL SUITABLE EMPLOYMENT OPENINGS WITH LOCAL OFFICES OF THE STAFF EMPLOYMENT SERVICE BY FEDERAL CONTRACTORS AND SUBCONTRACTORS AND PROVIDING FOR THE SPECIAL EMPHASIS AS REQUIRED BY SECTION 2012 (A) OF SUCH TITLE. //86 STAT. 1097.//

INDIAN MANPOWER PROGRAMS

SEC. 302. (A) THE CONGRESS FINDS THAT (1) SERIOUS UNEMPLOYMENT AND ECONOMIC DISADVANTAGE EXIST AMONG MEMBERS OF THE INDIAN AND ALASKAN NATIVE COMMUNITIES; (2) THERE IS A COMPELLING NEED FOR THE ESTABLISHMENT OF COMPREHENSIVE MANPOWER TRAINING AND EMPLOYMENT PROGRAMS FOR MEMBERS OF THOSE COMMUNITIES; (3) SUCH PROGRAMS ARE ESSENTIAL TO THE REDUCTION OF ECONOMIC DISADVANTAGE AMONG INDIVIDUAL MEMBERS OF THOSE COMMUNITIES AND TO THE ADVANCEMENT OF ECONOMIC AND SOCIAL DEVELOPMENT IN THESE COMMUNITIES CONSISTENT WITH THEIR GOALS AND LIFE STYLES.

(B) THE CONGRESS THEREFORE DECLARES THAT, BECAUSE OF THE SPECIAL RELATIONSHIP BETWEEN THE FEDERAL GOVERNMENT AND MOST OF THOSE TO BE SERVED BY THE PROVISIONS OF THIS SECTION, (1) SUCH PROGRAMS CAN BEST BE ADMINISTERED AT THE NATIONAL LEVEL; (2) SUCH PROGRAMS SHALL BE AVAILABLE TO FEDERALLY RECOGNIZED INDIAN TRIBES, BANDS, AND INDIVIDUALS AND TO OTHER GROUPS AND INDIVIDUALS OF NATIVE AMERICAN DESCENT SUCH AS, BUT NOT LIMITED TO, THE LUMMIS IN WASHINGTON, THE MENOMINEES IN WISCONSIN, THE KLAMATHS IN OREGON, THE OKLAHOMA INDIANS, THE PASSAMAQUODDYS AND PENOBSCOTS IN MAINE, AND ESKIMOS AND ALEUTS IN ALASKA; (3) SUCH PROGRAMS SHALL BE ADMINISTERED IN SUCH A MANNER AS TO MAXIMIZE THE FEDERAL COMMITMENT TO SUPPORT GROWTH AND DEVELOPMENT AS DETERMINED BY REPRESENTATIVES OF THE COMMUNITIES AND GROUPS SERVED BY THIS PART.

(C) (1) IN CARRYING OUT HIS RESPONSIBILITIES UNDER THIS SECTION, THE SECRETARY SHALL, WHEREVER POSSIBLE, UTILIZE INDIAN TRIBES, BANDS OR GROUPS (INCLUDING ALASKA NATIVE VILLAGES OR GROUPS AS DEFINED IN THE ALASKA NATIVE CLAIMS SETTLEMENT ACT OF DECEMBER 18, 1971 (85 STAT. 688)) //43 USC 1601 NOTE.// HAVING A GOVERNING BODY, FOR THE PROVISION OF MANPOWER SERVICES UNDER THIS TITLE. WHEN THE SECRETARY DETERMINES THAT SUCH TRIBE, BAND, OR GROUP HAS DEMONSTRATED THE CAPABILITY TO EFFECTIVELY ADMINISTER A COMPREHENSIVE MANPOWER PROGRAM, HE SHALL REQUIRE SUCH TRIBE, BAND, OR GROUP TO SUBMIT TO HIM A COMPREHENSIVE PLAN MEETING THE REQUIREMENTS OF SECTION 105. //ANTE, P. 843.//

(2) IN CARRYING OUT HIS RESPONSIBILITIES UNDER THIS SECTION THE SECRETARY SHALL MAKE ARRANGEMENTS WITH PRIME SPONSORS AND ORGANIZATIONS (MEETING REQUIREMENTS PRESCRIBED BY THE SECRETARY) SERVING NON-RESERVATION INDIANS FOR PROGRAMS AND PROJECTS DESIGNED TO MEET THE NEEDS OF SUCH INDIANS FOR EMPLOYMENT AND TRAINING AND RELATED SERVICES.

(D) WHENEVER THE SECRETARY DETERMINES NOT TO UTILIZE INDIAN TRIBES, BANDS, OR GROUPS FOR THE PROVISIONS OF MANPOWER SERVICES UNDER THIS

SECTION, HE SHALL, TO THE MAXIMUM EXTENT FEASIBLE, ENTER INTO ARRANGEMENTS FOR THE PROVISION OF SUCH SERVICES WITH PUBLIC OR PRIVATE NONPROFIT AGENCIES WHICH MEET WITH THE APPROVAL OF THE TRIBES, BANDS, OR GROUPS TO BE SERVED.

(E) THE SECRETARY IS DIRECTED TO TAKE APPROPRIATE ACTION TO ESTABLISH ADMINISTRATIVE PROCEDURES AND MACHINERY (INCLUDING PERSONNEL HAVING PARTICULAR COMPETENCE IN THIS FIELD) FOR THE ADMINISTRATION OF INDIAN MANPOWER PROGRAMS AUTHORIZED UNDER THIS ACT.

(F) FUNDS AVAILABLE FOR THIS SECTION SHALL BE EXPENDED FOR PROGRAMS AND ACTIVITIES CONSISTENT WITH THE PURPOSES OF THIS PART, INCLUDING BUT NOT LIMITED TO SUCH PROGRAMS AND ACTIVITIES CARRIED OUT BY ELIGIBLE APPLICANTS UNDER OTHER PROVISIONS OF THIS ACT.

(G) FOR THE PURPOSE OF CARRYING OUT THIS SECTION, THE SECRETARY SHALL RESERVE FROM FUNDS AVAILABLE FOR THIS TITLE AN AMOUNT EQUAL TO NOT LESS THAN 4 PERCENT OF THE AMOUNT ALLOCATED PURSUANT TO SECTION 103 (A) (1).

//ANTE, P. 842.//

(H) NO PROVISION OF THIS SECTION SHALL ABROGATE IN ANY WAY THE TRUST RESPONSIBILITIES OF THE FEDERAL GOVERNMENT OF INDIAN BANDS OR TRIBES.

MIGRANT AND SEASONAL FARMWORKER MANPOWER PROGRAMS

SEC. 303. (A) THE CONGRESS FINDS AND DECLARES THAT--

(1) CHRONIC SEASONAL UNEMPLOYMENT AND UNDEREMPLOYMENT IN THE AGRICULTURAL INDUSTRY, SUBSTANTIALLY AFFECTED BY RECENT ADVANCES IN TECHNOLOGY AND MECHANIZATION, CONSTITUTE A SUBSTANTIAL PORTION OF THE NATION'S RURAL MANPOWER PROBLEM AND SUBSTANTIALLY AFFECTS THE ENTIRE NATIONAL ECONOMY;

(2) BECAUSE OF THE SPECIAL NATURE OF CERTAIN FARMWORKER MANPOWER PROBLEMS SUCH PROGRAMS CAN BEST BE ADMINISTERED AT THE NATIONAL LEVEL.

(B) (1) FUNDS AVAILABLE FOR THIS SECTION SHALL BE EXPENDED FOR PROGRAMS AND ACTIVITIES CONSISTENT WITH THE PURPOSES OF THIS SECTION, INCLUDING BUT NOT LIMITED TO PROGRAMS AND ACTIVITIES CARRIED OUT BY ELIGIBLE APPLICANTS UNDER OTHER PROVISIONS OF THIS ACT.

(2) FOR THE PURPOSE OF CARRYING OUT THIS SECTION, THE SECRETARY SHALL RESERVE FROM FUNDS AVAILABLE FOR THIS TITLE AN AMOUNT EQUAL TO NOT LESS THAN 5 PERCENT OF THE AMOUNT ALLOCATED PURSUANT TO SECTION 103 (A) (1).

YOUTH PROGRAMS AND OTHER SPECIAL PROGRAMS

SEC. 304. (A) THE SECRETARY MAY PROVIDE FINANCIAL ASSISTANCE IN URBAN AND RURAL AREAS, INCLUDING AREAS HAVING LARGE CONCENTRATIONS OR PROPORTIONS OF LOW-INCOME, UNEMPLOYED PERSONS, AND RURAL AREAS HAVING SUBSTANTIAL OUTMIGRATION TO URBAN AREAS, FOR COMPREHENSIVE WORK AND TRAINING PROGRAMS, AND NECESSARY SUPPORTIVE AND FOLLOW-UP SERVICES, INCLUDING THE FOLLOWING:

(1) PROGRAMS TO PROVIDE PART-TIME EMPLOYMENT, ON-THE-JOB TRAINING, AND USEFUL WORK EXPERIENCE FOR STUDENTS FROM LOW-INCOME FAMILIES WHO ARE IN THE NINTH THROUGH TWELFTH GRADES OF SCHOOL (OR ARE OF AN AGE EQUIVALENT TO THAT OF STUDENTS IN SUCH GRADES) AND WHO ARE IN NEEC OF THE EARNINGS TO PERMIT THEM TO RESUME OR MAINTAIN ATTENDANCE IN SCHOOL;

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(2) PROGRAMS TO PROVIDE UNEMPLOYED, UNDEREMPLOYED, OR LOW-INCOME PERSONS (AGED SIXTEEN AND OVER) WITH USEFUL WORK AND TRAINING (WHICH MUST INCLUDE SUFFICIENT BASIC EDUCATION AND INSTITUTIONAL OR ON-THE-JOB TRAINING) DESIGNED TO ASSIST THOSE PERSONS TO DEVELOP THEIR MAXIMUM OCCUPATIONAL POTENTIAL AND TO OBTAIN REGULAR COMPETITIVE EMPLOYMENT;

(3) JOBS, INCLUDING THOSE IN RECREATION AND RELATED PROGRAMS, FOR ECONOMICALLY DISADVANTAGED YOUTHS DURING THE SUMMER MONTHS;

(4) SPECIAL PROGRAMS WHICH INVOLVE WORK ACTIVITIES DIRECTED TO THE NEEDS OF THOSE CHRONICALLY UNEMPLOYED POOR WHO HAVE POOR EMPLOYMENT PROSPECTS AND ARE UNABLE, BECAUSE OF AGE, LACK OF EMPLOYMENT OPPORTUNITY, OR OTHERWISE, TO SECURE APPROPRIATE EMPLOYMENT OR TRAINING ASSISTANCE UNDER OTHER PROGRAMS, AND WHICH, IN ADDITION TO OTHER SERVICES PROVIDED, WILL ENABLE SUCH PERSONS TO PARTICIPATE IN PROJECTS FOR THE BETTERMENT, PHYSICAL IMPROVEMENT, OR BEAUTIFICATION OF THE COMMUNITY OR AREAS SERVED BY THE PROGRAM;

(5) SPECIAL PROGRAMS WHICH PROVIDE UNEMPLOYED OR LOW-INCOME PERSONS WITH JOBS LEADING TO CAREER OPPORTUNITIES, INCLUDING NEW TYPES OF CAREERS, IN PROGRAMS DESIGNED TO IMPROVE THE PHYSICAL, SOCIAL, ECONOMIC, OR CULTURAL CONDITION OF THE COMMUNITY OR AREA SERVED;

(6) SPECIAL SERVICES, WHEN REQUIRED, FOR MIDDLE-AGED AND OLDER MEN AND WOMEN, INCLUDING RECRUITMENT, PLACEMENT, AND COUNSELLING FOR SUCH PERSONS WHO ARE UNEMPLOYED AS A RESULT OF THE CLOSING OF A PLANT OR FACTORY OR A PERMANENT LARGE-SCALE REDUCTION IN THE WORK FORCE OF A LOCALITY, AND PROVIDE GRANTS TO OR CONTRACTS WITH PRIME SPONSORS TO ASSIST SUCH SPONSORS IN SECURING PART-TIME OR TEMPORARY EMPLOYMENT FOR MIDDLE-AGED AND OLDER PERSONS; AND

(7) OTHER MANPOWER PROGRAMS CONDUCTED BY COMMUNITY-BASED ORGANIZATIONS.

(B) TO THE MAXIMUM EXTENT FEASIBLE, PROGRAMS OR COMPONENTS OF PROGRAMS CONDUCTED UNDER THIS SECTION SHALL BE LINKED TO COMPREHENSIVE WORK AND TRAINING PROGRAMS CONDUCTED BY PRIME SPONSORS UNDER TITLE I OF THIS ACT, BUT THE SECRETARY MAY PROVIDE FINANCIAL ASSISTANCE TO A PUBLIC AGENCY OR PRIVATE ORGANIZATION OTHER THAN A PRIME SPONSOR TO CARRY OUT ONE OR MORE COMPONENT PROGRAMS DESCRIBED IN SUBSECTION (A) WHEN HE DETERMINES, AFTER SOLICITING AND CONSIDERING COMMENTS OF THE APPROPRIATE PRIME SPONSOR, IF ANY, THAT SUCH ASSISTANCE WOULD ENHANCE PROGRAM EFFECTIVENESS. IN THE CASE OF PROGRAMS UNDER SUBSECTION (A) (1) OF THIS SECTION, FINANCIAL ASSISTANCE MAY BE PROVIDED DIRECTLY TO LOCAL OR STATE EDUCATION AGENCIES, AFTER CONSULTATION WITH THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE, FOR THE OPERATION OF SUCH PROGRAMS.

CONSULTATION WITH SECRETARY OF HEALTH, EDUCATION AND WELFARE SEC. 306. THE SECRETARY OF LABOR SHALL CONSULT WITH THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE, WITH RESPECT TO ARRANGEMENTS FOR SERVICES OF A HEALTH, EDUCATION, OR WELFARE CHARACTER UNDER THIS ACT, AND THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE SHALL SOLICIT THE ADVICE AND COMMENTS OF STATE EDUCATIONAL AGENCIES WITH RESPECT TO EDUCATION SERVICES.

SUCH SERVICES INCLUDE BUT ARE NOT LIMITED TO BASIC OR GENERAL EDUCATION; EDUCATIONAL PROGRAMS CONDUCTED FOR OFFENDERS; INSTITUTIONAL TRAINING; HEALTH CARE, CHILD CARE AND OTHER SUPPORTIVE SERVICES; AND NEW CAREERS AND JOB RESTRUCTURING IN THE HEALTH, EDUCATION, AND WELFARE PROFESSIONS. WHEN THE SECRETARY OF LABOR ARRANGES FOR THE PROVISION OF BASIC EDUCATION AND VOCATIONAL TRAINING DIRECTLY, PURSUANT TO THE PROVISIONS OF THIS TITLE, HE SHALL OBTAIN THE APPROVAL OF THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE FOR SUCH ARRANGEMENTS.

PART B-- RESEARCH, TRAINING, AND EVALUATION

RESEARCH

SEC. 311. (A) TO ASSIST THE NATION IN EXPANDING WORK OPPORTUNITIES AND ASSURING ACCESS TO THOSE OPPORTUNITIES FOR ALL WHO DESIRE IT, THE SECRETARY SHALL ESTABLISH A COMPREHENSIVE PROGRAM OF MANPOWER RESEARCH UTILIZING THE METHODS, TECHNIQUES, AND KNOWLEDGE OF THE BEHAVIORAL AND SOCIAL SCIENCES AND SUCH OTHER METHODS, TECHNIQUES, AND KNOWLEDGE AS WILL AID IN THE SOLUTION OF THE NATION'S MANPOWER PROBLEMS. THIS PROGRAM WILL INCLUDE, BUT NOT BE LIMITED TO, STUDIES, THE FINDINGS OF WHICH MAY CONTRIBUTE TO THE FORMULATION OF MANPOWER POLICY; DEVELOPMENT OR IMPROVEMENT OF MANPOWER PROGRAMS; INCREASED KNOWLEDGE ABOUT LABOR MARKET PROCESSES; REDUCATION OF UNEMPLOYMENT AND ITS RELATIONSHIPS TO PRICE STABILITY; PROMOTION OF MORE EFFECTIVE MANPOWER DEVELOPMENT, TRAINING, AND UTILIZATION; IMPROVED NATIONAL, REGIONAL, AND LOCAL MEANS OF MEASURING FUTURE LABOR DEMAND AND SUPPLY; ENHANCEMENT OF JOB OPPORTUNITIES; SKILL TRAINING TO QUALIFY EMPLOYEES FOR POSITIONS OF GREATER SKILL, RESPONSIBILITY, AND REMUNERATION; MEETING OF MANPOWER SHORTAGES; EASING OF THE TRANSITION FROM SCHOOL TO WORK, FROM ONE JOB TO ANOTHER, AND FROM WORK TO RETIREMENT, OPPORTUNITIES AND SERVICES FOR OLDER PERSONS WHO DESIRE TO ENTER OR REENTER THE LABOR FORCE, AND FOR IMPROVEMENTS OF OPPORTUNITIES FOR EMPLOYMENT AND ADVANCEMENT THROUGH THE REDUCTION OF DISCRIMINATION AND DISADVANTAGE ARISING FROM POVERTY, IGNORANCE, OR PREJUDICE.

(B) THE SECRETARY SHALL ESTABLISH A PROGRAM OF EXPERIMENTAL, DEVELOPMENTAL, DEMONSTRATION, AND PILOT PROJECTS, THROUGH GRANTS TO OR CONTRACTS WITH PUBLIC OR PRIVATE NON-PROFIT ORGANIZATIONS, OR THROUGH CONTRACTS WITH OTHER PRIVATE ORGANIZATIONS, FOR THE PURPOSE OF IMPROVING TECHNIQUES AND DEMONSTRATING THE EFFECTIVENESS OF SPECIALIZED METHODS IN MEETING THE MANPOWER, EMPLOYMENT, AND TRAINING PROBLEMS, HOWEVER, NOTHING IN THIS SUBSECTION SHALL AUTHORIZE THE SECRETARY TO CARRY OUT EMPLOYMENT PROGRAMS EXPERIMENTING WITH SUBSIDIZED WAGES IN THE PRIVATE SECTOR OR WITH WAGES LESS THAN THOSE ESTABLISHED BY THE FAIR LABOR STANDARDS ACT OF 1938, AS AMENDED, //52 STAT. 1060. 29 USC 201.// FOR EMPLOYMENT SUBJECT TO THAT ACT. IN CARRYING OUT THIS SUBSECTION WITH RESPECT TO PROGRAMS DESIGNED TO PROVIDE EMPLOYMENT AND TRAINING OPPORTUNITIES FOR LOW-INCOME PEOPLE, THE SECRETARY SHALL CONSULT WITH SUCH OTHER AGENCIES AS MAY BE APPROPRIATE. WHERE PROGRAMS UNDER THIS SECTION REQUIRE INSTITUTIONAL TRAINING, APPROPRIATE ARRANGEMENTS FOR SUCH TRAINING SHALL BE AGREED TO BY THE SECRETARY OF LABOR AND THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE.

(C) THE SECRETARY IS AUTHORIZED TO CONDUCT, EITHER DIRECTLY OR BY WAY

OF CONTRACT, GRANT, OR OTHER ARRANGEMENT, A THOROUGH EVALUATION OF ALL PROGRAMS AND ACTIVITIES CONDUCTED PURSUANT TO THIS ACT TO DETERMINE THE EFFECTIVENESS OF SUCH PROGRAMS AND ACTIVITIES IN MEETING THE SPECIAL NEEDS OF DISADVANTAGED, CHRONICALLY UNEMPLOYED, AND LOW-INCOME PERSONS FOR MEANINGFUL EMPLOYMENT OPPORTUNITIES AND SUPPORTIVE SERVICES TO CONTINUE OR RESUME THEIR EDUCATION AND EMPLOYMENT AND TO BECOME MORE RESPONSIBLE AND PRODUCTIVE CITIZENS.

(D) THE SECRETARY SHALL CONDUCT SUCH RESEARCH AND INVESTIGATIONS AS GIVE PROMISE OF FURTHERING THE OBJECTIVES OF THIS ACT EITHER DIRECTLY OR THROUGH GRANTS, CONTRACTS, OR OTHER ARRANGEMENTS.

LABOR MARKET STATISTICS AND JOB BANK

SEC. 312. (A) THE SECRETARY SHALL DEVELOP A COMPREHENSIVE SYSTEM OF LABOR MARKET INFORMATION ON A NATIONAL, STATE, LOCAL, OR OTHER APPROPRIATE BASIS, WHICH SHALL BE MADE PUBLICLY AVAILABLE IN A TIMELY FASHION.

(B) IN ADDITION TO THE MONTHLY NATIONAL UNEMPLOYMENT STATISTICS, THE SECRETARY SHALL DEVELOP RELIABLE METHODS, INCLUDING THE USE OF SELECTED SAMPLE SURVEYS, TO PRODUCE MORE STATISTICALLY ACCURATE DATA ON UNEMPLOYMENT, UNDEREMPLOYMENT AND LABOR DEMAND BY STATE, LOCAL, AND POVERTY AREAS.

(C) THE SECRETARY SHALL DEVELOP PRELIMINARY DATA FOR AN ANNUAL STATISTICAL MEASURE OF LABOR MARKET RELATED ECONOMIC HARDSHIP IN THE NATION. AMONG THE FACTORS TO BE CONSIDERED IN DEVELOPING SUCH A MEASURE ARE UNEMPLOYMENT, LABOR FORCE PARTICIPATION, INVOLUNTARY PARTTIME EMPLOYMENT, AND FULL-TIME EMPLOYMENT AT LESS THAN POVERTY WAGES.

(D) THE SECRETARY SHALL DEVELOP METHODS TO ESTABLISH AND MAINTAIN MORE COMPREHENSIVE HOUSEHOLD BUDGET DATA AT DIFFERENT LEVELS OF LIVING, INCLUDING A LEVEL OF ADEQUACY, TO REFLECT THE DIFFERENCES OF HOUSEHOLD LIVING COSTS IN REGIONS AND LOCALITIES, BOTH URBAN AND RURAL.

(E) THE SECRETARY SHALL SET ASIDE, OUT OF SUMS AVAILABLE TO THE DEPARTMENT FOR ANY FISCAL YEAR INCLUDING SUMS AVAILABLE UNDER SECTION 4 (E) OF THIS ACT, AN AMOUNT WHICH HE DETERMINES IS NECESSARY AND APPROPRIATE TO ENABLE HIM TO CARRY OUT THE PROVISIONS OF THIS SECTION, AND SHALL NO LATER THAN SIXTY DAYS AFTER SUCH SUMS ARE APPROPRIATED AND MADE AVAILABLE NOTIFY THE APPROPRIATE COMMITTEES OF THE CONGRESS OF THE AMOUNT SO SET ASIDE AND THE BASIS FOR HIS DETERMINATION OF NEED AND APPROPRIATENESS.

(F) THE SECRETARY SHALL REPORT TO THE SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE AND TO THE HOUSE COMMITTEE ON EDUCATION AND LABOR THE RESULTS OF HIS EFFORTS UNDER SUBSECTIONS (A), (B), AND (C) OF THIS SECTION BY DECEMBER 31, 1974.

(G) THE SECRETARY SHALL ESTABLISH AND CARRY OUT A NATIONWIDE COMPUTERIZED JOB BANK AND MATCHING PROGRAM (UTILIZING THE LISTING OF ALL SUITABLE EMPLOYMENT OPENINGS WITH LOCAL OFFICES OF THE STATE EMPLOYMENT SERVICE BY FEDERAL CONTRACTORS AND SUBCONTRACTORS AND PROVIDING FOR THE SPECIAL EMPHASIS AS REQUIRED BY SECTION 2012 (A) OF TITLE 38, UNITED STATES CODE) //86 STAT. 1097.// ON A REGIONAL, STATE, AND LOCAL BASIS, USING ELECTRONIC DATA PROCESSING AND TELECOMMUNICATIONS SYSTEMS TO THE MAXIMUM EXTENT POSSIBLE FOR THE PURPOSE OF IDENTIFYING SOURCES OF

AVAILABLE PERSONS AND JOB VACANCIES, PROVIDING AN EXPEDITIOUS MEANS OF MATCHING THE QUALIFICATIONS OF UNEMPLOYED, UNDEREMPLOYED, AND ECONOMICALLY DISADVANTAGED PERSONS WITH EMPLOYER REQUIREMENTS AND JOB OPPORTUNITIES, AND REFERRING AND PLACING SUCH PERSONS IN JOBS.

EVALUATION

SEC. 313. (A) THE SECRETARY SHALL PROVIDE FOR THE CONTINUING EVALUATION OF ALL PROGRAMS AND ACTIVITIES CONDUCTED PURSUANT TO THIS ACT, INCLUDING THEIR COST IN RELATION TO THEIR EFFECTIVENESS IN ACHIEVING STATED GOALS, THEIR IMPACT ON COMMUNITIES AND PARTICIPANTS, THEIR IMPLICATION FOR RELATED PROGRAMS, THE EXTENT TO WHICH THEY MEET THE NEEDS OF PERSONS OF VARIOUS AGES, AND THE ADEQUACY OF THE MECHANISM FOR THE DELIVERY OF SERVICES. IN CONDUCTING THE EVALUATIONS CALLED FOR BY THIS SUBSECTION, THE SECRETARY SHALL COMPARE THE EFFECTIVENESS OF PROGRAMS CONDUCTED BY PRIME SPONSORS OF THE SAME CLASS, OF DIFFERENT CLASSES, AND SHALL COMPARE THE EFFECTIVENESS OF PROGRAMS CONDUCTED BY PRIME SPONSORS WITH SIMILAR PROGRAMS CARRIED OUT BY THE SECRETARY UNDER SECTION 113, OR UNDER TITLE III. HE SHALL ALSO ARRANGE FOR OBTAINING THE OPINIONS OF PARTICIPANTS ABOUT THE STRENGTHS AND WEAKNESSES OF THE PROGRAMS. //ANTE, PP. 848, 857.//

(B) IN ORDER TO ENABLE THE SECRETARY TO MEASURE THE RELATIVE AND, WHERE PROGRAMS CAN BE COMPARED APPROPRIATELY, COMPARATIVE EFFECTIVENESS OF PROGRAMS AUTHORIZED UNDER THIS ACT AND PART C OF TITLE IV OF THE SOCIAL SECURITY ACT, //81 STAT. 884; 85 STAT. 805. 42 USC 630.// HE SHALL REQUIRE THAT PERIODIC REPORTS BE SUBMITTED TO HIM. REPORTS SUBMITTED UNDER THIS SUBSECTION SHALL CONTAIN DATA WHICH SHALL INCLUDE INFORMATION ON--

(1) ENROLLEE CHARACTERISTICS, INCLUDING AGE, SEX, RACE, HEALTH, EDUCATION LEVEL, AND PREVIOUS WAGE AND EMPLOYMENT EXPERIENCE;

(2) DURATION IN TRAINING AND EMPLOYMENT SITUATIONS, INCLUDING INFORMATION ON THE DURATION OF EMPLOYMENT OF PROGRAM PARTICIPANTS FOR AT LEAST A YEAR FOLLOWING THE TERMINATION OF FEDERALLY ASSISTED PROGRAMS AND COMPARABLE INFORMATION ON OTHER EMPLOYEES OR TRAINEES OF PARTICIPATING EMPLOYERS; AND

(3) TOTAL DOLLAR COST PER TRAINEE, INCLUDING BREAKDOWN BETWEEN SALARY OR STIPEND, TRAINING AND SUPPORTIVE SERVICES, AND ADMINISTRATIVE COSTS.

FROM THE INFORMATION RECEIVED PURSUANT TO THIS SECTION, THE SECRETARY SHALL COMPILE THE INFORMATION ON A STATE, REGIONAL, AND NATIONAL BASIS.

(C) THE SECRETARY IS AUTHORIZED TO CARRY OUT A SPECIAL PROGRAM TO DEMONSTRATE THE EFFICACY OF PROVIDING CERTIFICATES OR VOUCHERS TO ECONOMICALLY DISADVANTAGED, UNEMPLOYED, AND UNDEREMPLOYED PERSONS ENTITLING PRIVATE EMPLOYERS WHO PROVIDE EMPLOYMENT, TRAINING, AND SERVICES TO EACH PERSON VOLUNTEERING TO PARTICIPATE IN SUCH PROGRAM TO PAYMENT IN AMOUNTS EQUAL TO THE FACE VALUE OF THE CERTIFICATE FOR SPECIFIED PERIODS OF TIME DURING WHICH EACH SUCH PERSON MAY NOT BE FULLY PRODUCTIVE.

REMOVAL OF ARTIFICIAL BARRIERS TO EMPLOYMENT AND ADVANCEMENT
SEC. 314. THE SECRETARY, IN CONSULTATION WITH APPROPRIATE DEPARTMENTS AND AGENCIES OF THE FEDERAL GOVERNMENT, SHALL CONDUCT A CONTINUING STUDY

OF THE EXTENT TO WHICH ARTIFICIAL BARRIERS TO EMPLOYMENT AND OCCUPATION ADVANCEMENT, INCLUDING CIVIL SERVICE REQUIREMENTS AND PRACTICES RELATING THERETO, WITHIN AGENCIES CONDUCTING PROGRAMS UNDER THIS ACT, RESTRICT THE OPPORTUNITIES FOR EMPLOYMENT AND ADVANCEMENT WITHIN SUCH AGENCIES AND SHALL DEVELOP AND PROMULGATE GUIDELINES, BASED UPON SUCH STUDY, SETTING FORTH RECOMMENDATIONS FOR TASK AND SKILL REQUIREMENTS FOR SPECIFIC JOBS AND RECOMMENDED JOB DESCRIPTIONS AT ALL LEVELS OF EMPLOYMENT, DESIGNED TO ENCOURAGE CAREER EMPLOYMENT AND OCCUPATIONAL ADVANCEMENT WITHIN SUCH AGENCIES.

TRAINING AND TECHNICAL ASSISTANCE

SEC. 315. THE SECRETARY, IN CONSULTATION WITH THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE, AND OTHER APPROPRIATE OFFICIALS, WHERE APPROPRIATE, SHALL PROVIDE DIRECTLY OR THROUGH GRANTS, CONTRACTS, OR OTHER ARRANGEMENTS, PRESERVICE AND INSERVICE TRAINING FOR SPECIALIZED, SUPPORTIVE, AND SUPERVISORY OR OTHER PERSONNEL AND TECHNICAL ASSISTANCE WHICH IS NEEDED IN CONNECTION WITH THE PROGRAMS ESTABLISHED UNDER THIS ACT.

ITEM 43

00104.87.008391

PUBLIC LAW 93 - 203; 87 STAT. 839, COMPREHENSIVE EMPLOYMENT AND TRAINING ACT OF 1973 (TITLES IV - VI)

93RD CONGRESS, S. 1559

DECEMBER 28, 1973

TITLE IV - JOB CORPS

STATEMENT OF PURPOSE

SEC. 401. THIS TITLE ESTABLISHES A JOB CORPS FOR LOW-INCOME DISADVANTAGED YOUNG MEN AND WOMEN, SETS FORTH STANDARDS AND PROCEDURES FOR SELECTING INDIVIDUALS AS ENROLLEES IN THE JOB CORPS, AUTHORIZES THE ESTABLISHMENT OF RESIDENTIAL AND NONRESIDENTIAL CENTERS IN WHICH ENROLLEES WILL PARTICIPATE IN INTENSIVE PROGRAMS OF EDUCATION, VOCATIONAL TRAINING WORK EXPERIENCE, COUNSELING AND OTHER ACTIVITIES, AND PRESCRIBES VARIOUS OTHER POWERS, DUTIES, AND RESPONSIBILITIES INCIDENT TO THE OPERATION AND CONTINUING DEVELOPMENT OF THE JOB CORPS. THE PURPOSE OF THIS TITLE IS TO ASSIST YOUNG PERSONS WHO NEED AND CAN BENEFIT FROM AN UNUSUALLY INTENSIVE PROGRAM, OPERATED IN A GROUP SETTING, TO BECOME MORE RESPONSIVE, EMPLOYABLE, AND PRODUCTIVE CITIZENS; AND TO DO SO IN A WAY THAT CONTRIBUTES, WHERE FEASIBLE, TO THE DEVELOPMENT OF NATIONAL, STATE, AND COMMUNITY RESOURCES, AND TO THE DEVELOPMENT AND DISSEMINATION OF TECHNIQUES FOR WORKING WITH THE DISADVANTAGED THAT CAN BE WIDELY UTILIZED BY PUBLIC AND PRIVATE INSTITUTIONS AND AGENCIES.

ESTABLISHMENT OF THE JOB CORPS

SEC. 402. THERE IS ESTABLISHED WITHIN THE DEPARTMENT OF LABOR A "JOB CORPS".

INDIVIDUALS ELIGIBLE FOR THE JOB CORPS

SEC. 403. TO BECOME AN ENROLLEE IN THE JOB CORPS, A YOUNG MAN OR WOMAN MUST BE A PERSONS WHO--

(1) IS A PERMANENT RESIDENT OF THE UNITED STATES WHO HAS ATTAINED AGE FOURTEEN BUT NOT ATTAINED AGE TWENTY-TWO AT THE TIME OF ENROLLMENT;

(2) IS A LOW-INCOME INDIVIDUAL OR MEMBER OF A LOW-INCOME FAMILY WHO REQUIRES ADDITIONAL EDUCATION, TRAINING, OR INTENSIVE COUNSELING AND RELATED ASSISTANCE IN ORDER TO SECURE AND HOLD MEANINGFUL EMPLOYMENT, PARTICIPATE SUCCESSFULLY IN REGULAR SCHOOLWORK, QUALIFY FOR OTHER TRAINING PROGRAMS SUITABLE TO HIS NEEDS, OR SATISFY ARMED FORCES REQUIREMENTS;

(3) IS CURRENTLY LIVING IN AN ENVIRONMENT SO CHARACTERIZED BY CULTURAL DEPRIVATION, A DISRUPTIVE HOMELIFE, OR OTHER DISORIENTING CONDITIONS AS TO SUBSTANTIALLY IMPAIR HIS PROSPECTS FOR SUCCESSFUL PARTICIPATION IN ANY OTHER PROGRAM PROVIDING NEEDED TRAINING, EDUCATION, OR ASSISTANCE;

(4) IS DETERMINED, AFTER CAREFUL SCREENING AS PROVIDED FOR IN SECTIONS 404 AND 405, TO HAVE THE PRESENT CAPABILITIES AND ASPIRATIONS NEEDED TO COMPLETE AND SECURE THE FULL BENEFIT OF THE PROGRAM AUTHORIZED IN THIS TITLE, AND TO BE FREE OF MEDICAL AND BEHAVIORAL PROBLEMS SO SERIOUS THAT HE COULD NOT OR WOULD NOT BE

ABLE TO ADJUST TO THE STANDARDS OF CONDUCT AND DISCIPLINE OR PATTERN OF WORK AND TRAINING WHICH THAT PROGRAM INVOLVES; AND
 (5) MEETS SUCH OTHER STANDARDS FOR ENROLLMENT AS THE SECRETARY MAY PRESCRIBE (INCLUDING SPECIAL STANDARDS FOR THE ENROLLMENT ON A RESIDENTIAL BASIS OF 14 AND 15 YEAR OLDS) AND AGREES TO COMPLY WITH ALL APPLICABLE JOB CORPS RULES AND REGULATIONS.

SCREENING AND SELECTION OF APPLICANTS -- GENERAL PROVISIONS
 SEC. 404. (A) THE SECRETARY SHALL PRESCRIBE NECESSARY RULES FOR THE SCREENING AND SELECTION OF APPLICANTS FOR ENROLLMENT IN THE JOB CORPS. TO THE EXTENT PRACTICABLE, RULES ESTABLISHED UNDER THIS SECTION SHALL BE IMPLEMENTED THROUGH ARRANGEMENTS WHICH MAKE USE OF AGENCIES AND ORGANIZATIONS SUCH AS COMMUNITY ACTION AGENCIES, PUBLIC EMPLOYMENT OFFICES, PROFESSIONAL GROUPS, AND LABOR ORGANIZATIONS. THE RULES SHALL ESTABLISH SPECIFIC STANDARDS AND PROCEDURES FOR CONDUCTING SCREENING AND SELECTION ACTIVITIES; SHALL ENCOURAGE RECRUITMENT THROUGH AGENCIES AND INDIVIDUALS HAVING CONTACT WITH YOUTHS OVER SUBSTANTIAL PERIODS OF TIME AND ABLE, ACCORDINGLY, TO OFFER RELIABLE INFORMATION AS TO THEIR NEEDS AND PROBLEMS; AND SHALL PROVIDE FOR NECESSARY CONSULTATION WITH OTHER INDIVIDUALS AND ORGANIZATIONS, INCLUDING COURT, PROBATION, PAROLE, LAW ENFORCEMENT, EDUCATION, WELFARE, AND MEDICAL AUTHORITIES AND ADVISERS. THE RULES SHALL ALSO PROVIDE FOR--

(1) THE INTERVIEWING OF EACH APPLICANT FOR THE PURPOSE OF--

(A) DETERMINING WHETHER HIS EDUCATIONAL AND VOCATIONAL NEEDS CAN BEST BE MET THROUGH THE JOB CORPS OR ANY ALTERNATIVE PROGRAM IN HIS HOME COMMUNITY;

(B) OBTAINING FROM THE APPLICANT PERTINENT DATA RELATING TO HIS BACKGROUND, NEEDS, AND INTERESTS FOR EVALUATION IN DETERMINING HIS ELIGIBILITY AND POTENTIAL ASSIGNMENT; AND

(C) GIVING THE APPLICANT A FULL UNDERSTANDING OF THE JOB CORPS PROGRAM AND MAKING CLEAR WHAT WILL BE EXPECTED OF HIM AS AN ENROLLEE IN THE EVENT OF HIS ACCEPTANCE; AND

(2) THE CONDUCT OF A CAREFUL AND SYSTEMATIC INQUIRY CONCERNING THE APPLICANT'S BACKGROUND FOR THE EFFECTIVE DEVELOPMENT AND, AS APPROPRIATE, CLARIFICATION OF INFORMATION CONCERNING HIS AGE, CITIZENSHIP, SCHOOL AND DRAFT STATUS, HEALTH, EMPLOYABILITY, PAST BEHAVIOR, FAMILY INCOME, ENVIRONMENT, AND OTHER MATTERS RELATED TO A DETERMINATION OF HIS ELIGIBILITY.

(B) THE SECRETARY SHALL MAKE NO PAYMENTS TO ANY INDIVIDUAL OR ORGANIZATION SOLELY AS COMPENSATION FOR THE SERVICE OF REFERRING THE NAMES OF CANDIDATES FOR ENROLLMENT IN THE JOB CORPS.

(C) THE SECRETARY SHALL TAKE ALL NECESSARY STEPS TO ASSURE THAT THE ENROLLMENT OF THE JOB CORPS INCLUDES AN APPROPRIATE NUMBER OF CANDIDATES SELECTED FROM RURAL AREAS, TAKING INTO ACCOUNT THE PROPORTION OF ELIGIBLE YOUTH WHO RESIDE IN RURAL AREAS AND THE NEED TO PROVIDE RESIDENTIAL FACILITIES FOR SUCH YOUTH IN ORDER TO MEET PROBLEMS OF WIDE GEOGRAPHIC DISPERSION.

SCREENING AND SELECTION--SPECIAL LIMITATIONS

SEC. 405. (A) NO INDIVIDUAL SHALL BE SELECTED AS AN ENROLLEE UNLESS IT

IS DETERMINED THAT THERE IS REASONABLE EXPECTATION THAT HE CAN PARTICIPATE SUCCESSFULLY IN GROUP SITUATIONS AND ACTIVITIES WITH OTHER ENROLLEES, THAT HE IS NOT LIKELY TO ENGAGE IN ACTIONS OR BEHAVIOR THAT WOULD PREVENT OTHER ENROLLEES FROM RECEIVING THE BENEFIT OF THE PROGRAM OR BE INCOMPATIBLE WITH THE MAINTENANCE OF SOUND DISCIPLINE AND SATISFACTORY RELATIONSHIPS BETWEEN ANY CENTER TO WHICH HE MIGHT BE ASSIGNED AND SURROUNDING COMMUNITIES, AND THAT HE MANIFESTS A BASIC UNDERSTANDING OF BOTH THE RULES TO WHICH HE WILL BE SUBJECT AND OF THE CONSEQUENCES OF FAILURE TO OBSERVE THOSE RULES. BEFORE SELECTING AN INDIVIDUAL WHO HAS A HISTORY OF SERIOUS AND VIOLENT BEHAVIOR AGAINST PERSONS OR PROPERTY, REPETITIVE DELINQUENT ACTS, NARCOTICS ADDICTION, OR OTHER MAJOR BEHAVIORAL ABERRATIONS, THE SECRETARY OF LABOR SHALL OBTAIN A FINDING FROM A PROFESSIONALLY QUALIFIED PERSON WHO KNOWS SUCH POTENTIAL ENROLLEE'S INDIVIDUAL SITUATION THAT THERE IS REASONABLE EXPECTATION THAT HIS CONDUCT WILL NOT BE INIMICAL TO THE GOALS AND SUCCESS OF THE JOB CORPS AND THAT THE OPPORTUNITY PROVIDED BY THE JOB CORPS WILL HELP HIM TO OVERCOME HIS PROBLEM.

(B) AN INDIVIDUAL WHO OTHERWISE QUALIFIES FOR ENROLLMENT MAY BE SELECTED EVEN THOUGH HE IS ON PROBATION OR PAROLE, BUT ONLY IF HIS RELEASE FROM THE IMMEDIATE SUPERVISION OF THE COGNIZANT PROBATION OR PAROLE OFFICIALS IS MUTUALLY SATISFACTORY TO THOSE OFFICIALS AND THE SECRETARY, DOES NOT VIOLATE APPLICABLE LAWS OR REGULATIONS, AND IF THE SECRETARY HAS ARRANGED TO PROVIDE ALL SUPERVISION OF THE INDIVIDUAL AND ALL REPORTS TO STATE OR OTHER AUTHORITIES THAT MAY BE NECESSARY TO COMPLY WITH APPLICABLE PROBATION OR PAROLE REQUIREMENTS.

ENROLLMENT AND ASSIGNMENT

SEC. 406. (A) NO INDIVIDUAL MAY BE ENROLLED IN THE JOB CORPS FOR MORE THAN TWO YEARS, EXCEPT AS THE SECRETARY MAY AUTHORIZE IN SPECIAL CASES.

(B) ENROLLMENT IN THE JOB CORPS SHALL NOT RELIEVE ANY INDIVIDUAL OF OBLIGATIONS UNDER THE MILITARY SELECTIVE SERVICE ACT (50 U.S.C. APP. 451 ET SEQ.). //62 STAT. 604.//

(C) EACH ENROLLEE (OTHER THAN A NATIVE AND CITIZEN OF CUBA DESCRIBED IN SECTION 609 (3) OF THE ECONOMIC OPPORTUNITY ACT OF 1964 OR A PERMANENT RESIDENT OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS) MUST TAKE AND SUBSCRIBE TO AN OATH OR AFFIRMATION IN THE FOLLOWING FORM: "I DO SOLEMNLY SWEAR (OR AFFIRM) THAT I BEAR TRUE FAITH AND ALLEGIANCE TO THE UNITED STATES OF AMERICA AND WILL SUPPORT AND DEFEND THE CONSTITUTION AND LAWS OF THE UNITED STATES AGAINST ALL ITS ENEMIES FOREIGN AND DOMESTIC." //81 STAT. 715. 42 USC 2949.// THE PROVISIONS OF SECTION 1001 OF TITLE 18, UNITED STATES CODE, SHALL BE APPLICABLE TO THIS OATH OR AFFIRMATION. //62 STAT. 749.//

(D) AFTER THE SECRETARY HAS DETERMINED WHETHER AN ENROLLEE IS TO BE ASSIGNED TO A MEN'S TRAINING CENTER, A CONSERVATION CENTER, OR A WOMEN'S TRAINING CENTER, THE ENROLLEE, SHALL BE ASSIGNED TO THE CENTER OF THE APPROPRIATE TYPE IN WHICH A VACANCY EXISTS WHICH IS CLOSEST TO THE ENROLLEE'S HOME, EXCEPT THAT THE SECRETARY, ON AN INDIVIDUAL BASIS, MAY WAIVE THIS REQUIREMENT WHEN OVERRIDING CONSIDERATIONS JUSTIFY SUCH ACTION. ASSIGNMENTS TO CENTERS IN AREAS MORE REMOTE FROM THE ENROLLEE'S HOME SHALL BE CAREFULLY LIMITED TO SITUATIONS IN WHICH SUCH ACTION IS NECESSARY IN

ORDER TO INSURE AN EQUITABLE OPPORTUNITY FOR DISADVANTAGED YOUTH FROM VARIOUS SECTIONS OF THE COUNTRY TO PARTICIPATE IN THE PROGRAM, TO PREVENT UNDUDE DELAYS IN THE ASSIGNMENT OF INDIVIDUAL ENROLLEES, TO PROVIDE AN ASSIGNMENT WHICH ADEQUATELY MEETS THE EDUCATIONAL OR OTHER NEEDS OF THE ENROLLEE OR IS NECESSARY FOR EFFICIENCY AND ECONOMY IN THE OPERATION OF THE PROGRAM.

(E) ASSIGNMENTS OF MALE ENROLLEES SHALL BE MADE SO THAT, AT ANY ONE TIME, AT LEAST 40 PER CENTUM OF THOSE ENROLLEES ARE ASSIGNED TO CONSERVATION CENTERS AS DESCRIBED IN SECTION 407, OR TO OTHER CENTERS OR PROJECTS WHERE THEIR WORK ACTIVITY IS PRIMARILY DIRECTED TO THE CONSERVATION, DEVELOPMENT, OR MANAGEMENT OF PUBLIC NATURAL RESOURCES OR RECREATIONAL AREAS AND IS PERFORMED UNDER THE DIRECTION OF PERSONNEL OF AGENCIES REGULARLY RESPONSIBLE FOR THE FUNCTIONS RELATING TO SUCH RESOURCES OR AREAS.

JOB CORPS CENTERS

SEC. 407. (A) THE SECRETARY MAY MAKE AGREEMENTS WITH FEDERAL, STATE, OR LOCAL AGENCIES, OR PRIVATE ORGANIZATIONS FOR THE ESTABLISHMENT AND OPERATION OF JOB CORPS CENTERS, JOB CORPS CENTERS MAY BE RESIDENTIAL OR NONRESIDENTIAL IN CHARACTER, OR BOTH, AND SHALL BE DESIGNED AND OPERATED SO AS TO PROVIDE ENROLLEES, IN A WELL-SUPERVISED SETTING, WITH EDUCATION, VOCATIONAL TRAINING, WORK EXPERIENCE (EITHER IN DIRECT PROGRAM ACTIVITIES OR THROUGH ARRANGEMENTS WITH EMPLOYERS), COUNSELING, AND OTHER SERVICES APPROPRIATE TO THEIR NEEDS. THE CENTERS SHALL INCLUDE CONSERVATION CENTERS, TO BE KNOWN AS CIVILIAN CONSERVATION CENTERS, TO BE LOCATED PRIMARILY IN RURAL AREAS AND TO PROVIDE, IN ADDITION TO OTHER TRAINING AND ASSISTANCE, PROGRAMS OF WORK EXPERIENCE FOCUSED UPON ACTIVITIES TO CONSERVE, DEVELOP, OR MANAGE PUBLIC NATURAL RESOURCES OR PUBLIC RECREATIONAL AREAS OR TO ASSIST IN DEVELOPING COMMUNITY PROJECTS IN THE PUBLIC INTEREST. THE CENTERS SHALL ALSO INCLUDE MEN'S AND WOMEN'S TRAINING CENTERS TO BE LOCATED IN EITHER URBAN OR RURAL AREAS AND TO PROVIDE ACTIVITIES WHICH SHALL INCLUDE TRAINING AND OTHER SERVICES APPROPRIATE FOR ENROLLEES WHO CAN BE EXPECTED TO PARTICIPATE SUCCESSFULLY IN TRAINING FOR SPECIFIC TYPES OF SKILLED OR SEMISKILLED EMPLOYMENT.

(B) TO THE EXTENT FEASIBLE, MEN'S AND WOMEN'S TRAINING CENTERS SHALL OFFER EDUCATION AND VOCATIONAL TRAINING OPPORTUNITIES, TOGETHER WITH SUPPORTIVE SERVICES, ON A NONRESIDENTIAL BASIS TO PARTICIPANTS IN PROGRAMS DESCRIBED IN TITLE I OF THIS ACT. SUCH OPPORTUNITIES MAY BE OFFERED ON A REIMBURSABLE BASIS OR THROUGH SUCH OTHER ARRANGEMENTS AS THE SECRETARY MAY SPECIFY.

PROGRAM ACTIVITIES

SEC. 408. (A) EACH JOB CORPS CENTER SHALL BE OPERATED SO AS TO PROVIDE ENROLLEES WITH AN INTENSIVE, WELL-ORGANIZED AND FULLY SUPERVISED PROGRAM OF EDUCATION, VOCATIONAL TRAINING, WORK EXPERIENCE, PLANNED AVOCATIONAL AND RECREATIONAL ACTIVITIES, PHYSICAL REHABILITATION AND DEVELOPMENT, AND COUNSELING. TO THE FULLEST EXTENT FEASIBLE, THE REQUIRED PROGRAM FOR EACH ENROLLEE SHALL INCLUDE ACTIVITIES DESIGNED TO ASSIST HIM IN CHOOSING REALISTIC CAREER GOALS, COPING WITH PROBLEMS HE MAY ENCOUNTER IN HIS HOME COMMUNITY OR IN ADJUSTING TO A NEW COMMUNITY, AND PLANNING AND MANAGING

HIS DAILY AFFAIRS IN A MANNER THAT WILL BEST CONTRIBUTE TO A LONG-TERM UPWARD MOBILITY. CENTER PROGRAMS SHALL INCLUDE REQUIRED PARTICIPATION IN CENTER MAINTENANCE SUPPORT AND RELATED WORK ACTIVITY AS APPROPRIATE TO ASSIST ENROLLEES IN INCREASING THEIR SENSE OF CONTRIBUTION, RESPONSIBILITY, AND DISCIPLINE.

(B) TO THE EXTENT PRACTICABLE, THE SECRETARY MAY ARRANGE FOR ENROLLEE EDUCATION AND VOCATIONAL TRAINING THROUGH LOCAL PUBLIC OR PRIVATE EDUCATIONAL AGENCIES, VOCATIONAL EDUCATIONAL INSTITUTIONS, OR TECHNICAL INSTITUTES WHERE SUCH INSTITUTIONS OR INSTITUTES CAN PROVIDE TRAINING COMPARABLE IN COST AND SUBSTANTIALLY EQUIVALENT IN QUALITY TO THAT WHICH HE COULD PROVIDE THROUGH OTHER MEANS.

(C) ARRANGEMENTS FOR EDUCATION SHALL, TO THE EXTENT FEASIBLE, PROVIDE OPPORTUNITIES FOR QUALIFIED ENROLLEES TO OBTAIN THE EQUIVALENT OF A CERTIFICATE OF GRADUATION FROM HIGH SCHOOL. THE SECRETARY, WITH THE CONCURRENCE OF THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE, SHALL DEVELOP CERTIFICATES TO BE ISSUED TO ENROLLEES WHO HAVE SATISFACTORILY COMPLETED THEIR SERVICES IN THE JOB CORPS AND WHICH WILL REFLECT THE ENROLLEE'S LEVEL OF EDUCATIONAL ATTAINMENT.

(D) THE SECRETARY SHALL PRESCRIBE REGULATIONS TO ASSURE THAT JOB CORPS WORK-EXPERIENCE PROGRAMS OR ACTIVITIES DO NOT DISPLACE PRESENTLY EMPLOYED WORKERS OR IMPAIR EXISTING CONTRACTS FOR SERVICE AND WILL BE COORDINATED WITH OTHER WORK-EXPERIENCE PROGRAMS IN THE COMMUNITY.

ALLOWANCES AND SUPPORT

SEC. 409. (A) THE SECRETARY MAY PROVIDE ENROLLEES WITH SUCH PERSONAL, TRAVEL AND LEAVE ALLOWANCES, AND SUCH QUARTERS, SUBSISTENCE, TRANSPORTATION, EQUIPMENT, CLOTHING, RECREATIONAL SERVICES, AND OTHER EXPENSES AS HE MAY DEEM NECESSARY OR APPROPRIATE TO THEIR NEEDS. PERSONAL ALLOWANCES SHALL BE ESTABLISHED AT A RATE NOT TO EXCEED \$35 PER MONTH DURING THE FIRST SIX MONTHS OF AN ENROLLEE'S PARTICIPATION IN THE PROGRAM AND NOT TO EXCEED \$50 PER MONTH THEREAFTER, EXCEPT THAT ALLOWANCES IN EXCESS OF \$35 PER MONTH, BUT NOT EXCEEDING \$50 PER MONTH, MAY BE PROVIDED FROM THE BEGINNING OF AN ENROLLEE'S PARTICIPATION IF IT IS EXPECTED TO BE OF LESS THAN SIX MONTHS' DURATION AND THE SECRETARY IS AUTHORIZED TO PAY PERSONAL ALLOWANCES IN EXCESS OF THE RATES SPECIFIED HEREIN IN UNUSUAL CIRCUMSTANCES AS DETERMINED BY HIM. SUCH ALLOWANCES SHALL BE GRADUATED UP TO THE MAXIMUM SO AS TO ENCOURAGE CONTINUED PARTICIPATION IN THE PROGRAM, ACHIEVEMENT AND THE BEST USE BY THE ENROLLEE OF THE FUNDS SO PROVIDED AND SHALL BE SUBJECT TO REDUCTION IN APPROPRIATE CASES AS A DISCIPLINARY MEASURE. TO THE DEGREE REASONABLE, ENROLLEES SHALL BE REQUIRED TO MEET OR CONTRIBUTE TO COSTS ASSOCIATED WITH THEIR INDIVIDUAL COMFORT AND ENJOYMENT FROM THEIR PERSONAL ALLOWANCES.

(B) THE SECRETARY SHALL PRESCRIBE SPECIFIC RULES GOVERNING THE ACCRUAL OF LEAVE BY ENROLLEES. EXCEPT IN THE CASE OF EMERGENCY, HE SHALL IN NO EVENT ASSUME TRANSPORTATION COSTS CONNECTED WITH LEAVE OF ANY ENROLLEE WHO HAS NOT COMPLETED AT LEAST SIX MONTHS SERVICE IN THE JOB CORPS.

(C) THE SECRETARY MAY PROVIDE EACH FORMER ENROLLEE UPON TERMINATION, A READJUSTMENT ALLOWANCE AT A RATE NOT TO EXCEED \$50 FOR EACH MONTH OF SATISFACTORY PARTICIPATION IN THE JOB CORPS. NO ENROLLEE SHALL BE

ENTITLED TO A READJUSTMENT ALLOWANCE, HOWEVER, UNLESS HE HAS REMAINED IN THE PROGRAM AT LEAST NINETY DAYS, EXCEPT IN UNUSUAL CIRCUMSTANCES AS DETERMINED BY THE SECRETARY. THE SECRETARY MAY, FROM TIME TO TIME, ADVANCE TO OR ON BEHALF OF AN ENROLLEE SUCH PORTIONS OF HIS READJUSTMENT ALLOWANCES AS THE SECRETARY DEEMS NECESSARY TO MEET EXTRAORDINARY FINANCIAL OBLIGATIONS INCURRED BY THAT ENROLLEE; AND HE MAY ALSO, PURSUANT TO RULES AND REGULATIONS, REDUCE THE AMOUNT OF AN ENROLLEE'S READJUSTMENT ALLOWANCE AS A PENALTY FOR MISCONDUCT DURING PARTICIPATION IN THE JOB CORPS. IN THE EVENT OF AN ENROLLEE'S DEATH DURING HIS PERIOD OF SERVICE, THE AMOUNT OF ANY UNPAID READJUSTMENT ALLOWANCE SHALL BE PAID IN ACCORDANCE WITH THE PROVISIONS OF SECTION 5582 OF TITLE 5, UNITED STATES CODE. //5 USC 5332 NOTE.//

(D) UNDER SUCH CIRCUMSTANCES AS THE SECRETARY MAY DETERMINE, A PORTION OF THE READJUSTMENT ALLOWANCE OF AN ENROLLEE NOT EXCEEDING \$25 FOR EACH MONTH OF SATISFACTORY SERVICE MAY BE PAID DURING THE PERIOD OF SERVICE OF THE ENROLLEE DIRECTLY TO A SPOUSE OR CHILD OF AN ENROLLEE OR TO ANY OTHER RELATIVE WHO DRAWS SUBSTANTIAL SUPPORT FROM THE ENROLLEE, AND ANY SUM SO PAID SHALL BE SUPPLEMENTED BY THE PAYMENT OF AN EQUAL AMOUNT BY THE SECRETARY.

STANDARDS OF CONDUCT

SEC. 410. (A) WITHIN JOB CORPS CENTERS STANDARDS OF CONDUCT AND DEPORTMENT SHALL BE PROVIDED AND STRINGENTLY ENFORCED. IN THE CASE OF VIOLATIONS COMMITTED BY ENROLLEES, DISMISSALS FROM THE CORPS OR TRANSFERS TO OTHER LOCATIONS SHALL BE MADE IN EVERY INSTANCE WHERE IT IS DETERMINED THAT RETENTION IN THE CORPS, OR IN THE PARTICULAR JOB CORPS CENTER, WILL JEOPARDIZE THE ENFORCEMENT OF SUCH STANDARDS OF CONDUCT AND DEPORTMENT OR DIMINISH THE OPPORTUNITY OF OTHER ENROLLEES.

(B) IN ORDER TO PROMOTE THE PROPER MORAL AND DISCIPLINARY CONDITIONS IN THE JOB CORPS, THE INDIVIDUAL DIRECTORS OF JOB CORPS CENTERS SHALL BE GIVEN FULL AUTHORITY TO TAKE APPROPRIATE DISCIPLINARY MEASURES AGAINST ENROLLEES INCLUDING, BUT NOT LIMITED TO, DISMISSAL FROM THE JOB CORPS, SUBJECT TO EXPEDITIOUS APPEAL PROCEDURES TO HIGHER AUTHORITY, AS PROVIDED UNDER REGULATIONS ESTABLISHED BY THE SECRETARY.

COMMUNITY PARTICIPATION

SEC. 411. THE SECRETARY SHALL ENCOURAGE AND SHALL COOPERATE IN ACTIVITIES DESIGNED TO ESTABLISH A MUTUALLY BENEFICIAL RELATIONSHIP BETWEEN JOB CORPS CENTERS AND SURROUNDING OR NEARBY COMMUNITIES. THESE ACTIVITIES SHALL INCLUDE THE ESTABLISHMENT OF COMMUNITY ADVISORY COUNCILS TO PROVIDE A MECHANISM FOR JOINT DISCUSSION OF COMMON PROBLEMS AND FOR PLANNING PROGRAMS OF MUTUAL INTEREST. WHENEVER POSSIBLE, SUCH ADVISORY COUNCILS SHALL BE FORMED BY AND COORDINATED UNDER THE LOCAL COMMUNITY ACTION AGENCY. YOUTH PARTICIPATION IN ADVISORY COUNCIL AFFAIRS SHALL BE ENCOURAGED AND WHERE FEASIBLE SEPARATE YOUTH COUNCILS MAY BE ESTABLISHED, TO BE COMPOSED OF REPRESENTATIVE ENROLLEES AND REPRESENTATIVE YOUNG PEOPLE FROM THE COMMUNITIES. THE SECRETARY SHALL ESTABLISH NECESSARY RULES AND TAKE NECESSARY ACTION TO ASSURE THAT EACH CENTER IS OPERATED IN A MANNER CONSISTENT WITH THIS SECTION WITH A VIEW TO ACHIEVING, SO FAR AS POSSIBLE, OBJECTIVES WHICH SHALL INCLUDE--

(1) GIVING COMMUNITY OFFICIALS APPROPRIATE ADVANCE NOTICE OF CHANGES IN CENTER RULES, PROCEDURES, OR ACTIVITIES THAT MAY AFFECT OR BE OF INTEREST TO THE COMMUNITY;

(2) AFFORDING THE COMMUNITY A MEANINGFUL VOICE IN CENTER AFFAIRS OF DIRECT CONCERN TO IT, INCLUDING POLICIES GOVERNING THE ISSUANCE AND TERMS OF PASSES TO ENROLLEES;

(3) PROVIDING CENTER OFFICIALS WITH FULL AND RAPID ACCESS TO RELEVANT COMMUNITY GROUPS AND AGENCIES, INCLUDING LAW ENFORCEMENT AGENCIES AND AGENCIES WHICH WORK WITH YOUNG PEOPLE IN THE COMMUNITY;

(4) ENCOURAGING THE FULLEST PRACTICABLE PARTICIPATION OF ENROLLEES IN PROGRAMS OR PROJECTS FOR COMMUNITY IMPROVEMENT OR BETTERMENT, WITH ADEQUATE ADVANCE CONSULTATION WITH BUSINESS, LABOR, PROFESSIONAL, AND OTHER INTERESTED COMMUNITY GROUPS AND ORGANIZATIONS;

(5) ARRANGING RECREATIONAL, ALTHLETIC, OR SIMILAR EVENTS IN WHICH ENROLLEES AND LOCAL RESIDENTS MAY PARTICIPATE TOGETHER;

(6) PROVIDING COMMUNITY RESIDENTS WITH OPPORTUNITIES TO WORK WITH ENROLLEES DIRECTLY, AS PART-TIME INSTRUCTORS, TUTORS, OR ADVISERS, EITHER IN THE CENTER OR IN THE COMMUNITY;

(7) DEVELOPING, WHERE FEASIBLE, JOB OR CAREER OPPORTUNITIES FOR ENROLLEES IN THE COMMUNITY; AND

(8) PROMOTING INTERCHANGES OF INFORMATION AND TECHNIQUES AMONG, AND COOPERATIVE PROJECTS INVOLVING, THE CENTER AND COMMUNITY SCHOOLS, EDUCATIONAL INSTITUTIONS, AND AGENCIES SERVING YOUNG PEOPLE.

COUNSELING AND JOB PLACEMENT

SEC. 412. (A) THE SECRETARY SHALL PROVIDE FOR THE COUNSELING AND TESTING OF EACH ENROLLEE AT REGULAR INTERVALS TO FOLLOW HIS PROGRESS IN EDUCATIONAL AND VOCATIONAL PROGRAMS.

(B) THE SECRETARY SHALL COUNSEL AND TEST EACH ENROLLEE PRIOR TO HIS SCHEDULED TERMINATION TO DETERMINE HIS CAPABILITIES AND SHALL PLACE HIM IN A JOB IN THE VOCATION FOR WHICH HE IS TRAINED AND IN WHICH HE IS LIKELY TO SUCCEED, OR SHALL ASSIST HIM IN ATTAINING FURTHER TRAINING OR EDUCATION. IN PLACING ENROLLEES IN JOBS, THE SECRETARY SHALL UTILIZE THE UNITED STATES EMPLOYMENT SERVICE TO THE FULLEST EXTENT POSSIBLE.

(C) THE SECRETARY OF LABOR SHALL MAKE ARRANGEMENTS TO DETERMINE THE STATUS AND PROGRESS OF TERMINEES AND TO ASSURE THAT THEIR NEED FOR FURTHER EDUCATION, TRAINING, AND COUNSELING ARE MET.

(D) UPON TERMINATION OF AN ENROLLEE'S TRAINING, A COPY OF HIS PERTINENT RECORDS, INCLUDING DATA DERIVED FROM HIS COUNSELING AND TESTING, OTHER THAN CONFIDENTIAL INFORMATION, SHALL BE MADE AVAILABLE IMMEDIATELY TO THE DEPARTMENT OF LABOR AND THE OFFICE OF ECONOMIC OPPORTUNITY.

(E) THE SECRETARY SHALL, TO THE EXTENT FEASIBLE IN ACCORDANCE WITH SECTION 637 (B) OF THE ECONOMIC ACT OF 1964, 781 STAT. 720. 42 USC 2979.// ARRANGE FOR THE READJUSTMENT ALLOWANCE PROVIDED FOR IN SECTION 439 (C) OF THIS ACT, LESS ANY SUMS ALREADY PAID PURSUANT TO SUBSECTION (D) OF THAT SECTION, TO BE PAID TO FORMER ENROLLEES (WHO HAVE NOT ALREADY FOUND EMPLOYMENT) AT THE PUBLIC EMPLOYMENT SERVICE OFFICE NEAREST THE HOME OF

ANY SUCH FORMER ENROLLEE IF HE IS RETURNING TO HIS HOME, OR AT THE NEAREST SUCH OFFICE TO THE COMMUNITY IN WHICH THE FORMER ENROLLEE HAS INDICATED AN INTENT TO RESIDE. THE SECRETARY SHALL MAKE ARRANGEMENTS BY WHICH PUBLIC EMPLOYMENT SERVICE OFFICERS WILL MAINTAIN RECORDS REGARDING FORMER ENROLLEES WHO ARE THUS PAID AT SUCH OFFICES INCLUDING INFORMATION AS TO--

(1) THE NUMBER OF FORMER ENROLLEES WHO HAVE DECLINED THE OFFICES' HELP IN FINDING A JOB;

(2) THE NUMBER WHO WERE SUCCESSFULLY PLACED IN JOBS WITHOUT FURTHER EDUCATION OR TRAINING;

(3) THE NUMBER WHO WERE FOUND TO REQUIRE FURTHER TRAINING BEFORE BEING PLACED IN JOBS AND THE TYPES OF TRAINING PROGRAMS IN WHICH THEY PARTICIPATED; AND

(4) THE NUMBER WHO WERE FOUND TO REQUIRE FURTHER REMEDIAL OR BASIC EDUCATION IN ORDER TO QUALIFY FOR TRAINING PROGRAMS, TOGETHER WITH INFORMATION AS TO THE TYPES OF PROGRAMS FOR WHICH SUCH FORMER ENROLLEES WERE FOUND UNQUALIFIED FOR ENROLLMENT.

IF THE SECRETARY DEEMS IT ADVISABLE TO UTILIZE THE SERVICES OF ANY OTHER PUBLIC OR PRIVATE ORGANIZATION OR AGENCY IN LIEU OF THE PUBLIC EMPLOYMENT OFFICE, HE SHALL ARRANGE FOR THAT ORGANIZATION OR AGENCY TO MAKE THE PAYMENT OF THE READJUSTMENT ALLOWANCE AND MAINTAIN THE SAME TYPES OF RECORDS REGARDING FORMER ENROLLEES AS ARE HEREIN SPECIFIED FOR MAINTENANCE BY PUBLIC EMPLOYMENT SERVICE OFFICES, AND SHALL FURNISH COPIES OF SUCH RECORDS TO THE SECRETARY. IN THE CASE OF ENROLLEES WHO ARE PLACED IN JOBS BY THE SECRETARY PRIOR TO THE TERMINATION OF THEIR PARTICIPATION IN THE JOB CORPS, THE SECRETARY SHALL MAINTAIN RECORDS PROVIDING PERTINENT PLACEMENT AND FOLLOW-UP INFORMATION.

EVALUATION: EXPERIMENTAL AND DEVELOPMENTAL PROJECTS

SEC. 413. (A) THE SECRETARY SHALL PROVIDE FOR THE CAREFUL AND SYSTEMATIC EVALUATION OF THE JOB CORPS PROGRAM, DIRECTLY OR BY CONTRACTING FOR INDEPENDENT EVALUATIONS; WITH A VIEW TO MEASURING SPECIFIC BENEFITS, SO FAR AS PRACTICABLE, AND PROVIDING INFORMATION NEEDED TO ASSESS THE EFFECTIVENESS OF PROGRAM PROCEDURES, POLICIES, AND METHODS OF OPERATION. IN PARTICULAR, THIS EVALUATION SHALL SEEK TO DETERMINE THE COSTS AND BENEFITS RESULTING FROM THE USE OF RESIDENTIAL AS OPPOSED TO NONRESIDENTIAL FACILITIES, FROM THE USE OF FACILITIES COMBINING RESIDENTIAL AND NONRESIDENTIAL COMPONENTS, FROM THE USE OF CENTERS WITH LARGE AS OPPOSED TO SMALL ENROLLMENTS, AND FROM THE USE OF DIFFERENT TYPES OF PROGRAM SPONSORS, INCLUDING PUBLIC AGENCIES, INSTITUTIONS OF HIGHER EDUCATION, AND PRIVATE CORPORATIONS. THE EVALUATION SHALL ALSO INCLUDE COMPARISONS WITH PROPER CONTROL GROUPS COMPOSED OF PERSONS WHO HAVE NOT PARTICIPATED IN THE PROGRAM. IN CARRYING OUT SUCH EVALUATIONS, THE SECRETARY SHALL ARRANGE FOR OBTAINING THE OPINIONS OF PARTICIPANTS ABOUT THE STRENGTHS AND WEAKNESSES OF THE PROGRAM AND SHALL CONSULT WITH OTHER AGENCIES AND OFFICIALS IN ORDER TO COMPARE THE RELATIVE EFFECTIVENESS OF JOB CORPS TECHNIQUES WITH THOSE USED IN OTHER PROGRAMS, AND SHALL ENDEAVOR TO SECURE, THROUGH EMPLOYERS, SCHOOLS, OR OTHER GOVERNMENT AND PRIVATE AGENCIES SPECIFIC INFORMATION CONCERNING THE RESIDENCE OF FORMER

ENROLLEES, THEIR EMPLOYMENT STATUS, COMPENSATION AND SUCCESS IN ADJUSTING TO COMMUNITY LIFE. THE SECRETARY SHALL ALSO SECURE, TO THE EXTENT FEASIBLE, SIMILAR INFORMATION DIRECTLY FROM ENROLLEES AT APPROPRIATE INTERVALS FOLLOWING THEIR COMPLETION OF THE JOB CORPS PROGRAM. THE RESULTS OF SUCH EVALUATION SHALL BE PUBLISHED AND SHALL BE SUMMARIZED IN THE ANNUAL REPORT OF THE SECRETARY.

(B) THE SECRETARY MAY UNDERTAKE OR MAKE GRANTS OR CONTRACTS FOR EXPERIMENTAL, ~~RESEARCH~~, OR DEMONSTRATION PROJECTS DIRECTED TO DEVELOPING OR TESTING WAYS OF SECURING THE BETTER USE OF FACILITIES, OF ENCOURAGING A MORE RAPID ADJUSTMENT OF ENROLLEES TO COMMUNITY LIFE THAT WILL PERMIT A REDUCTION IN THE PERIOD OF THEIR ENROLLMENT, OF REDUCING TRANSPORTATION AND SUPPORT COSTS, OR OF OTHERWISE PROMOTING GREATER EFFICIENCY AND EFFECTIVENESS IN THE PROGRAM AUTHORIZED UNDER THIS PART. THESE PROJECTS SHALL INCLUDE ONE OR MORE PROJECTS PROVIDING YOUTHS WITH EDUCATION, TRAINING, AND OTHER SUPPORTIVE SERVICES ON A COMBINED RESIDENTIAL AND NONRESIDENTIAL BASIS. THE SECRETARY MAY, IF HE DEEMS IT ADVISABLE, UNDERTAKE ONE OR MORE PILOT PROJECTS DESIGNED TO INVOLVE YOUTH WHO HAVE A HISTORY OF SERIOUS AND VIOLENT BEHAVIOR AGAINST PERSONS OR PROPERTY, REPETITIVE DELINQUENT ACTS, NARCOTICS ADDICTION, OR OTHER BEHAVIORAL ABERATIONS. PROJECTS UNDER THIS SUBSECTION SHALL BE DEVELOPED AFTER APPROPRIATE CONSULTATION WITH OTHER FEDERAL OR STATE AGENCIES CONDUCTING SIMILAR OR RELATED PROGRAMS OR PROJECTS AND WITH THE PRIME SPONSORS, IN THE COMMUNITIES WHERE THE PROJECTS WILL BE CARRIED OUT. THEY MAY BE UNDERTAKEN JOINTLY WITH OTHER FEDERAL OR FEDERALLY ASSISTED PROGRAMS, AND FUNDS OTHERWISE AVAILABLE FOR ACTIVITIES UNDER THOSE PROGRAMS SHALL, WITH THE CONSENT OF THE HEAD OF ANY AGENCY CONCERNED, BE AVAILABLE TO PROJECTS UNDER THIS SECTION TO THE EXTENT THEY INCLUDE THE SAME OR SUBSTANTIALLY SIMILAR ACTIVITIES. THE SECRETARY MAY WAIVE ANY PROVISION OF THIS TITLE WHICH HE FINDS WOULD PREVENT THE CARRYING OUT OF ELEMENTS OF PROJECTS UNDER THIS SUBSECTION ESSENTIAL TO A DETERMINATION OF THEIR FEASIBILITY AND USEFULNESS. HE SHALL, IN THE ANNUAL REPORT OF THE SECRETARY, REPORT TO THE CONGRESS CONCERNING THE ACTIONS TAKEN UNDER THIS SECTION, INCLUDING A FULL DESCRIPTION OF PROGRESS MADE IN CONNECTION WITH COMBINED RESIDENTIAL AND NONRESIDENTIAL PROJECTS.

(C) IN ORDER TO DETERMINE WHETHER UPGRADED VOCATIONAL EDUCATION SCHOOLS COULD ELIMINATE OR SUBSTANTIALLY REDUCE THE SCHOOL DROPOUT PROBLEM, AND TO DEMONSTRATE HOW COMMUNITIES COULD MAKE MAXIMUM UTILIZATION OF EXISTING EDUCATIONAL AND TRAINING FACILITIES, THE SECRETARY IN COOPERATION WITH THE COMMISSIONER OF EDUCATION, SHALL ENTER INTO ONE OR MORE AGREEMENTS WITH STATE EDUCATIONAL AGENCIES TO PAY THE COST OF ESTABLISHING AND OPERATING MODEL COMMUNITY VOCATIONAL EDUCATION SCHOOLS AND SKILL CENTERS. SUCH FACILITIES SHALL BE CENTRALLY LOCATED IN AN URBAN AREA HAVING A HIGH DROPOUT RATE, A LARGE NUMBER OF UNEMPLOYED YOUTHS, AND A NEED IN THE AREA FOR A COMBINATION VOCATIONAL SCHOOL AND SKILL CENTER. NO SUCH AGREEMENT SHALL BE ENTERED INTO UNLESS IT CONTAINS PROVISIONS DESIGNED TO ASSURE THAT--

- (1) A JOB SURVEY BE MADE OF THE AREA;
- (2) THE TRAINING PROGRAM OF THE SCHOOL AND SKILL CENTER REFLECT

THE JOB MARKET NEEDS AS PROJECTED BY THE SURVEY;

(3) AN ADVISORY COMMITTEE COMPOSED OF REPRESENTATIVES OF BUSINESS, LABOR, EDUCATION, AND COMMUNITY LEADERS BE FORMED TO FOLLOW THE CENTER'S ACTIVITIES AND TO MAKE PERIODIC RECOMMENDATIONS REGARDING ITS OPERATION;

(4) ARRANGEMENTS HAVE BEEN WORKED OUT WITH SCHOOLS IN THE AREA AND THE ADMINISTRATOR OF THE SKILL CENTER FOR MAXIMUM UTILIZATION OF THE CENTER BOTH DURING AND AFTER SCHOOL HOURS; AND

(5) SUCH ACCOUNTING AND EVALUATION PROCEDURES AS THE SECRETARY AND THE COMMISSIONER OF EDUCATION DEEM NECESSARY TO CARRY OUT THE PURPOSE OF THIS PROJECT WILL BE PROVIDED.

ADVISORY BOARDS AND COMMITTEES

SEC. 414. THE SECRETARY SHALL MAKE USE OF ADVISORY COMMITTEES OR BOARDS IN CONNECTION WITH THE OPERATION OF THE JOB CORPS, AND THE OPERATION OF JOB CORPS CENTERS, WHENEVER HE DETERMINES THAT THE AVAILABILITY OF OUTSIDE ADVICE AND COUNSEL ON A REGULAR BASIS WOULD BE OF SUBSTANTIAL BENEFIT IN IDENTIFYING AND OVERCOMING PROBLEMS, IN PLANNING PROGRAM OR CENTER DEVELOPMENT, OR IN STRENGTHENING RELATIONSHIPS BETWEEN THE JOB CORPS AND AGENCIES, INSTITUTIONS, OR GROUPS ENGAGED IN RELATED ACTIVITIES. NOTHING IN THIS SECTION SHALL BE CONSIDERED AS LIMITING THE FUNCTIONS OF THE NATIONAL ADVISORY COUNCIL, ESTABLISHED PURSUANT TO SECTION 605 OF THE ECONOMIC OPPORTUNITY ACT OF 1964, 1180 STAT. 1469. 42 USC 2945.// WITH RESPECT TO ANY MATTER OR QUESTION INVOLVING THE JOB CORPS; BUT THIS SHALL NOT PREVENT THE ESTABLISHMENT THROUGH OR IN COOPERATION WITH THE NATIONAL ADVISORY COUNCIL OF ONE OR MORE BOARDS OR COMMITTEES UNDER THIS SECTION.

PARTICIPATION OF THE STATES

SEC. 415. (A) THE SECRETARY SHALL TAKE NECESSARY ACTION TO FACILITATE THE EFFECTIVE PARTICIPATION OF STATES IN THE JOB CORPS PROGRAM, INCLUDING, BUT NOT LIMITED TO, CONSULTATION WITH APPROPRIATE STATE AGENCIES ON MATTERS PERTAINING TO THE ENFORCEMENT OF APPLICABLE STATE LAWS, STANDARDS OF ENROLLEE CONDUCT AND DISCIPLINE, THE DEVELOPMENT OF MEANINGFUL WORK EXPERIENCE AND OTHER ACTIVITIES FOR ENROLLEES, AND COORDINATION WITH STATE-OPERATED PROGRAMS.

(B) THE SECRETARY MAY ENTER INTO AGREEMENTS WITH STATES TO ASSIST IN THE OPERATION OR ADMINISTRATION OF STATE-OPERATED PROGRAMS WHICH CARRY OUT THE PURPOSE OF THIS PART. THE SECRETARY MAY, PURSUANT TO REGULATIONS, PAY PART OR ALL OF THE OPERATIVE OR ADMINISTRATIVE COSTS OF SUCH PROGRAMS.

(C) NO JOB CORPS CENTER OR OTHER SIMILAR FACILITY DESIGNED TO CARRY OUT THE PURPOSE OF THIS ACT SHALL BE ESTABLISHED WITHIN A STATE UNLESS A PLAN SETTING FORTH SUCH PROPOSED ESTABLISHMENT HAS BEEN SUBMITTED TO THE GOVERNOR, AND SUCH PLAN HAS NOT BEEN DISAPPROVED BY HIM WITHIN 30 DAYS OF SUCH SUBMISSION.

APPLICATION OF PROVISIONS OF FEDERAL LAW

SEC. 416. (A) EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED IN THE FOLLOWING PARAGRAPHS OF THIS SUBSECTION, AND IN SECTION 8143 (A) OF TITLE 5, UNITED STATES CODE, 1182 STAT. 1313.// ENROLLEES IN THE JOB CORPS SHALL NOT BE CONSIDERED FEDERAL EMPLOYEES AND SHALL NOT BE SUBJECT TO THE

PROVISIONS OF LAW RELATING TO FEDERAL EMPLOYMENT INCLUDING THOSE REGARDING HOURS OF WORK, RATES OF COMPENSATION, LEAVE, UNEMPLOYMENT COMPENSATION, AND FEDERAL EMPLOYEE BENEFITS:

(1) FOR PURPOSES OF THE INTERNAL REVENUE CODE OF 1954 (26 U.S.C. 1 ET SEQ.) AND TITLE II OF THE SOCIAL SECURITY ACT (42 U.S.C. 401 ET SEQ.), //68A STAT. 3. 70 STAT. 819.// ENROLLEES SHALL BE DEEMED EMPLOYEES OF THE UNITED STATES AND ANY SERVICE PERFORMED BY AN INDIVIDUAL AS AN ENROLLEE SHALL BE DEEMED TO BE PERFORMED IN THE EMPLOY OF THE UNITED STATES.

(2) FOR PURPOSES OF SUBCHAPTER I OF CHAPTER 81 OF TITLE 5 OF THE UNITED STATES CODE (RELATING TO COMPENSATION TO FEDERAL EMPLOYEES FOR WORK INJURIES), //80 STAT. 532. 5 USC 8101.// ENROLLEES SHALL BE DEEMED CIVIL EMPLOYEES OF THE UNITED STATES WITHIN THE MEANING OF THE TERM "EMPLOYEE" AS DEFINED IN SECTION 8101 OF TITLE 5, UNITED STATES CODE, AND THE PROVISIONS OF THAT SUBCHAPTER SHALL APPLY EXCEPT AS FOLLOWS:

(A) THE TERM "PERFORMANCE OF DUTY" SHALL NOT INCLUDE ANY ACT OF AN ENROLLEE WHILE ABSENT FROM HIS OR HER ASSIGNED POST OF DUTY, EXCEPT WHILE PARTICIPATING IN AN ACTIVITY (INCLUDING AN ACTIVITY WHILE ON PASS OR DURING TRAVEL TO OR FROM SUCH POST OF DUTY) AUTHORIZED BY OR UNDER THE DIRECTION AND SUPERVISION OF THE JOB CORPS;

(B) IN COMPUTING COMPENSATION BENEFITS FOR DISABILITY OR DEATH, THE MONTHLY PAY OF AN ENROLLEE SHALL BE DEEMED THAT RECEIVED UNDER THE ENTRANCE SALARY FOR A GRADE GS-2 EMPLOYEE, AND SECTIONS 8113 (A) AND (B) OF TITLE 5, UNITED STATES CODE, SHALL APPLY TO ENROLLEES; AND //5 USC 5332 NOTE. 80 STAT. 540.//

(C) COMPENSATION FOR DISABILITY SHALL NOT BEGIN TO ACCRUE UNTIL THE DAY FOLLOWING THE DATE ON WHICH THE INJURED ENROLLEE IS TERMINATED.

(3) FOR PURPOSES OF THE FEDERAL TORT CLAIMS PROVISIONS IN TITLE 28, UNITED STATES CODE, //62 STAT. 982. 28 USC 2671 ET SEQ.// ENROLLEES SHALL BE CONSIDERED EMPLOYEES OF THE GOVERNMENT.

(B) WHENEVER THE SECRETARY FINDS A CLAIM FOR DAMAGE TO PERSONS OR PROPERTY RESULTING FROM THE OPERATION OF THE JOB CORPS TO BE A PROPER CHARGE AGAINST THE UNITED STATES, AND IT IS NOT COGNIZABLE UNDER SECTION 2672 OF TITLE 28, UNITED STATES CODE, //80 STAT. 306.// HE MAY ADJUST AND SETTLE IT IN AN AMOUNT NOT EXCEEDING \$500.

(C) PERSONNEL OF THE UNIFORMED SERVICES WHO ARE DETAILED OR ASSIGNED TO DUTY IN THE PERFORMANCE OF AGREEMENTS MADE BY THE SECRETARY FOR THE SUPPORT OF THE CORPS SHALL NOT BE COUNTED IN COMPUTING STRENGTH UNDER ANY LAW LIMITING THE STRENGTH OF SUCH SERVICES OR IN COMPUTING THE PERCENTAGE AUTHORIZED BY LAW FOR ANY GRADE THEREIN.

SPECIAL LIMITATIONS

SEC. 417. (A) THE SECRETARY SHALL NOT USE ANY FUNDS MADE AVAILABLE TO CARRY OUT THIS PART FOR THE FISCAL YEAR ENDING JUNE 30, 1968, IN A MANNER THAT WILL INCREASE THE RESIDENTIAL CAPACITY OF JOB CORPS CENTERS ABOVE FORTY-FIVE THOUSAND ENROLLEES.

(B) THE SECRETARY SHALL TAKE NECESSARY ACTION TO ASSURE THAT ON OR BEFORE JUNE 30, 1968, OF THE TOTAL NUMBER OF JOB CORPS ENROLLEES RECEIVING

TRAINING AT LEAST 25 PER CENTUM SHALL BE WOMEN. THE SECRETARY SHALL IMMEDIATELY TAKE STEPS TO ACHIEVE AN ENROLLMENT RATIO OF 50 PER CENTUM WOMEN ENROLLEES IN TRAINING IN THE JOB CORPS CONSISTENT WITH (1) EFFICIENCY AND ECONOMY IN THE OPERATION OF THE PROGRAM, (2) SOUND ADMINISTRATIVE PRACTICE, AND (3) SOCIOECONOMIC, EDUCATIONAL, AND TRAINING NEEDS OF THE POPULATION TO BE SERVED.

(C) THE SECRETARY SHALL TAKE NECESSARY ACTION TO ASSURE THAT FOR ANY FISCAL YEAR THE DIRECT OPERATING COSTS OF JOB CORPS CENTERS WHICH HAVE BEEN IN OPERATION FOR MORE THAN NINE MONTHS DO NOT EXCEED \$6,900 PER ENROLLEE.

(D) THE SECRETARY SHALL TAKE NECESSARY ACTION TO ASSURE THAT ALL STUDIES, EVALUATIONS, PROPOSALS, AND DATA PRODUCED OR DEVELOPED WITH FEDERAL FUNDS IN THE COURSE OF THE OPERATION OF ANY CONSERVATION OR TRAINING CENTER SHALL BECOME THE PROPERTY OF THE UNITED STATES.

POLITICAL DISCRIMINATION AND POLITICAL ACTIVITY

SFC. 418. (A) NO OFFICER OR EMPLOYEE OF THE EXECUTIVE BRANCH OF THE FEDERAL GOVERNMENT SHALL MAKE ANY INQUIRY CONCERNING THE POLITICAL AFFILIATION OR BELIEFS OF ANY ENROLLEE OR APPLICANT FOR ENROLLMENT IN THE CORPS. ALL DISCLOSURES CONCERNING SUCH MATTERS SHALL BE IGNORED, EXCEPT AS TO SUCH MEMBERSHIP IN POLITICAL PARTIES OR ORGANIZATIONS AS CONSTITUTES BY LAW A DISQUALIFICATION FOR GOVERNMENT EMPLOYMENT. NO DISCRIMINATION SHALL BE EXERCISED, THREATENED, OR PROMISED BY ANY PERSON IN THE EXECUTIVE BRANCH OF THE FEDERAL GOVERNMENT AGAINST OR IN FAVOR OF AN ENROLLEE IN THE CORPS, OR ANY APPLICANT FOR ENROLLMENT IN THE CORPS BECAUSE OF HIS POLITICAL AFFILIATION OR BELIEFS, EXCEPT AS MAY BE SPECIFICALLY AUTHORIZED OR REQUIRED BY LAW.

(B) NO OFFICER, EMPLOYEE, OR ENROLLEE OF THE CORPS SHALL TAKE ANY ACTIVE PART IN POLITICAL MANAGEMENT OR IN POLITICAL CAMPAIGNS, EXCEPT AS MAY BE PROVIDED BY OR PURSUANT TO STATUTE, AND NO SUCH OFFICER, EMPLOYEE, OR ENROLLEE SHALL USE HIS OFFICIAL POSITION OR INFLUENCE FOR THE PURPOSE OF INTERFERING WITH AN ELECTION OR AFFECTING THE RESULT THEREOF. ALL SUCH PERSONS SHALL RETAIN THE RIGHT TO VOTE AS THEY MAY CHOOSE AND TO EXPRESS, IN THEIR PRIVATE CAPACITIES, THEIR OPINIONS ON ALL POLITICAL SUBJECTS AND CANDIDATES. ANY OFFICER, EMPLOYEE, ENROLLEE, OR OTHER FEDERAL EMPLOYEE WHO SOLICITS FUNDS FOR POLITICAL PURPOSES FROM MEMBERS OF THE CORPS SHALL BE IN VIOLATION OF SECTION 602 OF TITLE 18, UNITED STATES CODE. //62 STAT. 722.//

(C) WHENEVER THE UNITED STATES CIVIL SERVICE COMMISSION FINDS THAT ANY PERSON HAS VIOLATED THE PROVISIONS OF THIS SECTION, IT SHALL, AFTER GIVING DUE NOTICE AND OPPORTUNITY FOR EXPLANATION TO THE OFFICER OR EMPLOYEE OR ENROLLEE CONCERNED, CERTIFY THE FACTS TO THE SECRETARY WITH SPECIFIC INSTRUCTIONS AS TO DISCIPLINE OR DISMISSAL OR OTHER CORRECTIVE ACTIONS.

ADMINISTRATIVE PROVISIONS

SEC. 419. (A) IN CARRYING OUT THE PROVISIONS OF THIS TITLE, THE SECRETARY SHALL HAVE THE SAME POWERS AS THE DIRECTOR OF THE OFFICE OF ECONOMIC OPPORTUNITY UNDER SECTION 602 OF THE ECONOMIC OPPORTUNITY ACT OF 1964. //78 STAT. 528. 42 USC 2942.//

(B) THE PROVISIONS OF SECTION 603 OF THIS ACT SHALL APPLY TO THIS TITLE

ONLY TO THE EXTENT THAT SUCH PROVISIONS ARE CONSISTENT WITH THE PROVISIONS OF THIS TITLE.

TITLE V--NATIONAL COMMISSION FOR MANPOWER POLICY
FINDINGS AND DECLARATION OF PURPOSE

SEC. 501. (A) THE CONGRESS FINDS AND DECLARES THAT THE RESPONSIBILITY FOR THE DEVELOPMENT, ADMINISTRATION, AND COORDINATION OF PROGRAMS OF TRAINING AND MANPOWER DEVELOPMENT GENERALLY IS SO DIFFUSED AND FRAGMENTED AT ALL LEVELS OF GOVERNMENT THAT IT HAS BEEN IMPOSSIBLE TO DEVELOP NATIONAL PRIORITIES IN THESE FIELDS, WITH THE RESULT THAT EVEN GOOD PROGRAMS HAVE PROVED TO BE FAR LESS EFFECTIVE THAN COULD REASONABLY BE EXPECTED. THE CONGRESS FURTHER FINDS THAT THE LACK OF A COHERENT, FLEXIBLE, NATIONAL MANPOWER POLICY REDUCES OUR PROSPECTS OF SOLVING ECONOMIC AND SOCIAL PROBLEMS WHICH THREATEN FUNDAMENTAL NATIONAL INTERESTS AND OBJECTIVES.

(B) ACCORDINGLY, THE PURPOSE OF THIS TITLE IS TO ESTABLISH A NATIONAL COMMISSION FOR MANPOWER POLICY WHICH WILL HAVE THE RESPONSIBILITY FOR EXAMINING THESE ISSUES, FOR SUGGESTING WAYS AND MEANS OF DEALING WITH THEM, AND FOR ADVISING THE SECRETARY ON NATIONAL MANPOWER ISSUES.

COMMISSION ESTABLISHED

SEC. 502. (A) THERE IS ESTABLISHED A NATIONAL COMMISSION FOR MANPOWER POLICY (HEREINAFTER REFERRED TO AS THE "COMMISSION") WHICH SHALL CONSIST OF SEVENTEEN MEMBERS SELECTED AS FOLLOWS --

(1) THE SECRETARY OF LABOR, THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE, THE SECRETARY OF DEFENSE, THE SECRETARY OF COMMERCE, THE SECRETARY OF AGRICULTURE, AND THE ADMINISTRATOR OF THE VETERANS' AFFAIRS; AND

(2) ELEVEN MEMBERS BROADLY REPRESENTATIVE OF THE LABOR, INDUSTRY, COMMERCE, EDUCATION (INCLUDING VOCATIONAL AND TECHNICAL EDUCATION), STATE AND LOCAL ELECTED OFFICIALS INVOLVED WITH MANPOWER PROGRAMS, PERSONS SERVED BY MANPOWER PROGRAMS AND OF THE GENERAL PUBLIC APPOINTED BY THE PRESIDENT.

(B) THE COMMISSION SHALL MEET AT THE CALL OF THE CHAIRMAN, WHO SHALL BE SELECTED BY THE PRESIDENT AND WHO SHALL BE ONE OF THE TEN APPOINTED PUBLIC MEMBERS, BUT NOT FEWER THAN THREE TIMES A YEAR.

(C) THE CHAIRMAN (WITH THE CONCURRENCE OF THE COMMISSION) SHALL APPOINT A DIRECTOR, WHO SHALL BE THE CHIEF EXECUTIVE OFFICER OF THE COMMISSION AND SHALL PERFORM SUCH DUTIES AS ARE PRESCRIBED BY THE CHAIRMAN. THE DIRECTOR MAY APPOINT, WITH THE CONCURRENCE OF THE CHAIRMAN AND THE SECRETARY OF LABOR, SUCH CLERICAL STAFF AS ARE NECESSARY. THE COMMISSION MAY UTILIZE SUCH STAFF FROM THE DEPARTMENT OF LABOR, THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, AND SUCH OTHER FEDERAL AGENCIES AS MAY BE AVAILABLE TO ASSIST THE COMMISSION IN CARRYING OUT ITS RESPONSIBILITIES.

(D) THE COMMISSION MAY ACCEPT IN THE NAME OF THE DEPARTMENT OF LABOR AND EMPLOY OR DISPOSE OF GIFTS OR REQUESTS, TO CARRY OUT ITS RESPONSIBILITIES UNDER THIS TITLE.

(E) MEMBERS OF THE COMMISSION WHO ARE NOT OFFICERS OR EMPLOYEES OF THE FEDERAL GOVERNMENT SHALL BE PAID COMPENSATION AT A RATE OF UP TO THE PER DIEM EQUIVALENT OF THE RATE FOR GS-18 WHEN ENGAGED IN THE WORK OF THE

COMMISSION, INCLUDING TRAVELTIME, AND SHALL BE ALLOWED TRAVEL EXPENSES AND PER DIEM IN LIEU OF SUBSISTENCE AS AUTHORIZED BY LAW (5 U.S.C. 5703) FOR PERSONS IN THE GOVERNMENT SERVICE EMPLOYED INTERMITTENTLY AND RECEIVING COMPENSATION ON A PER DIEM, WHEN ACTUALLY EMPLOYED, BASIS. //5 USC 5332 NOTE. 80 STAT. 499; 83 STAT. 190.//

FUNCTIONS OF THE COMMISSION

SEC. 503. THE COMMISSION SHALL--

(1) IDENTIFY THE MANPOWER GOALS AND NEEDS OF THE NATION AND ASSESS THE EXTENT TO WHICH EMPLOYMENT AND TRAINING, VOCATIONAL EDUCATION, INSTITUTIONAL TRAINING, VOCATIONAL REHABILITATION, ECONOMIC OPPORTUNITY, AND OTHER PROGRAMS UNDER THIS AND RELATED ACTS REPRESENT A CONSISTENT, INTEGRATED, AND COORDINATED APPROACH TO MEETING SUCH NEEDS AND ACHIEVING SUCH GOALS;

(2) CONDUCT SUCH STUDIES, HEARINGS, RESEARCH, OR OTHER ACTIVITIES AS IT DEEMS NECESSARY TO ENABLE IT TO FORMULATE APPROPRIATE RECOMMENDATIONS;

(3) EXAMINE AND EVALUATE THE EFFECTIVENESS OF ANY FEDERALLY ASSISTED MANPOWER DEVELOPMENT PROGRAMS (INCLUDING THOSE ASSISTED UNDER THIS ACT), WITH PARTICULAR REFERENCE TO THE CONTRIBUTIONS OF SUCH PROGRAMS TO THE ACHIEVEMENT OF OBJECTIVES SOUGHT BY THE RECOMMENDATIONS UNDER CLAUSE (2) OF THIS SECTION;

EXAMINE AND EVALUATE MAJOR FEDERAL PROGRAMS WHICH ARE INTENDED TO (OR POTENTIALLY COULD) CONTRIBUTE TO ACHIEVING MAJOR OBJECTIVES OF EXISTING MANPOWER AND RELATED LEGISLATION OR THOSE SET FORTH IN THE RECOMMENDATIONS OF THE COMMISSION AND PARTICULARLY THE PROGRAMS WHICH ARE DESIGNED (OR COULD BE DESIGNED) TO DEVELOP INFORMATION AND KNOWLEDGE ABOUT MANPOWER PROBLEMS THROUGH RESEARCH AND DEMONSTRATION PROJECTS OR TO TRAIN PERSONNEL IN FIELDS (SUCH AS OCCUPATIONAL COUNSELING, GUIDANCE, AND PLACEMENT) WHICH ARE VITAL TO THE SUCCESS OF MANPOWER PROGRAMS; AND

(5) EVALUATE AND MAKE RECOMMENDATIONS TO THE CONGRESS WITH RESPECT TO THE REPORT OF THE SECRETARY REQUIRED UNDER SECTION 506, AND CONTINUE TO MAKE STUDIES OF THE IMPACT OF ENERGY SHORTAGES UPON MANPOWER NEEDS AND INCLUDE THESE FINDINGS AND RECOMMENDATIONS WITH RESPECT THERETO IN THE REPORTS REQUIRED BY SECTION 505.

COORDINATION STUDY

SEC. 504. THE COMMISSION SHALL CONDUCT A STUDY OF THE UTILIZATION AND INTERRELATION OF PROGRAMS OF MANPOWER TRAINING WITH CLOSELY ASSOCIATED PROGRAMS SUCH AS THOSE CONDUCTED UNDER THE WAGNER-PEYSER ACT, //POST, P. 877.// THE WORK INCENTIVES PROGRAM UNDER PART C OF TITLE IV OF THE SOCIAL SECURITY ACT, //81 STAT. 884; 85 STAT. 805. 42 USC 630.// AND OTHERS OF SIMILAR NATURE, WITH A VIEW TO DETERMINING HOW THEY COULD BE BETTER COORDINATED AND MORE EFFECTIVELY COMBINED TO SERVE INDIVIDUALS, PARTICULARLY AT THE STATE AND LOCAL LEVELS, AND SHALL MAKE A REPORT OF THEIR FINDINGS AND RECOMMENDATIONS TO THE PRESIDENT AND THE CONGRESS NOT LATER THAN JANUARY 31, 1975.

REPORTS

SEC. 505. THE COMMISSION SHALL MAKE AT LEAST ANNUALLY A REPORT OF ITS

FINDINGS AND RECOMMENDATIONS TO THE PRESIDENT AND THE CONGRESS, AND THE FIRST SUCH REPORT SHALL BE TRANSMITTED NOT LATER THAN SEPTEMBER 1, 1974. THE COMMISSION MAY MAKE SUCH INTERIM REPORTS OR RECOMMENDATIONS TO THE SECRETARY OF LABOR OR TO THE HEADS OF OTHER FEDERAL DEPARTMENTS AND AGENCIES, AND IN SUCH FORM, AS IT MAY DEEM DESIRABLE.

ENERGY STUDY

SEC. 506. THE SECRETARY SHALL, IMMEDIATELY UPON ENACTMENT OF THIS ACT, MAKE A STUDY OF THE IMPACT OF ENERGY SHORTAGES, INCLUDING FUEL RATIONING, UPON MANPOWER NEEDS. THE SECRETARY SHALL MAKE A REPORT OF HIS FINDINGS AND RECOMMENDATIONS THEREON TO THE CONGRESS AND TO THE COMMISSION NOT LATER THAN MARCH 31, 1974.

TITLE VI--GENERAL PROVISIONS DEFINITIONS

SEC. 601. (A) AS USED IN THIS ACT, THE TERM--

(1) "COMMUNITY-BASED ORGANIZATIONS" MEANS ORGANIZATIONS WHICH ARE REPRESENTATIVE OF COMMUNITIES OR SIGNIFICANT SEGMENTS OF THE COMMUNITIES AND WHICH PROVIDE MANPOWER SERVICES (FOR EXAMPLE, OPPORTUNITIES INDUSTRIALIZATION CENTERS, JOBS FOR PROGRESS, MAINSTREAM, AND COMMUNITY ACTION AGENCIES).

(2) "GOVERNOR" MEANS THE CHIEF EXECUTIVE OF ANY STATE.

(3) "HEALTH CARE" INCLUDES, BUT IS NOT LIMITED TO, PREVENTIVE AND CLINICAL MEDICAL TREATMENT, FAMILY PLANNING SERVICES, NUTRITION SERVICES, AND APPROPRIATE PSYCHIATRIC, PSYCHOLOGICAL, AND PROSTHETIC SERVICES, TO THE EXTENT ANY SUCH TREATMENT OR SERVICES ARE NECESSARY TO ENABLE THE RECIPIENT OF MANPOWER SERVICES TO OBTAIN OR RETAIN EMPLOYMENT.

(4) "LOW-INCOME LEVEL" MEANS \$7,000 WITH RESPECT TO INCOME IN 1969, AND FOR ANY LATER YEAR MEANS THAT AMOUNT WHICH BEARS THE SAME RELATIONSHIP TO \$7,000 AS THE CONSUMER PRICE INDEX FOR 1969, ROUNDED TO THE NEAREST \$1,000.

(5) "MANPOWER ALLOTMENT" MEANS SUMS RECEIVED BY A STATE OR AREA UNDER TITLE I OF THIS ACT FOR ANY FISCAL YEAR (OR, WHERE APPLICABLE, UNDER TITLE II OF THE MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962, AND PART B OF TITLE I OF THE ECONOMIC OPPORTUNITY ACT OF 1964).
//42 USC

2581. 42 USC 2737.//

(6) "OFFENDER" MEANS ANY ADULT OR JUVENILE WHO IS CONFINED IN ANY TYPE OF CORRECTIONAL INSTITUTION AND ALSO INCLUDES ANY INDIVIDUAL OR JUVENILE ASSIGNED TO A COMMUNITY BASED FACILITY OR SUBJECT TO PRETRIAL, PROBATIONARY, OR PAROLE OR OTHER STAGES OF THE JUDICIAL CORRECTIONAL OR PROBATIONARY PROCESS WHERE MANPOWER TRAINING AND SERVICES MAY BE BENEFICIAL, AS DETERMINED BY THE SECRETARY, AFTER CONSULTATION WITH JUDICIAL, CORRECTIONAL, PROBATIONARY, OR OTHER APPROPRIATE AUTHORITIES.

(7) "PUBLIC SERVICE" INCLUDES, BUT IS NOT LIMITED TO, WORK IN SUCH FIELDS AS ENVIRONMENTAL QUALITY, HEALTH CARE, EDUCATION, PUBLIC SAFETY, CRIME PREVENTION AND CONTROL, PRISON REHABILITATION, TRANSPORTATION, RECREATION, MAINTENANCE OF PARKS, STREETS, AND OTHER

PUBLIC FACILITIES, SOLID WASTE REMOVAL, POLLUTION CONTROL, HOUSING AND NEIGHBORHOOD IMPROVEMENTS, RURAL DEVELOPMENT, CONSERVATION, BEAUTIFICATION, VETERANS OUTREACH, AND OTHER FIELDS OF HUMAN BETTERMENT AND COMMUNITY IMPROVEMENT.

(8) "SECRETARY" MEANS THE SECRETARY OF LABOR.

(9) "STATE" INCLUDES THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO, THE VIRGIN ISLANDS, GUAM, AMERICAN SAMOA, AND THE TRUST TERRITORY OF THE PACIFIC ISLANDS.

(10) "UNIT OF GENERAL LOCAL GOVERNMENT" MEANS ANY CITY, MUNICIPALITY, COUNTY, TOWN, TOWNSHIP, PARISH, VILLAGE OR OTHER GENERAL PURPOSE POLITICAL SUBDIVISION WHICH HAS THE POWER TO LEVY TAXES AND SPEND FUNDS, AS WELL AS GENERAL CORPORATE AND POLICE POWERS.

(11) "UNDEREMPLOYED PERSONS" MEANS--

(A) PERSONS WHO ARE WORKING PART-TIME BUT SEEKING FULL-TIME WORK;

(B) PERSONS WHO ARE WORKING FULL-TIME BUT RECEIVING WAGES BELOW THE POVERTY LEVEL DETERMINED IN ACCORDANCE WITH CRITERIA AS ESTABLISHED BY THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.

(12) "UNEMPLOYED PERSONS" MEANS--

(A) PERSONS WHO ARE WITHOUT JOBS AND WHO WANT AND ARE AVAILABLE FOR WORK; AND

(B) EXCEPT FOR PURPOSES OF SECTIONS 103 AND 202, ADULTS WHO OR WHOSE FAMILIES RECEIVE SUPPLEMENTAL SECURITY INCOME OR MONEY PAYMENTS PURSUANT TO A STATE PLAN APPROVED UNDER TITLE I, IV, X, OR XVI OF THE SOCIAL SECURITY ACT OR WOULD, AS DEFINED IN REGULATIONS TO BE ISSUED BY THE SECRETARY, 742 USC 301, 601, 1201, 1381, BE ELIGIBLE FOR SUCH PAYMENTS BUT FOR THE FACT THAT BOTH PARENTS ARE PRESENT IN THE HOME (1) WHO ARE DETERMINED BY THE SECRETARY OF LABOR, IN CONSULTATION WITH THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE, TO BE AVAILABLE FOR WORK, AND (2) WHO ARE EITHER (I) PERSONS WITHOUT JOBS, OR (II) PERSONS WORKING IN JOBS PROVIDING INSUFFICIENT INCOME TO ENABLE SUCH PERSONS AND THEIR FAMILIES TO BE SELF-SUPPORTING WITHOUT WELFARE ASSISTANCE; AND THE DETERMINATION OF WHETHER PERSONS ARE WITHOUT JOBS SHALL BE MADE IN ACCORDANCE WITH THE CRITERIA USED BY THE BUREAU OF LABOR STATISTICS OF THE DEPARTMENT OF LABOR IN DEFINING PERSONS AS UNEMPLOYED, BUT SUCH CRITERIA SHALL NOT BE APPLIED DIFFERENTLY ON ACCOUNT OF A PERSON'S PREVIOUS EMPLOYMENT.

(13) "WAGNER-PEYSER ACT" MEANS "AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A NATIONAL EMPLOYMENT SYSTEM AND FOR COOPERATION WITH THE STATES IN THE PROMOTION OF SUCH SYSTEM, AND FOR OTHER PURPOSES", APPROVED JUNE 6, 1933 (48 STAT. 113), AS AMENDED (29 U.S.C. 49 ET SEQ.).

(B) AS USED IN SECTION 208 (C) OF THIS ACT, THE TERM "AREA" MEANS--

(1) WHERE THE APPLICANT IS AN ELIGIBLE UNIT OF GOVERNMENT OR AN INDIAN TRIBE, THAT GEOGRAPHICAL AREA OVER WHICH THE APPLICANT EXERCISES GENERAL POLITICAL JURISDICTION, OR

(2) WHERE THE APPLICANT IS A PUBLIC AGENCY OR INSTITUTION WHICH

IS A SUBDIVISION OF AN ELIGIBLE UNIT OF GOVERNMENT, THAT GEOGRAPHICAL AREA OVER WHICH SUCH UNIT OF GOVERNMENT EXERCISES GENERAL POLITICAL JURISDICTION.

LEGAL AUTHORITY

SEC. 602. (A) THE SECRETARY MAY, IN ACCORDANCE WITH CHAPTER 5 OF TITLE 5, UNITED STATES CODE, //5 USC 500.// PRESCRIBE SUCH RULES, REGULATIONS, GUIDELINES, AND OTHER PUBLISHED INTERPRETATIONS UNDER THIS ACT AS HE DEEMS NECESSARY. RULES, REGULATIONS, GUIDELINES AND OTHER PUBLISHED INTERPRETATIONS OR ORDERS MAY INCLUDE ADJUSTMENTS AUTHORIZED BY SECTION 204 OF THE INTERGOVERNMENTAL COOPERATION ACT OF 1968. //82 STAT. 1101. 42 USC 4214.// FOR PURPOSES OF CHAPTER 5 OF SUCH TITLE ANY CONDITION OR GUIDELINE FOR RECEIPT OF FINANCIAL ASSISTANCE SHALL BE DEEMED A RULE TO WHICH SECTION 553 APPLIES. ALL SUCH RULES, REGULATIONS, GUIDELINES, AND OTHER PUBLISHED INTERPRETATIONS OR ORDERS UNDER THIS ACT SHALL BE PUBLISHED IN THE FEDERAL REGISTER AT LEAST THIRTY DAYS PRIOR TO THEIR EFFECTIVE DATE. COPIES OF ALL SUCH RULES, REGULATIONS, GUIDELINES, AND OTHER PUBLISHED INTERPRETATIONS OR ORDERS SHALL BE TRANSMITTED TO THE APPROPRIATE COMMITTEES OF THE CONGRESS AT THE SAME TIME AND SHALL CONTAIN WITH RESPECT TO EACH MATERIAL PROVISION OF SUCH RULES, REGULATIONS, GUIDELINES, AND OTHER PUBLISHED INTERPRETATIONS OR ORDERS, CITATIONS TO THE PARTICULAR SUBSTANTIVE SECTION OF LAW WHICH IS THE BASIS THEREFOR.

(B) THE SECRETARY MAY MAKE SUCH GRANTS, CONTRACTS, OR AGREEMENTS, ESTABLISH SUCH PROCEDURES (SUBJECT TO SUCH POLICIES, RULES, AND REGULATIONS AS HE MAY PRESCRIBE), AND MAKE SUCH PAYMENTS, IN INSTALLMENTS AND IN ADVANCE OR BY WAY OF REIMBURSEMENT, OR OTHERWISE ALLOCATE OR EXPEND FUNDS MADE AVAILABLE UNDER THIS ACT, AS HE MAY DEEM NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ACT, INCLUDING (WITHOUT REGARD TO THE PROVISIONS OF SECTION 4774 (D) OF TITLE 10, UNITED STATES CODE) //70A STAT. 269.// EXPENDITURES FOR CONSTRUCTION, REPAIRS, AND CAPITAL IMPROVEMENTS, AND INCLUDING NECESSARY ADJUSTMENTS IN PAYMENTS ON ACCOUNT OF OVERPAYMENTS OR UNDERPAYMENTS. THE SECRETARY MAY ALSO WITHHOLD FUNDS OTHERWISE PAYABLE UNDER THIS ACT, BUT ONLY IN ORDER TO RECOVER ANY AMOUNTS EXPENDED IN THE CURRENT OR IMMEDIATELY PRIOR TO FISCAL YEAR IN VIOLATION OF ANY PROVISION OF THIS ACT OR ANY TERM OR CONDITION OF ASSISTANCE UNDER THIS ACT.

CONDITIONS APPLICABLE TO ALL PROGRAMS

SEC. 603. THE SECRETARY SHALL NOT PROVIDE FINANCIAL ASSISTANCE FOR ANY PROGRAM UNDER THIS ACT UNLESS--

(1) THE GRANT, CONTRACT, OR AGREEMENT WITH RESPECT THERETO SPECIFICALLY PROVIDES THAT NO PERSON WITH RESPONSIBILITIES IN THE OPERATION OF SUCH PROGRAM WILL DISCRIMINATE WITH RESPECT TO ANY PROGRAM PARTICIPANT OR ANY APPLICANT FOR PARTICIPATION IN SUCH PROGRAM BECAUSE OF RACE, CREED, COLOR, NATIONAL ORIGIN, SEX, POLITICAL AFFILIATION, OR BELIEFS;

(2) SUCH PROGRAM DOES NOT INVOLVE POLITICAL ACTIVITIES;

(3) PARTICIPANTS IN THE PROGRAM WILL NOT BE EMPLOYED ON THE CONSTRUCTION, OPERATION, OR MAINTENANCE OF SO MUCH OF ANY FACILITY AS IS USED OR TO BE USED FOR SECTARIAN INSTRUCTION OR AS A PLACE FOR RELIGIOUS WORSHIP;

(4) CONDITIONS OF EMPLOYMENT OR TRAINING WILL BE APPROPRIATE AND REASONABLE IN THE LIGHT OF SUCH FACTORS AS THE TYPE OF WORK, GEOGRAPHICAL REGION, AND PROFICIENCY OF THE PARTICIPANT;

(5) APPROPRIATE STANDARDS FOR THE HEALTH, SAFETY, AND OTHER CONDITIONS APPLICABLE TO THE PERFORMANCE OF WORK AND TRAINING ON ANY PROJECT ARE ESTABLISHED AND WILL BE MAINTAINED;

(6) APPROPRIATE WORKMEN'S COMPENSATION PROTECTION WILL BE PROVIDED TO ALL PARTICIPANTS;

(7) THE PROGRAM WILL NOT RESULT IN THE DISPLACEMENT OF EMPLOYED WORKERS OR IMPAIR EXISTING CONTRACTS FOR SERVICES OR RESULT IN THE SUBSTITUTION OF FEDERAL FOR OTHER FUNDS IN CONNECTION WITH WORK THAT WOULD OTHERWISE BE PERFORMED;

(8) PERSONS SHALL NOT BE REFERRED FOR TRAINING IN AN OCCUPATION WHICH REQUIRES LESS THAN TWO WEEKS OF PREEMPLOYMENT TRAINING UNLESS THERE ARE IMMEDIATE EMPLOYMENT OPPORTUNITIES AVAILABLE IN THAT OCCUPATION;

(9) TRAINING AND RELATED SERVICES UNDER ANY SUCH PROGRAM ARE DESIGNED, TO THE MAXIMUM EXTENT PRACTICABLE, CONSISTENT WITH EVERY INDIVIDUAL'S FULLEST CAPABILITIES, TO LEAD TO EMPLOYMENT OPPORTUNITIES ENABLING PARTICIPANTS TO BECOME ECONOMICALLY SELF-SUFFICIENT;

(10) NO PERSON SHALL BE REFERRED FOR TRAINING AUTHORIZED UNDER PARAGRAPH (3) OR (4) OF SECTION 101 UNLESS THE SECRETARY OR THE PRIME SPONSOR, AS APPROPRIATE, SHALL HAVE DETERMINED THAT THERE IS A REASONABLE EXPECTATION OF EMPLOYMENT FOR SUCH PERSON IN THE OCCUPATION FOR WHICH HE IS BEING TRAINED;

(11) FUNDS WILL BE USED TO SUPPLEMENT, TO THE EXTENT PRACTICABLE, THE LEVEL OF FUNDS THAT WOULD OTHERWISE BE MADE AVAILABLE FROM NON-FEDERAL SOURCES FOR THE PURPOSE OF PLANNING AND ADMINISTRATION OF PROGRAMS WITHIN THE SCOPE OF THIS ACT AND NOT TO SUPPLANT SUCH OTHER FUNDS;

(12) THE APPLICANT WILL MAKE SUCH REPORTS, IN SUCH FORM AND CONTAINING SUCH INFORMATION AS THE SECRETARY MAY FROM TIME TO TIME REQUIRE, AND WILL KEEP SUCH RECORDS AND AFFORD SUCH ACCESS THERETO AS THE SECRETARY MAY FIND NECESSARY TO ASSURE THAT FUNDS ARE BEING EXPENDED IN ACCORDANCE WITH THE PROVISIONS OF THIS ACT;

(13) THE PROGRAM WILL, TO THE MAXIMUM EXTENT FEASIBLE, CONTRIBUTE TO THE OCCUPATIONAL DEVELOPMENT OR UPWARD MOBILITY OF INDIVIDUAL PARTICIPANTS;

(14) THE PROGRAM HAS ADEQUATE INTERNAL ADMINISTRATIVE CONTROLS, ACCOUNTING REQUIREMENTS, PERSONNEL STANDARDS, EVALUATION PROCEDURES, AVAILABILITY OF INSERVICE TRAINING AND TECHNICAL ASSISTANCE PROGRAMS, AND OTHER POLICIES AS MAY BE NECESSARY TO PROMOTE THE EFFECTIVE USE OF FUNDS; AND

(15) THE PROGRAM MAKES APPROPRIATE PROVISION FOR THE MANPOWER NEEDS OF YOUTHS IN THE AREA TO BE SERVED.

SPECIAL LIMITATION

SEC. 604. (A) NO AUTHORITY CONFERRED BY THIS ACT SHALL BE USED TO

ENTER INTO ARRANGEMENTS FOR, OR OTHERWISE ESTABLISH, ANY TRAINING PROGRAMS IN THE LOWER WAGE INDUSTRIES IN JOBS WHERE PRIOR SKILL OR TRAINING IS TYPICALLY NOT A PREREQUISITE TO HIRING AND WHERE LABOR TURNOVER IS HIGH, OR TO ASSIST IN RELOCATING ESTABLISHMENTS FROM ONE AREA TO ANOTHER. SUCH LIMITATIONS ON RELOCATION SHALL NOT PROHIBIT ASSISTANCE TO A BUSINESS ENTITY IN THE ESTABLISHMENT OF A NEW BRANCH, AFFILIATE, OR SUBSIDIARY OF SUCH ENTITY IF THE SECRETARY OF LABOR FINDS THAT ASSISTANCE WILL NOT RESULT IN AN INCREASE IN UNEMPLOYMENT IN THE AREA OF ORIGINAL LOCATION OR IN ANY OTHER AREA WHERE SUCH ENTITY CONDUCTS BUSINESS OPERATIONS, UNLESS HE HAS REASON TO BELIEVE THAT SUCH BRANCH, AFFILIATE, OR SUBSIDIARY IS BEING ESTABLISHED WITH THE INTENTION OF CLOSING DOWN THE OPERATIONS OF THE EXISTING BUSINESS ENTITY IN THE AREA OF ITS ORIGINAL LOCATION OR IN ANY OTHER AREA WHERE IT CONDUCTS SUCH OPERATIONS.

(B) ACCEPTANCE OF FAMILY PLANNING SERVICES PROVIDED TO TRAINEES SHALL BE VOLUNTARY ON THE PART OF THE INDIVIDUAL TO WHOM SUCH SERVICES ARE OFFERED AND SHALL NOT BE A PREREQUISITE TO ELIGIBILITY FOR OR RECEIPT OF ANY BENEFIT UNDER THE PROGRAM.

(C) NO NON-GOVERNMENTAL INDIVIDUAL, INSTITUTION, OR ORGANIZATION SHALL EVALUATE ANY PROGRAM UNDER THIS ACT IF THAT INDIVIDUAL OR SUCH INSTITUTION OR ORGANIZATION IS ASSOCIATED WITH THAT PROGRAM AS A CONSULTANT, TECHNICAL ADVISER, OR IN ANY SIMILAR CAPACITY.

REPORTS

SEC. 605. (A) THE SECRETARY SHALL MAKE SUCH REPORTS AND RECOMMENDATIONS TO THE PRESIDENT AS HE DEEMS APPROPRIATE PERTAINING TO EMPLOYMENT AND OCCUPATIONAL REQUIREMENTS, RESOURCES, USE, AND TRAINING, AND HIS RECOMMENDATIONS FOR THE SUCCEEDING FISCAL YEAR, AND THE PRESIDENT SHALL TRANSMIT TO THE CONGRESS WITHIN SIXTY DAYS AFTER THE BEGINNING OF EACH REGULAR SESSION A REPORT PERTAINING TO MANPOWER REQUIREMENTS, RESOURCES, UTILIZATION, AND TRAINING.

(B) THE SECRETARY AND THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE SHALL REPORT TO THE CONGRESS ON THE EXTENT TO WHICH COMMUNITY COLLEGES, AREA VOCATIONAL AND TECHNICAL SCHOOLS AND OTHER VOCATIONAL EDUCATIONAL AGENCIES AND INSTITUTIONS, AND VOCATIONAL REHABILITATION AGENCIES ARE BEING UTILIZED TO CARRY OUT TRAINING PROGRAMS SUPPORTED IN WHOLE OR IN PART FROM PROVISIONS OF THIS AND RELATED ACTS, THE EXTENT TO WHICH ADMINISTRATIVE STEPS HAVE BEEN TAKEN AND ARE BEING TAKEN TO ENCOURAGE THE USE OF SUCH FACILITIES AND INSTITUTIONS AND AGENCIES IN THE CARRYING OUT OF THE PROVISIONS OF THIS ACT AND ANY FURTHER LEGISLATION THAT MAY BE REQUIRED TO ASSURE EFFECTIVE COORDINATION AND UTILIZATION OF SUCH FACILITIES AND AGENCIES TO THE END THAT ALL FEDERALLY SUPPORTED EMPLOYMENT AND TRAINING, VOCATIONAL EDUCATION, AND VOCATIONAL REHABILITATION PROGRAMS CAN MORE EFFECTIVELY ACCOMPLISH THEIR OBJECTIVES OF PROVIDING EMPLOYMENT AND TRAINING OPPORTUNITIES TO ALL PERSONS NEEDING OCCUPATIONAL TRAINING.

(C) THE SECRETARY SHALL TRANSMIT TO THE CONGRESS AT THE EARLIEST APPROPRIATE DATE, BUT NOT LATER THAN MARCH 1, OF EACH CALENDAR YEAR A REPORT SETTING FORTH A DESCRIPTION OF SUMMER PROGRAMS PROVIDING JOBS FOR ECONOMICALLY DISADVANTAGED YOUTH TO BEGIN IN JUNE OF SUCH YEAR, INCLUDING THE NUMBER OF OPPORTUNITIES IN PUBLIC AND PRIVATE AGENCIES OR

ORGANIZATIONS THAT WILL BE PROVIDED UNDER SECTION 304 (A) (3) OF THIS ACT OR IN THE CASE OF THE SUMMER OF 1974 UNDER SECTION 3 (AC), AND A STATEMENT AS TO THE TOTAL NUMBER OF SUCH PERSONS WHO WOULD BE ELIGIBLE FOR SUCH PROGRAMS, TOGETHER WITH HIS RECOMMENDATIONS, IF ANY, FOR SUPPLEMENTAL APPROPRIATIONS FOR SUCH PROGRAMS.

(D) THE SECRETARY, THROUGH THE BUREAU OF LABOR STATISTICS, SHALL ANNUALLY COMPILE AND MAINTAIN INFORMATION ON THE INCIDENCE OF UNEMPLOYMENT AMONG OFFENDERS AND SHALL PUBLISH THE RESULTS OF THE INFORMATION OBTAINED PURSUANT TO THIS SUBSECTION IN THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.

(E) THE CHAIRMAN OF THE UNITED STATES CIVIL SERVICE COMMISSION, IN CONSULTATION WITH THE SECRETARY, SHALL REPORT TO THE PRESIDENT AND TO THE CONGRESS NO LATER THAN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ACT ON THE EXTENT TO WHICH AND MANNER IN WHICH EMPLOYMENT OPPORTUNITIES FOR OFFENDERS MAY BE INCREASED IN THE FEDERAL SERVICE, WITH SPECIAL REFERENCE TO THE CRITERIA USED IN DETERMINING THE SUITABILITY OF OFFENDERS FOR FEDERAL EMPLOYMENT, INCLUDING SUCH RECOMMENDATIONS FOR ADDITIONAL LEGISLATION AS THEY DEEM ADVISABLE.

(F) EACH PRIME SPONSOR SHALL PREPARE FOR THE SECRETARY, AND MAKE AVAILABLE, TO THE PUBLIC, A REPORT ON ITS ACTIVITIES UNDER THE ACT, INCLUDING A DETAILED COMPARISON OF PROGRAM PERFORMANCE WITH APPROVED PLAN.

LABOR STANDARDS

SEC. 606. ALL LABORERS AND MECHANICS EMPLOYED BY CONTRACTORS OR SUBCONTRACTORS IN ANY CONSTRUCTION, ALTERATION, OR REPAIR, INCLUDING PAINTING AND DECORATING OF PROJECTS, BUILDINGS, AND WORKS WHICH ARE FEDERALLY ASSISTED UNDER THIS ACT, SHALL BE PAID WAGES AT RATES NOT LESS THAN THOSE PREVAILING ON SIMILAR CONSTRUCTION IN THE LOCALITY AS DETERMINED BY THE SECRETARY IN ACCORDANCE WITH THE DAVIS-BACON ACT, AS AMENDED (40 U.S.C. 276A - 276A - 5). //49 STAT. 1011; 85 STAT. 879.// THE SECRETARY SHALL HAVE, WITH RESPECT TO SUCH LABOR STANDARDS, THE AUTHORITY AND FUNCTIONS SET FORTH IN REORGANIZATION PLAN NUMBERED 14 OF 1950 (15 F.R. 3176; 64 STAT. 1267) AND SECTION 2 OF THE ACT OF JUNE 1, 1934, AS AMENDED (48 STAT. 948, AS AMENDED; 40 U.S.C. 276 (C)). //5 USC APP.//

ACCEPTANCE OF GIFTS

SEC. 607. THE SECRETARY IS AUTHORIZED, IN CARRYING OUT HIS FUNCTIONS AND RESPONSIBILITIES UNDER THIS ACT, TO ACCEPT IN THE NAME OF THE DEPARTMENT, AND EMPLOY OR DISPOSE OF IN FURTHERANCE OF THE PURPOSES OF THIS ACT, OR ANY TITLE THEREOF, AN UNCONDITIONAL GIFT OF ANY MONEY OR PROPERTY, REAL, PERSONAL, OR MIXED, TANGIBLE OR INTANGIBLE, RECEIVED BY GIFT, DEVISE, BEQUEST, OR OTHERWISE; AND TO ACCEPT VOLUNTARY AND UNCOMPENSATED SERVICES, NOTWITHSTANDING THE PROVISIONS OF SECTION 3679 (B) OF THE REVISED STATUTES OF THE UNITED STATES. //31 USC 665.//

UTILIZATION OF SERVICES AND FACILITIES

SEC. 608. (A) IN ADDITION TO SUCH OTHER AUTHORITY AS HE MAY HAVE, THE SECRETARY IS AUTHORIZED, IN THE PERFORMANCE OF HIS FUNCTIONS UNDER THIS ACT, AND TO THE EXTENT PERMITTED BY LAW, TO UTILIZE THE SERVICES AND FACILITIES OF DEPARTMENTS, AGENCIES, AND ESTABLISHMENTS OF THE UNITED

STATES. THE SECRETARY IS ALSO AUTHORIZED TO ACCEPT AND UTILIZE THE SERVICES AND FACILITIES OF THE AGENCIES OF ANY STATE OR POLITICAL SUBDIVISION OF A STATE, WITH THEIR CONSENT.

(B) THE SECRETARY SHALL CARRY OUT HIS RESPONSIBILITIES UNDER THIS ACT THROUGH THE UTILIZATION, TO THE EXTENT APPROPRIATE, OF ALL RESOURCES FOR SKILL DEVELOPMENT AVAILABLE IN INDUSTRY, LABOR, PUBLIC AND PRIVATE EDUCATIONAL AND TRAINING INSTITUTIONS, VOCATIONAL REHABILITATION AGENCIES, AND OTHER STATE, FEDERAL, AND LOCAL AGENCIES, AND OTHER APPROPRIATE PUBLIC AND PRIVATE ORGANIZATIONS AND FACILITIES, WITH THEIR CONSENT.

INTERSTATE AGREEMENTS

SEC. 609. IN THE EVENT THAT COMPLIANCE WITH PROVISIONS OF THIS ACT WOULD BE FINANCED BY COOPERATIVE AGREEMENTS BETWEEN STATES, THE CONSENT OF CONGRESS IS HEREBY GIVEN TO SUCH STATES TO ENTER INTO SUCH COMPACTS AND AGREEMENTS TO FACILITATE SUCH COMPLIANCE, SUBJECT TO THE APPROVAL OF THE SECRETARY.

PROHIBITION AGAINST POLITICAL ACTIVITIES

SEC. 610. THE SECRETARY SHALL NOT PROVIDE FINANCIAL ASSISTANCE FOR ANY PROGRAM UNDER THIS ACT WHICH INVOLVES POLITICAL ACTIVITIES; AND NEITHER THE PROGRAM, THE FUNDS PROVIDED THEREFOR, NOR PERSONNEL EMPLOYED IN THE ADMINISTRATION THEREOF, SHALL BE, IN ANY WAY OR TO ANY EXTENT, ENGAGED IN THE CONDUCT OF POLITICAL ACTIVITIES IN CONTRAVENTION OF CHAPTER 15 OF TITLE 5, UNITED STATES CODE. //5 USC 1501.//

CRIMINAL PROVISIONS

SEC. 611. (A) CHAPTER 31 OF TITLE 18, UNITED STATES CODE, IS AMENDED BY ADDING A NEW SECTION 665 TO READ AS FOLLOWS: //18 USC 664.//
"THEFT OR EMBEZZLEMENT FROM MANPOWER FUNDS;

IMPROPER INDUCEMENT

"SEC. 665. (A) WHOEVER, BEING AN OFFICER, DIRECTOR, AGENT, OR EMPLOYEE OF, OR CONNECTED IN ANY CAPACITY WITH, ANY AGENCY RECEIVING FINANCIAL ASSISTANCE UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT OF 1973 EMBEZZLES, WILLFULLY MISAPPLIES, STEALS, OR OBTAINS BY FRAUD ANY OF THE MONEYS, FUNDS, ASSETS, OR PROPERTY WHICH ARE THE SUBJECT OF A GRANT OR CONTRACT OF ASSISTANCE PURSUANT TO THIS ACT SHALL BE FINED NOT MORE THAN \$10,000 OR IMPRISONED FOR NOT MORE THAN TWO YEARS, OR BOTH; //ANTE, P. 839.// BUT IF THE AMOUNT SO EMBEZZLED, MISAPPLIED, STOLEN, OR OBTAINED BY FRAUD DOES NOT EXCEED \$100, HE SHALL BE FINED NOT MORE THAN \$1,000, OR IMPRISONED NOT MORE THAN ONE YEAR, OR BOTH.

"(B) WHOEVER, BY THREAT OF PROCURING DISMISSAL OF ANY PERSONS FROM EMPLOYMENT OR OF REFUSAL TO EMPLOY OR REFUSAL TO RENEW A CONTRACT OF EMPLOYMENT IN CONNECTION WITH A GRANT OR CONTRACT OF ASSISTANCE UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT OF 1973, INDUCES ANY PERSON TO GIVE UP ANY MONEY OR THING OF ANY VALUE TO ANY PERSON (INCLUDING SUCH GRANTEE AGENCY) SHALL BE FINED NOT MORE THAN \$1,000, OR IMPRISONED NOT MORE THAN ONE YEAR, OR BOTH."

(B) THE ANALYSIS OF CHAPTER 31 IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW ITEM:

"665. THEFT OR EMBEZZLEMENT FROM MANPOWER FUNDS; IMPROPER INDUCEMENT."

NONDISCRIMINATION

SEC. 612. (A) NO PERSON IN THE UNITED STATES SHALL ON THE GROUND OF RACE, COLOR, NATIONAL ORIGIN, OR SEX BE EXCLUDED FROM PARTICIPATION IN, BE DENIED THE BENEFITS OF, OR BE SUBJECTED TO DISCRIMINATION UNDER ANY PROGRAM OR ACTIVITY FUNDED IN WHOLE OR IN PART WITH FUNDS MADE AVAILABLE UNDER THIS ACT.

(B) WHENEVER THE SECRETARY DETERMINES THAT A PRIME SPONSOR OR ELIGIBLE APPLICANT HAS FAILED TO COMPLY WITH SUBSECTION (A) OR AN APPLICABLE REGULATION, HE SHALL NOTIFY THE PRIME SPONSOR OR ELIGIBLE APPLICANT OF THE NONCOMPLIANCE AND SHALL REQUEST THE PRIME SPONSOR OR ELIGIBLE APPLICANT TO SECURE COMPLIANCE. IF WITHIN A REASONABLE PERIOD OF TIME, NOT TO EXCEED SIXTY DAYS, THE PRIME SPONSOR OR ELIGIBLE APPLICANT FAILS OR REFUSES TO SECURE COMPLIANCE, THE SECRETARY, IN ADDITION TO EXERCISING THE POWERS AND FUNCTIONS PROVIDED FOR THE TERMINATION OF FINANCIAL ASSISTANCE UNDER THIS ACT, IS AUTHORIZED (1) TO REFER THE MATTER TO THE ATTORNEY GENERAL WITH A RECOMMENDATION THAT AN APPROPRIATE CIVIL ACTION BE INSTITUTED; (2) TO EXERCISE THE POWERS AND FUNCTIONS PROVIDED BY TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 (42 U.S.C. 2000D); //78 STAT. 252.// OR (3) TO TAKE SUCH OTHER ACTION AS MAY BE PROVIDED BY LAW.

(C) WHEN A MATTER IS REFERRED TO THE ATTORNEY GENERAL PURSUANT TO SUBSECTION (B), OR WHENEVER HE HAS REASON TO BELIEVE THAT A PRIME SPONSOR OR ELIGIBLE APPLICANT IS ENGAGED IN A PATTERN OR PRACTICE IN VIOLATION OF THE PROVISIONS OF THIS SECTION, THE ATTORNEY GENERAL MAY BRING A CIVIL ACTION IN ANY APPROPRIATE UNITED STATES DISTRICT COURT FOR SUCH RELIEF AS MAY BE APPROPRIATE, INCLUDING INJUNCTIVE RELIEF.

(D) THE SECRETARY SHALL ENFORCE THE PROVISIONS OF SUBSECTION (A) DEALING WITH DISCRIMINATION ON THE BASIS OF SEX IN ACCORDANCE WITH SECTION 602 OF THE CIVIL RIGHTS ACT OF 1964, SECTION 603 OF SUCH ACT SHALL APPLY WITH RESPECT TO ANY ACTION TAKEN BY THE SECRETARY TO ENFORCE SUCH PROVISIONS OF SUCH SUBSECTION. //42 USC 2000D - 1, 2000D - 2.// THIS SECTION SHALL NOT BE CONSTRUED AS AFFECTING ANY OTHER LEGAL REMEDY THAT A PERSON MAY HAVE IF THAT PERSON IS EXCLUDED FROM PARTICIPATION IN, DENIED THE BENEFITS OF, SUBJECTED TO DISCRIMINATION UNDER, OR DENIED EMPLOYMENT IN CONNECTION WITH ANY PROGRAM OR ACTIVITY RECEIVING ASSISTANCE UNDER THIS ACT.

RECORDS, AUDITS, AND REPORTS

SEC. 613. IN ORDER TO ASSURE THAT FUNDS PROVIDED UNDER THIS ACT ARE USED IN ACCORDANCE WITH ITS PROVISIONS, EACH RECIPIENT SHALL--

(1) USE SUCH FISCAL, AUDIT, AND ACCOUNTING PROCEDURES AS MAY BE NECESSARY TO ASSURE (A) PROPER ACCOUNTING FOR PAYMENTS RECEIVED BY IT, AND (B) PROPER DISBURSEMENT OF SUCH PAYMENTS;

(2) PROVIDE TO THE SECRETARY AND THE COMPTROLLER GENERAL OF THE UNITED STATES ACCESS TO, AND THE RIGHT TO EXAMINE, ANY BOOKS, DOCUMENTS, PAPERS, OR RECORDS AS HE REQUIRES; AND

(3) MAKE SUCH REPORTS TO THE SECRETARY OR THE COMPTROLLER GENERAL OF THE UNITED STATES AS HE REQUIRES.

REPEALER

SEC. 614. EFFECTIVE WITH RESPECT TO FISCAL YEARS AFTER JUNE 30, 1974, THE MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962 AND PARTS A, B, AND E OF TITLE I OF THE ECONOMIC OPPORTUNITY ACT OF 1964 ARE REPEALED. //42 USC 2571 NOTE. 42 USC 2711, 2737, 2769.// UNEXPENDED APPROPRIATIONS FOR CARRYING OUT SUCH ACTS MAY BE MADE AVAILABLE TO CARRY OUT THIS ACT, AS DIRECTED BY THE PRESIDENT.

EFFECTIVE DATE

SEC. 615. THIS ACT SHALL TAKE EFFECT ON THE DATE OF ITS ENACTMENT.

LEGISLATIVE HISTORY:

HOUSE REPORTS: NO. 93 - 659 ACCOMPANYING H. R. 11010 (COMM. ON EDUCATION AND LABOR) AND NO. 93 - 737 (COMM. OF CONFERENCE).

SENATE REPORTS: NO. 93 - 304 (COMM. ON LABOR AND PUBLIC WELFARE) AND NO. 93 - 636 (COMM. OF CONFERENCE).

CONGRESSIONAL RECORD, VOL. 119 (1973):

JULY 24, CONSIDERED AND PASSED SENATE. NOV. 28, CONSIDERED AND PASSED HOUSE, AMENDED, IN LIEU OF H. R. 11010. DEC. 5, SENATE CONCURRED IN HOUSE AMENDMENT WITH AN AMENDMENT. DEC. 20, SENATE AND HOUSE AGREED TO CONFERENCE REPORT.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, VOL. 10, NO. 1 (1974): DEC. 28, 1973, PRESIDENTIAL STATEMENT.

ITEM 44

00104-87-008840

PUBLIC LAW 93 - 205, 87 STAT. 884: ENDANGERED SPECIES ACT OF 1973
93RD CONGRESS, S. 1983
DECEMBER 28, 1973

AN ACT

TO PROVIDE FOR THE CONSERVATION OF ENDANGERED AND THREATENED SPECIES OF FISH, WILDLIFE, AND PLANTS, AND FOR OTHER PURPOSES.
BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, THAT THIS ACT MAY BE CITED AS THE "ENDANGERED SPECIES ACT OF 1973".

FINDINGS, PURPOSES, AND POLICY

SEC. 2. (A) FINDINGS.--THE CONGRESS FINDS AND DECLARES THAT--

(1) VARIOUS SPECIES OF FISH, WILDLIFE, AND PLANTS IN THE UNITED STATES HAVE BEEN RENDERED EXTINCT AS A CONSEQUENCE OF ECONOMIC GROWTH AND DEVELOPMENT UNTEMPERED BY ADEQUATE CONCERN AND CONSERVATION;

(2) OTHER SPECIES OF FISH, WILDLIFE, AND PLANTS HAVE BEEN SO DEPLETED IN NUMBERS THAT THEY ARE IN DANGER OF OR THREATENED WITH EXTINCTION;

(3) THESE SPECIES OF FISH, WILDLIFE, AND PLANTS ARE OF ESTHETIC, ECOLOGICAL, EDUCATIONAL, HISTORICAL, RECREATIONAL, AND SCIENTIFIC VALUE TO THE NATION AND ITS PEOPLE;

(4) THE UNITED STATES HAS PLEDGED ITSELF AS A SOVEREIGN STATE IN THE INTERNATIONAL COMMUNITY TO CONSERVE TO THE EXTENT PRACTICABLE THE VARIOUS SPECIES OF FISH OR WILDLIFE AND PLANTS FACING EXTINCTION, PURSUANT TO--

(A) MIGRATORY BIRD TREATIES WITH CANADA AND MEXICO;

(B) THE MIGRATORY AND ENDANGERED BIRD TREATY WITH JAPAN;

(C) THE CONVENTION ON NATURE PROTECTION AND WILDLIFE PRESERVATION IN THE WESTERN HEMISPHERE: //56 STAT. 1354.//

(D) THE INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES: //1 UST 477.//

(E) THE INTERNATIONAL CONVENTION FOR THE HIGH SEAS FISHERIES OF THE NORTH PACIFIC OCEAN: //4 UST 380.//

(F) THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA; AND

(G) OTHER INTERNATIONAL AGREEMENTS.

(5) ENCOURAGING THE STATE AND OTHER INTERESTED PARTIES, THROUGH FEDERAL FINANCIAL ASSISTANCE AND A SYSTEM OF INCENTIVES, TO DEVELOP AND MAINTAIN CONSERVATION PROGRAMS WHICH MEET NATIONAL AND INTERNATIONAL STANDARDS IS A KEY TO MEETING THE NATION'S INTERNATIONAL COMMITMENTS AND TO BETTER SAFEGUARDING, FOR THE BENEFIT OF ALL CITIZENS, THE NATION'S HERITAGE IN FISH AND WILDLIFE.

(B) PURPOSES.--THE PURPOSES OF THIS ACT ARE TO PROVIDE A MEANS WHEREBY THE ECOSYSTEMS UPON WHICH ENDANGERED SPECIES AND THREATENED SPECIES DEPEND MAY BE CONSERVED, TO PROVIDE A PROGRAM FOR THE CONSERVATION OF SUCH ENDANGERED SPECIES AND THREATENED SPECIES, AND TO TAKE SUCH STEPS AS MAY

BE APPROPRIATE TO ACHIEVE THE PURPOSES OF THE TREATIES AND CONVENTIONS SET FORTH IN SUBSECTION (A) OF THIS SECTION.

(C) POLICY.--IT IS FURTHER DECLARED TO BE THE POLICY OF CONGRESS THAT ALL FEDERAL DEPARTMENTS AND AGENCIES SHALL

(A) MIGRATORY BIRD TREATIES WITH CANADA AND MEXICO;

(B) THE MIGRATORY AND ENDANGERED BIRD TREATY WITH JAPAN;

(C) THE CONVENTION ON NATURE PROTECTION AND WILDLIFE PRESERVATION IN THE WESTERN HEMISPHERE; 7756 STAT. 1354.??

(D) THE INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES; 771 UST 477.??

(E) THE INTERNATIONAL CONVENTION FOR THE HIGH SEAS FISHERIES OF THE NORTH PACIFIC OCEAN; 774 UST 380.??

(F) THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA; AND

(G) OTHER INTERNATIONAL AGREEMENTS.

(5) ENCOURAGING THE STATE AND OTHER INTERESTED PARTIES, THROUGH FEDERAL FINANCIAL ASSISTANCE AND A SYSTEM OF INCENTIVES, TO DEVELOP AND MAINTAIN CONSERVATION PROGRAMS WHICH MEET NATIONAL AND INTERNATIONAL STANDARDS IS A KEY TO MEETING THE NATION'S INTERNATIONAL COMMITMENTS AND TO BETTER SAFEGUARDING, FOR THE BENEFIT OF ALL CITIZENS, THE NATION'S HERITAGE IN FISH AND WILDLIFE.

(B) PURPOSES.--THE PURPOSES OF THIS ACT ARE TO PROVIDE A MEANS WHEREBY THE ECOSYSTEMS UPON WHICH ENDANGERED SPECIES AND THREATENED SPECIES DEPEND MAY BE CONSERVED, TO PROVIDE A PROGRAM FOR THE CONSERVATION OF SUCH ENDANGERED SPECIES AND THREATENED SPECIES, AND TO TAKE SUCH STEPS AS MAY BE APPROPRIATE TO ACHIEVE THE PURPOSES OF THE TREATIES AND CONVENTIONS SET FORTH IN SUBSECTION (A) OF THIS SECTION.

(C) POLICY.--IT IS FURTHER DECLARED TO BE THE POLICY OF CONGRESS THAT ALL FEDERAL DEPARTMENTS AND AGENCIES SHALL SEEK TO CONSERVE ENDANGERED SPECIES AND THREATENED SPECIES AND SHALL UTILIZE THEIR AUTHORITIES IN FURTHERANCE OF THE PURPOSES OF THIS ACT.

DEFINITIONS

SEC. 3. FOR THE PURPOSES OF THIS ACT--

(1) THE TERM "COMMERCIAL ACTIVITY" MEANS ALL ACTIVITIES OF INDUSTRY AND TRADE, INCLUDING, BUT NOT LIMITED TO, THE BUYING OR SELLING OF COMMODITIES AND ACTIVITIES CONDUCTED FOR THE PURPOSE OF FACILITATING SUCH BUYING AND SELLING.

(2) THE TERMS "CONSERVE", "CONSERVING", AND "CONSERVATION" MEAN TO USE AND THE USE OF ALL METHODS AND PROCEDURES WHICH ARE NECESSARY TO BRING ANY ENDANGERED SPECIES OR THREATENED SPECIES TO THE POINT AT WHICH THE MEASURES PROVIDED PURSUANT TO THIS ACT ARE NO LONGER NECESSARY. SUCH METHODS AND PROCEDURES INCLUDE, BUT ARE NOT LIMITED TO, ALL ACTIVITIES ASSOCIATED WITH SCIENTIFIC RESOURCES MANAGEMENT SUCH AS RESEARCH, CENSUS, LAW ENFORCEMENT, HABITAT ACQUISITION AND MAINTENANCE, PROPAGATION, LIVE TRAPPING, AND TRANSPLANTATION, AND, IN THE EXTRAORDINARY CASE WHERE POPULATION PRESSURES WITHIN A GIVEN ECOSYSTEM CANNOT BE OTHERWISE RELIEVED, MAY INCLUDE REGULATED TAKING.

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(3) THE TERM "CONVENTION" MEANS THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA, SIGNED ON MARCH 3, 1973, AND THE APPENDICES THERE TO.

(4) THE TERM "ENDANGERED SPECIES" MEANS ANY SPECIES WHICH IS IN DANGER OF EXTINCTION THROUGHOUT ALL OR A SIGNIFICANT PORTION OF ITS RANGE OTHER THAN A SPECIES OF THE CLASS INSECTA DETERMINED BY THE SECRETARY TO CONSTITUTE A PEST WHOSE PROTECTION UNDER THE PROVISIONS OF THIS ACT WOULD PRESENT AN OVERWHELMING AND OVERRIDING RISK TO MAN.

(5) THE TERM "FISH OR WILDLIFE" MEANS ANY MEMBER OF THE ANIMAL KINGDOM, INCLUDING WITHOUT LIMITATION ANY MAMMAL, FISH, BIRD (INCLUDING ANY MIGRATORY, NONMIGRATORY, OR ENDANGERED BIRD FOR WHICH PROTECTION IS ALSO AFFORDED BY TREATY OR OTHER INTERNATIONAL AGREEMENT), AMPHIBIAN, REPTILE, MOLLUSK, CRUSTACEAN, ARTHROPOD OR OTHER INVERTEBRATE, AND INCLUDES ANY PART, PRODUCT, EGG, OR OFFSPRING THEREOF, OR THE DEAD BODY OR PARTS THEREOF.

(6) THE TERM "FOREIGN COMMERCE" INCLUDES, AMONG OTHER THINGS, ANY TRANSACTION--

(A) BETWEEN PERSONS WITHIN ONE FOREIGN COUNTRY;

(B) BETWEEN PERSONS IN TWO OR MORE FOREIGN COUNTRIES;

(C) BETWEEN A PERSON WITHIN THE UNITED STATES AND A PERSON IN A FOREIGN COUNTRY; OR

(D) BETWEEN PERSONS WITHIN THE UNITED STATES, WHERE THE FISH AND WILDLIFE IN QUESTION ARE MOVING IN ANY COUNTRY OR COUNTRIES OUTSIDE THE UNITED STATES.

(7) THE TERM "IMPORT" MEANS TO LAND ON, BRING INTO, OR INTRODUCE INTO, OR ATTEMPT TO LAND ON, BRING INTO, OR INTRODUCE INTO, ANY PLACE SUBJECT TO THE JURISDICTION OF THE UNITED STATES, WHETHER OR NOT SUCH LANDING, BRINGING, OR INTRODUCTION CONSTITUTES AN IMPORTATION WITHIN THE MEANING OF THE CUSTOMS LAWS OF THE UNITED STATES.

(8) THE TERM "PERSON" MEANS AN INDIVIDUAL, CORPORATION, PARTNERSHIP, TRUST, ASSOCIATION, OR ANY OTHER PRIVATE ENTITY, OR ANY OFFICER, EMPLOYEE, AGENT, DEPARTMENT, OR INSTRUMENTALITY OF THE FEDERAL GOVERNMENT, OF ANY STATE OR POLITICAL SUBDIVISION THEREOF, OR OF ANY FOREIGN GOVERNMENT.

(9) THE TERM "PLANT" MEANS ANY MEMBER OF THE PLANT KINGDOM, INCLUDING SEEDS, ROOTS, AND OTHER PARTS THEREOF.

(10) THE TERM "SECRETARY" MEANS, EXCEPT AS OTHERWISE HEREIN PROVIDED, THE SECRETARY OF THE INTERIOR OR THE SECRETARY OF COMMERCE AS PROGRAM RESPONSIBILITIES ARE VESTED PURSUANT TO THE PROVISIONS OF REORGANIZATION PLAN NUMBERED 4 OF 1970; 1184 STAT. 2090. 5 USC APP.// EXCEPT THAT WITH RESPECT TO THE ENFORCEMENT OF THE PROVISIONS OF THIS ACT AND THE CONVENTION WHICH PERTAIN TO THE IMPORTATION OR EXPORTATION OF TERRESTRIAL PLANTS, THE TERM MEANS THE SECRETARY OF AGRICULTURE.

(11) THE TERM "SPECIES" INCLUDES ANY SUBSPECIES OF FISH OR WILDLIFE OR PLANTS AND ANY OTHER GROUP OF FISH OR WILDLIFE OF THE

SAME SPECIES OF SMALLER TAXA IN COMMON SPATIAL ARRANGEMENT THAT INTERBREED WHEN MATURE.

(12) THE TERM "STATE" MEANS ANY OF THE SEVERAL STATES, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO, AMERICAN SOMOA, THE VIRGIN ISLANDS, GUAM, AND THE TRUST TERRITORY OF THE PACIFIC ISLANDS.

(13) THE TERM "STATE AGENCY" MEANS THE STATE AGENCY, DEPARTMENT, BOARD, COMMISSION, OR OTHER GOVERNMENTAL ENTITY WHICH IS RESPONSIBLE FOR THE MANAGEMENT AND CONSERVATION OF FISH OR WILDLIFE RESOURCES WITHIN A STATE.

(14) THE TERM "TAKE" MEANS TO HARASS, HARM, PURSUE, HUNT, SHOOT, WOUND, KILL, TRAP, CAPTURE, OR COLLECT, OR TO ATTEMPT TO ENGAGE IN ANY SUCH CONDUCT.

(15) THE TERM "THREATENED SPECIES" MEANS ANY SPECIES WHICH IS LIKELY TO BECOME AN ENDANGERED SPECIES WITHIN THE FORESEEABLE FUTURE THROUGHOUT ALL OR A SIGNIFICANT PORTION OF ITS RANGE.

(16) THE TERM "UNITED STATES", WHEN USED IN A GEOGRAPHICAL CONTEXT, INCLUDES ALL STATES.

DETERMINATION OF ENDANGERED SPECIES AND THREATENED SPECIES

SEC. 4. (A) GENERAL.--(1) THE SECRETARY SHALL BE REGULATION DETERMINE WHETHER ANY SPECIES IS AN ENDANGERED SPECIES OR A THREATENED SPECIES BECAUSE OF ANY OF THE FOLLOWING FACTORS:

(1) THE PRESENT OR THREATENED DESTRUCTION, MODIFICATION, OR CURTAILMENT OF ITS HABITAT OR RANGE;

(2) OVERUTILIZATION FOR COMMERCIAL, SPORTING, SCIENTIFIC, OR EDUCATIONAL PURPOSES; **

(3) DISEASE OR PREDATION;

(4) THE INADEQUACY OF EXISTING REGULATORY MECHANISMS; OR
(5) OTHER NATURAL OR MANMADE FACTORS AFFECTING ITS CONTINUED EXISTENCE.

(2) WITH RESPECT TO ANY SPECIES OVER WHICH PROGRAM RESPONSIBILITIES HAVE BEEN VESTED IN THE SECRETARY OF COMMERCE PURSUANT TO REORGANIZATION PLAN NUMBERED 4 OF 1970--

(A) IN ANY CASE IN WHICH THE SECRETARY OF COMMERCE DETERMINES THAT SUCH SPECIES SHOULD--

(I) BE LISTED AS AN ENDANGERED SPECIES OR A THREATENED SPECIES, OR

(II) BE CHANGED IN STATUS FROM A THREATENED SPECIES TO AN ENDANGERED SPECIES,

HE SHALL SO INFORM THE SECRETARY OF THE INTERIOR, WHO SHALL LIST SUCH SPECIES IN ACCORDANCE WITH THIS SECTION;

(B) IN ANY CASE IN WHICH THE SECRETARY OF COMMERCE DETERMINES THAT SUCH SPECIES SHOULD--

(I) BE REMOVED FROM ANY LIST PUBLISHED PURSUANT TO SUBSECTION (C) OF THIS SECTION, OR

(II) BE CHANGED IN STATUS FROM AN ENDANGERED SPECIES TO A THREATENED SPECIES, HE SHALL RECOMMEND SUCH ACTION TO THE SECRETARY OF THE INTERIOR, AND THE SECRETARY OF THE INTERIOR, IF HE CONCURS IN

THE RECOMMENDATIONS, SHALL IMPLEMENT SUCH ACTION; AND
(C) THE SECRETARY OF THE INTERIOR MAY NOT LIST OR REMOVE FROM ANY LIST ANY SUCH SPECIES, AND MAY NOT CHANGE THE STATUS OF ANY SUCH SPECIES WHICH ARE LISTED, WITHOUT A PRIOR FAVORABLE DETERMINATION MADE PURSUANT TO THIS SECTION BY THE SECRETARY OF COMMERCE.

(B) BASIS FOR DETERMINATION.-- (1) THE SECRETARY SHALL MAKE DETERMINATIONS REQUIRED BY SUBSECTION (A) OF THIS SECTION ON THE BASIS OF THE BEST SCIENTIFIC AND COMMERCIAL DATA AVAILABLE TO HIM AND AFTER CONSULTATION, AS APPROPRIATE, WITH THE AFFECTED STATES, INTERESTED PERSONS AND ORGANIZATIONS, OTHER INTERESTED FEDERAL AGENCIES, AND, IN COOPERATION WITH THE SECRETARY OF STATE, WITH THE COUNTRY OR COUNTRIES IN WHICH THE SPECIES CONCERNED IS NORMALLY FOUND OR WHOSE CITIZENS HARVEST SUCH SPECIES ON THE HIGH SEAS; EXCEPT THAT IN ANY CASE IN WHICH SUCH DETERMINATIONS INVOLVE RESIDENT SPECIES OF FISH OR WILDLIFE, THE SECRETARY OF THE INTERIOR MAY NOT ADD SUCH SPECIES TO, OR REMOVE SUCH SPECIES FROM, ANY LIST PUBLISHED PURSUANT TO SUBSECTION (C) OF THIS SECTION, UNLESS THE SECRETARY HAS FIRST--

(A) PUBLISHED NOTICE IN THE FEDERAL REGISTER AND NOTIFIED THE GOVERNOR OF EACH STATE WITHIN WHICH SUCH SPECIES IS THEN KNOWN TO OCCUR THAT SUCH ACTION IS CONTEMPLATED;

(B) ALLOWED EACH SUCH STATE 90 DAYS AFTER NOTIFICATION TO SUBMIT ITS COMMENTS AND RECOMMENDATIONS, EXCEPT TO THE EXTENT THAT SUCH PERIOD MAY BE SHORTENED BY AGREEMENT BETWEEN THE SECRETARY AND THE GOVERNOR OR GOVERNORS CONCERNED; AND

(C) PUBLISHED IN THE FEDERAL REGISTER A SUMMARY OF ALL COMMENTS AND RECOMMENDATIONS RECEIVED BY HIM WHICH RELATE TO SUCH PROPOSED ACTION.

(2) IN DETERMINING WHETHER OR NOT ANY SPECIES IS AN ENDANGERED SPECIES OR A THREATENED SPECIES, THE SECRETARY SHALL TAKE INTO CONSIDERATION THOSE EFFORTS, IF ANY, BEING MADE BY ANY NATION OR ANY POLITICAL SUBDIVISION OF ANY NATION TO PROTECT SUCH SPECIES, WHETHER BY PREDATOR CONTROL, PROTECTION OF HABITAT AND FOOD SUPPLY, OR OTHER CONSERVATION PRACTICES, WITHIN ANY AREA UNDER THE JURISDICTION OF ANY SUCH NATION OR POLITICAL SUBDIVISION, OR ON THE HIGH SEAS.

(3) SPECIES WHICH HAVE BEEN DESIGNATED AS REQUIRING PROTECTION FROM UNRESTRICTED COMMERCE BY ANY FOREIGN COUNTRY, OR PURSUANT TO ANY INTERNATIONAL AGREEMENT, SHALL RECEIVE FULL CONSIDERATION BY THE SECRETARY TO DETERMINE WHETHER EACH IS AN ENDANGERED SPECIES OR A THREATENED SPECIES.

(C) LISTS.--(1) THE SECRETARY OF THE INTERIOR SHALL PUBLISH IN THE FEDERAL REGISTER, AND FROM TIME TO TIME HE MAY BY REGULATION REVISE, A LIST OF ALL SPECIES DETERMINED BY HIM OR THE SECRETARY OF COMMERCE TO BE ENDANGERED SPECIES AND A LIST OF ALL SPECIES DETERMINED BY HIM OR THE SECRETARY OF COMMERCE TO BE THREATENED SPECIES. EACH LIST SHALL REFER TO THE SPECIES CONTAINED THEREIN BY SCIENTIFIC AND COMMON NAME OR NAMES, IF ANY, AND SHALL SPECIFY WITH RESPECT TO EACH SUCH SPECIES OVER WHAT PORTION OF ITS RANGE IT IS ENDANGERED OR THREATENED.

(2) THE SECRETARY SHALL, UPON THE PETITION OF AN INTERESTED PERSON

UNDER SUBSECTION 553 (E) OF TITLE 5, UNITED STATES CODE, //80 STAT. 383.// CONDUCT A REVIEW OF ANY LISTED OR UNLISTED SPECIES PROPOSED TO BE REMOVED FROM OR ADDED TO EITHER OF THE LISTS PUBLISHED PURSUANT TO PARAGRAPH (1) OF THIS SUBSECTION, BUT ONLY IF HE MAKES AND PUBLISHES A FINDING THAT SUCH PERSON HAS PRESENTED SUBSTANTIAL EVIDENCE WHICH IN HIS JUDGMENT WARRANTS SUCH A REVIEW.

(3) ANY LIST IN EFFECT ON THE DAY BEFORE THE DATE OF THE ENACTMENT OF THIS ACT OF SPECIES OF FISH OR WILDLIFE DETERMINED BY THE SECRETARY OF THE INTERIOR, PURSUANT TO THE ENDANGERED SPECIES CONSERVATION ACT OF 1969, TO BE THREATENED WITH EXTINCTION SHALL BE REPUBLISHED TO CONFORM TO THE CLASSIFICATION FOR ENDANGERED SPECIES OR THREATENED SPECIES, AS THE CASE MAY BE, PROVIDED FOR IN THIS ACT, BUT UNTIL SUCH REPUBLICATION, ANY SUCH SPECIES SO LISTED SHALL BE DEEMED AN ENDANGERED SPECIES WITHIN THE MEANING OF THIS ACT. //80 STAT. 926; 83 STAT. 275, 283. 16 USC 668AA NOTE.// THE REPUBLICATION OF ANY SPECIES PURSUANT TO THIS PARAGRAPH SHALL NOT REQUIRE PUBLIC HEARING OR COMMENT UNDER SECTION 553 OF TITLE 5, UNITED STATES CODE.

(D) PROTECTIVE REGULATIONS. -- WHENEVER ANY SPECIES IS LISTED AS A THREATENED SPECIES PURSUANT TO SUBSECTION (C) OF THIS SECTION, THE SECRETARY SHALL ISSUE SUCH REGULATIONS AS HE DEEMS NECESSARY AND ADVISABLE TO PROVIDE FOR THE CONSERVATION OF SUCH SPECIES. THE SECRETARY MAY BY REGULATION PROHIBIT WITH RESPECT TO ANY THREATENED SPECIES ANY ACT PROHIBITED UNDER SECTION 9 (A) (1), IN THE CASE OF FISH OR WILDLIFE, OR SECTION 9 (A) (2), IN THE CASE OF PLANTS, WITH RESPECT TO ENDANGERED SPECIES; //POST, P. 893.// EXCEPT THAT WITH RESPECT TO THE TAKING OF RESIDENT SPECIES OF FISH OR WILDLIFE, SUCH REGULATIONS SHALL APPLY IN ANY STATE WHICH HAS ENTERED INTO A COOPERATIVE AGREEMENT PURSUANT TO SECTION 6 (A) OF THIS ACT ONLY TO THE EXTENT THAT SUCH REGULATIONS HAVE ALSO BEEN ADOPTED BY SUCH STATE.

(E) SIMILARITY OF APPEARANCE CASES--THE SECRETARY MAY, BY REGULATION, AND TO THE EXTENT HE DEEMS ADVISABLE, TREAT ANY SPECIES AS AN ENDANGERED SPECIES OR THREATENED SPECIES EVEN THOUGH IT IS NOT LISTED PURSUANT TO SECTION 4 OF THIS ACT IF HE FINDS THAT--

(A) SUCH SPECIES SO CLOSELY RESEMBLES IN APPEARANCE, AT THE POINT IN QUESTION, A SPECIES WHICH HAS BEEN LISTED PURSUANT TO SUCH SECTION THAT ENFORCEMENT PERSONNEL WOULD HAVE SUBSTANTIAL DIFFICULTY IN ATTEMPTING TO DIFFERENTIATE BETWEEN THE LISTED AND UNLISTED SPECIES;

(B) THE EFFECT OF THIS SUBSTANTIAL DIFFICULTY IS AN ADDITIONAL THREAT TO AN ENDANGERED OR THREATENED SPECIES; AND

(C) SUCH TREATMENT OF AN UNLISTED SPECIES WILL SUBSTANTIALLY FACILITATE THE ENFORCEMENT AND FURTHER THE POLICY OF THIS ACT.

(F) REGULATIONS.--(1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION AND SUBSECTION (B) OF THIS SECTION, THE PROVISIONS OF SECTION 553 OF TITLE 5, UNITED STATES CODE (RELATING TO RULEMAKING PROCEDURES), SHALL APPLY TO ANY REGULATION PROMULGATED TO CARRY OUT THE PURPOSES OF THIS ACT.

(2) (A) IN THE CASE OF ANY REGULATION PROPOSED BY THE SECRETARY TO

CARRY OUT THE PURPOSES OF THIS ACT--

(I) THE SECRETARY SHALL PUBLISH GENERAL NOTICE OF THE PROPOSED REGULATION (INCLUDING THE COMPLETE TEXT OF THE REGULATION) IN THE FEDERAL REGISTER NOT LESS THAN 60 DAYS BEFORE THE EFFECTIVE DATE OF THE REGULATION; AND

(II) IF ANY PERSON WHO FEELS THAT HE MAY BE ADVERSELY AFFECTED BY THE PROPOSED REGULATION FILES (WITHIN 45 DAYS AFTER THE DATE OF PUBLICATION OF GENERAL NOTICE) OBJECTIONS THERETO AND REQUESTS A PUBLIC HEARING THEREON, THE SECRETARY MAY GRANT SUCH REQUEST, BUT SHALL, IF HE DENIES SUCH REQUEST, PUBLISH HIS REASONS THEREFOR IN THE FEDERAL REGISTER.

(B) NEITHER SUBPARAGRAPH (A) OF THIS PARAGRAPH NOR SECTION 553 OF TITLE 5, UNITED STATES CODE, //80 STAT. 383.// SHALL APPLY IN THE CASE OF ANY OF THE FOLLOWING REGULATIONS AND ANY SUCH REGULATION SHALL, AT THE DISCRETION OF THE SECRETARY, TAKE EFFECT IMMEDIATELY UPON PUBLICATION OF THE REGULATION IN THE FEDERAL REGISTER:

(I) ANY REGULATION APPROPRIATE TO CARRY OUT THE PURPOSES OF THIS ACT WHICH WAS ORIGINALLY PROMULGATED TO CARRY OUT THE ENDANGERED SPECIES CONSERVATION ACT OF 1969. //80 STAT. 926; 83 STAT. 275, 283. 16 USC 668AA NOTE.//

(II) ANY REGULATION (INCLUDING ANY REGULATION IMPLEMENTING SECTION 6 (G) (2) (B) (II) OF THIS ACT) ISSUED BY THE SECRETARY IN REGARD TO ANY EMERGENCY POSING A SIGNIFICANT RISK TO THE WELL-BEING OF ANY SPECIES OF FISH OR WILDLIFE, BUT ONLY IF (I) AT THE TIME OF PUBLICATION OF THE REGULATION IN THE FEDERAL REGISTER THE SECRETARY PUBLISHES THEREIN DETAILED REASONS WHY SUCH REGULATION IS NECESSARY, AND (II) IN THE CASE SUCH REGULATION APPLIES TO RESIDENT SPECIES OF FISH AND WILDLIFE, THE REQUIREMENTS OF SUBSECTION (B) (A), (B), AND (C) OF THIS SECTION HAVE BEEN COMPLIED WITH. ANY REGULATION PROMULGATED UNDER THE AUTHORITY OF THIS CLAUSE (II) SHALL CEASE TO HAVE FORCE AND EFFECT AT THE CLOSE OF THE 120-DAY PERIOD FOLLOWING THE DATE OF PUBLICATION UNLESS, DURING SUCH 120-DAY PERIOD, THE RULEMAKING PROCEDURES WHICH WOULD APPLY TO SUCH REGULATION WITHOUT REGARD TO THIS SUBPARAGRAPH ARE COMPLIED WITH.

(3) THE PUBLICATION IN THE FEDERAL REGISTER OF ANY PROPOSED OR FINAL REGULATION WHICH IS NECESSARY OR APPROPRIATE TO CARRY OUT THE PURPOSES OF THIS ACT SHALL INCLUDE A STATEMENT BY THE SECRETARY OF THE FACTS ON WHICH SUCH REGULATION IS BASED AND THE RELATIONSHIP OF SUCH FACTS TO SUCH REGULATION.

LAND ACQUISITION

SEC. 5. (A) PROGRAM.--THE SECRETARY OF THE INTERIOR SHALL ESTABLISH AND IMPLEMENT A PROGRAM TO CONSERVE (A) FISH OR WILDLIFE WHICH ARE LISTED AS ENDANGERED SPECIES OR THREATENED SPECIES PURSUANT TO SECTION 4 OF THIS ACT; OR (B) PLANTS WHICH ARE CONCLUDED IN APPENDICES TO THE CONVENTION. TO CARRY OUT SUCH PROGRAM, HE--

(1) SHALL UTILIZE THE LAND ACQUISITION AND OTHER AUTHORITY UNDER THE FISH AND WILDLIFE ACT OF 1956, AS AMENDED, THE FISH AND WILDLIFE COORDINATION ACT, AS AMENDED, AND THE MIGRATORY BIRD CONSERVATION

ACT, AS APPROPRIATE; AND //70 STAT. 1119. 16 USC 742A NOTE. 60
STAT. 1080; 72 STAT. 563. 16 USC 661 NOTE.//

(2) IS AUTHORIZED TO ACQUIRE BY PURCHASE, DONATION, OR OTHERWISE, LANDS, WATERS, OR INTEREST THEREIN, AND SUCH AUTHORITY SHALL BE IN ADDITION TO ANY OTHER LAND ACQUISITION AUTHORITY VESTED IN HIM.

(B) ACQUISITIONS.--FUNDS MADE AVAILABLE PURSUANT TO THE LAND AND WATER CONSERVATION FUND ACT OF 1965, AS AMENDED, MAY BE USED FOR THE PURPOSE OF ACQUIRING LANDS, WATERS, OR INTERESTS THEREIN UNDER SUBSECTION (A) OF THIS SECTION. //45 STAT. 1222. 16 USC 460L-4 NOTE.//

COOPERATION WITH THE STATES

SEC. 6. (A) GENERAL.--IN CARRYING OUT THE PROGRAM AUTHORIZED BY THIS ACT, THE SECRETARY SHALL COOPERATE TO THE MAXIMUM EXTENT PRACTICABLE WITH THE STATES. SUCH COOPERATION SHALL INCLUDE CONSULTATION WITH THE STATES CONCERNED BEFORE ACQUIRING ANY LAND OR WATER, OR INTEREST THEREIN, FOR THE PURPOSE OF CONSERVING ANY ENDANGERED SPECIES OR THREATENED SPECIES.

(B) MANAGEMENT AGREEMENTS. -- THE SECRETARY MAY ENTER INTO AGREEMENTS WITH ANY STATE FOR THE ADMINISTRATION AND MANAGEMENT OF ANY AREA ESTABLISHED FOR THE CONSERVATION OF ENDANGERED SPECIES OR THREATENED SPECIES. ANY REVENUES DERIVED FROM THE ADMINISTRATION OF SUCH AREAS UNDER THESE AGREEMENTS SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 401 OF THE ACT OF JUNE 15, 1935 (49 STAT. 383; 16 U.S.C. 715S). //78 STAT. 701.//

(C) COOPERATIVE AGREEMENTS.--IN FURTHERANCE OF THE PURPOSES OF THIS ACT, THE SECRETARY IS AUTHORIZED TO ENTER INTO A COOPERATIVE AGREEMENT IN ACCORDANCE WITH THIS SECTION WITH ANY STATE WHICH ESTABLISHES AND MAINTAINS AN ADEQUATE AND ACTIVE PROGRAM FOR THE CONSERVATION OF ENDANGERED SPECIES AND THREATENED SPECIES. WITHIN ONE HUNDRED AND TWENTY DAYS AFTER THE SECRETARY RECEIVES A CERTIFIED COPY OF SUCH A PROPOSED STATE PROGRAM, HE SHALL MAKE A DETERMINATION WHETHER SUCH PROGRAM IS IN ACCORDANCE WITH THIS ACT. UNLESS HE DETERMINES, PURSUANT TO THIS SUBSECTION, THAT THE STATE PROGRAM IS NOT IN ACCORDANCE WITH THIS ACT, HE SHALL ENTER INTO A COOPERATIVE AGREEMENT WITH THE STATE FOR THE PURPOSE OF ASSISTING IN IMPLEMENTATION OF THE STATE PROGRAM. IN ORDER FOR A STATE PROGRAM TO BE DEEMED AN ADEQUATE AND ACTIVE PROGRAM FOR THE CONSERVATION OF ENDANGERED SPECIES AND THREATENED SPECIES, THE SECRETARY MUST FIND, AND ANNUALLY THEREAFTER RECONFIRM SUCH FINDING, THAT UNDER THE STATE PROGRAM--

(1) AUTHORITY RESIDES IN THE STATE AGENCY TO CONSERVE RESIDENT SPECIES OF FISH OR WILDLIFE DETERMINED BY THE STATE AGENCY OR THE SECRETARY TO BE ENDANGERED OR THREATENED;

(2) THE STATE AGENCY HAS ESTABLISHED ACCEPTABLE CONSERVATION PROGRAMS, CONSISTENT WITH THE PURPOSES AND POLICIES OF THIS ACT, FOR ALL RESIDENT SPECIES OF FISH OR WILDLIFE IN THE STATE WHICH ARE DEEMED BY THE SECRETARY TO BE ENDANGERED OR THREATENED, AND HAS FURNISHED A COPY OF SUCH PLAN AND PROGRAM TOGETHER WITH ALL PERTINENT DETAILS, INFORMATION, AND DATA REQUESTED TO THE SECRETARY;

(3) THE STATE AGENCY IS AUTHORIZED TO CONDUCT INVESTIGATIONS TO DETERMINE THE STATUS AND REQUIREMENTS FOR SURVIVAL OF RESIDENT SPECIES OF FISH AND WILDLIFE;

(4) THE STATE AGENCY IS AUTHORIZED TO ESTABLISH PROGRAMS,

INCLUDING THE ACQUISITION OF LAND OR AQUATIC HABITAT OR INTERESTS THEREIN, FOR THE CONSERVATION OF RESIDENT ENDANGERED SPECIES OR THREATENED SPECIES; AND

(5) PROVISION IS MADE FOR PUBLIC PARTICIPATION IN DESIGNATING RESIDENT SPECIES OF FISH OR WILDLIFE AS ENDANGERED OR THREATENED.

(D) ALLOCATION OF FUNDS.--(1) THE SECRETARY IS AUTHORIZED TO PROVIDE FINANCIAL ASSISTANCE TO ANY STATE, THROUGH ITS RESPECTIVE STATE AGENCY, WHICH HAS ENTERED INTO A COOPERATIVE AGREEMENT PURSUANT TO SUBSECTION (C) OF THIS SECTION TO ASSIST IN DEVELOPMENT OF PROGRAMS FOR THE CONSERVATION OF ENDANGERED AND THREATENED SPECIES. THE SECRETARY SHALL MAKE AN ALLOCATION OF APPROPRIATED FUNDS TO SUCH STATES BASED ON CONSIDERATION CF--

(A) THE INTERNATIONAL COMMITMENTS OF THE UNITED STATES TO PROTECT ENDANGERED SPECIES OR THREATENED SPECIES;

(B) THE READINESS OF A STATE TO PROCEED WITH A CONSERVATION PROGRAM CONSISTENT WITH THE OBJECTIVES AND PURPOSES OF THIS ACT;

(C) THE NUMBER OF ENDANGERED SPECIES AND THREATENED SPECIES WITHIN A STATE;

(D) THE POTENTIAL FOR RESTORING ENDANGERED SPECIES AND THREATENED SPECIES WITHIN A STATE; AND

(E) THE RELATIVE URGENCY TO INITIATE A PROGRAM TO RESTORE AND PROTECT AN ENDANGERED SPECIES OR THREATENED SPECIES IN TERMS OF SURVIVAL OF THE SPECIES.

SO MUCH OF ANY APPROPRIATED FUNDS ALLOCATED FOR OBLIGATION TO ANY STATE FOR ANY FISCAL YEAR AS REMAINS UNOBLIGATED AT THE CLOSE THEREOF IS AUTHORIZED TO BE MADE AVAILABLE TO THAT STATE UNTIL THE CLOSE OF THE SUCCEEDING FISCAL YEAR. ANY AMOUNT ALLOCATED TO ANY STATE WHICH IS UNOBLIGATED AT THE END OF THE PERIOD DURING WHICH IT IS AVAILABLE FOR EXPENDITURE IS AUTHORIZED TO BE MADE AVAILABLE FOR EXPENDITURE BY THE SECRETARY IN CONDUCTING PROGRAMS UNDER THIS SECTION.

(2) SUCH COOPERATIVE AGREEMENTS SHALL PROVIDE FOR (A) THE ACTIONS TO BE TAKEN BY THE SECRETARY AND THE STATES; (B) THE BENEFITS THAT ARE EXPECTED TO BE DERIVED IN CONNECTION WITH THE CONSERVATION OF ENDANGERED OR THREATENED SPECIES; (C) THE ESTIMATED COST OF THESE ACTIONS; AND (D) THE SHARE OF SUCH COSTS TO BE BORNE BY THE FEDERAL GOVERNMENT AND BY THE STATES; EXCEPT THAT--

(I) THE FEDERAL SHARE OF SUCH PROGRAM COSTS SHALL NOT EXCEED 66 2/3 PER CENTUM OF THE ESTIMATED PROGRAM COST SLATED IN THE AGREEMENT; AND

(II) THE FEDERAL SHARE MAY BE INCREASED TO 75 PER CENTUM WHENEVER TWO OR MORE STATES HAVING A COMMON INTEREST IN ONE OR MORE ENDANGERED OR THREATENED SPECIES, THE CONSERVATION OF WHICH MAY BE ENHANCED BY COOPERATION OF SUCH STATES, ENTER JOINTLY INTO AN AGREEMENT WITH THE SECRETARY.

THE SECRETARY MAY, IN HIS DISCRETION, AND UNDER SUCH RULES AND REGULATIONS AS HE MAY PRESCRIBE, ADVANCE FUNDS TO THE STATE FOR FINANCING THE UNITED STATES PRO RATA SHARE AGREED UPON IN THE COOPERATIVE AGREEMENT. FOR THE PURPOSES OF THIS SECTION, THE NON-FEDERAL SHARE MAY, IN THE

DISCRETION OF THE SECRETARY, BE IN THE FORM OF MONEY OR REAL PROPERTY, THE VALUE OF WHICH WILL BE DETERMINED BY THE SECRETARY, WHOSE DECISION SHALL BE FINAL.

(E) REVIEW OF STATE PROGRAM.--ANY ACTION TAKEN BY THE SECRETARY UNDER THIS SECTION SHALL BE SUBJECT TO HIS PERIODIC REVIEW AT NO GREATER THAN ANNUAL INTERVALS.

(F) CONFLICTS BETWEEN FEDERAL AND STATE LAWS.--ANY STATE LAW OR REGULATION WHICH APPLIES WITH RESPECT TO THE IMPORTATION OR EXPORTATION OF, OR INTERSTATE OR FOREIGN COMMERCE IN, ENDANGERED SPECIES OR THREATENED SPECIES IS VOID TO THE EXTENT THAT IT MAY EFFECTIVELY (1) PERMIT WHAT IS PROHIBITED BY THIS ACT OR BY ANY REGULATION WHICH IMPLEMENTS THIS ACT, OR (2) PROHIBIT WHAT IS AUTHORIZED PURSUANT TO AN EXEMPTION OR PERMIT PROVIDED FOR IN THIS ACT OR IN ANY REGULATION WHICH IMPLEMENTS THIS ACT. THIS ACT SHALL NOT OTHERWISE BE CONSTRUED TO VOID ANY STATE LAW OR REGULATION WHICH IS INTENDED TO CONSERVE MIGRATORY, RESIDENT, OR INTRODUCED FISH OR WILDLIFE, OR TO PERMIT OR PROHIBIT SALE OF SUCH FISH OR WILDLIFE. ANY STATE LAW OR REGULATION RESPECTING THE TAKING OF AN ENDANGERED SPECIES OR THREATENED SPECIES MAY BE MORE RESTRICTIVE THAN THE EXEMPTIONS OR PERMITS PROVIDED FOR IN THIS ACT OR IN ANY REGULATION WHICH IMPLEMENTS THIS ACT BUT NOT LESS RESTRICTIVE THAN THE PROHIBITIONS SO DEFINED.

(G) TRANSITION.--(1) FOR PURPOSES OF THIS SUBSECTION, THE TERM "ESTABLISHMENT PERIOD" MEANS, WITH RESPECT TO ANY STATE, THE PERIOD BEGINNING ON THE DATE OF ENACTMENT OF THIS ACT AND ENDING ON WHICHEVER OF THE FOLLOWING DATES FIRST OCCURS: (A) THE DATE OF THE CLOSE OF THE 120-DAY PERIOD FOLLOWING THE ADJOURNMENT OF THE FIRST REGULAR SESSION OF THE LEGISLATURE OF SUCH STATE WHICH COMMENCES AFTER SUCH DATE OF ENACTMENT, OR (B) THE DATE OF THE CLOSE OF THE 15-MONTH PERIOD FOLLOWING SUCH DATE OF ENACTMENT.

(2) THE PROHIBITIONS SET FORTH IN OR AUTHORIZED PURSUANT TO SECTIONS 4 (D) AND 9 (A) (1) (B) OF THIS ACT SHALL NOT APPLY WITH RESPECT TO THE TAKING OF ANY RESIDENT ENDANGERED SPECIES OR THREATENED SPECIES (OTHER THAN SPECIES LISTED IN APPENDIX I TO THE CONVENTION OR OTHERWISE SPECIFICALLY COVERED BY ANY OTHER TREATY OR FEDERAL LAW) WITHIN ANY STATE--

(A) WHICH IS THEN A PARTY TO A COOPERATIVE AGREEMENT WITH THE SECRETARY PURSUANT TO SECTION 6 (C) OF THIS ACT (EXCEPT TO THE EXTENT THAT THE TAKING OF ANY SUCH SPECIES IS CONTRARY TO THE LAW OF SUCH STATE); OR

(B) EXCEPT FOR ANY TIME WITHIN THE ESTABLISHMENT PERIOD WHEN--
(I) THE SECRETARY APPLIES SUCH PROHIBITION TO SUCH SPECIES AT THE REQUEST OF THE STATE, OR

(II) THE SECRETARY APPLIES SUCH PROHIBITION AFTER HE FINDS, AND PUBLISHES HIS FINDING, THAT AN EMERGENCY EXISTS POSING A SIGNIFICANT RISK TO THE WELL-BEING OF SUCH SPECIES AND THAT THE PROHIBITION MUST BE APPLIED TO PROTECT SUCH SPECIES. THE SECRETARY'S FINDING AND PUBLICATION MAY BE MADE WITHOUT REGARD TO THE PUBLIC HEARING OR COMMENT PROVISIONS OF SECTION 553 OF TITLE 5, UNITED STATES CODE,

//80 STAT. 383.// OR ANY OTHER PROVISION OF THIS ACT; BUT SUCH PROHIBITION SHALL EXPIRE 90 DAYS AFTER THE DATE OF ITS IMPOSITION UNLESS THE SECRETARY FURTHER EXTENDS SUCH PROHIBITION BY PUBLISHING NOTICE AND A STATEMENT OF JUSTIFICATION OF SUCH EXTENSION.

(H) REGULATIONS.--THE SECRETARY IS AUTHORIZED TO PROMULGATE SUCH REGULATIONS AS MAY BE APPROPRIATE TO CARRY OUT THE PROVISIONS OF THIS SECTION RELATING TO FINANCIAL ASSISTANCE TO STATES.

(I) APPROPRIATIONS.--FOR THE PURPOSES OF THIS SECTION, THERE IS AUTHORIZED TO BE APPROPRIATED THROUGH THE FISCAL YEAR ENDING JUNE 30, 1977, NOT TO EXCEED \$10,000,000.

INTERAGENCY COOPERATION

SEC. 7. THE SECRETARY SHALL REVIEW OTHER PROGRAMS ADMINISTERED BY HIM AND UTILIZE SUCH PROGRAMS IN FURTHERANCE OF THE PURPOSES OF THIS ACT. ALL OTHER FEDERAL DEPARTMENTS AND AGENCIES SHALL, IN CONSULTATION WITH AND WITH THE ASSISTANCE OF THE SECRETARY, UTILIZE THEIR AUTHORITIES IN FURTHERANCE OF THE PURPOSES OF THIS ACT BY CARRYING OUT PROGRAMS FOR THE CONSERVATION OF ENDANGERED SPECIES AND THREATENED SPECIES LISTED PURSUANT TO SECTION 4 OF THIS ACT AND BY TAKING SUCH ACTION NECESSARY TO INSURE THAT ACTIONS AUTHORIZED, FUNDED, OR CARRIED OUT BY THEM DO NOT JEOPARDIZE THE CONTINUED EXISTENCE OF SUCH ENDANGERED SPECIES AND THREATENED SPECIES OR RESULT IN THE DESTRUCTION OR MODIFICATION OF HABITAT OF SUCH SPECIES WHICH IS DETERMINED BY THE SECRETARY, AFTER CONSULTATION AS APPROPRIATE WITH THE AFFECTED STATES, TO BE CRITICAL.

INTERNATIONAL COOPERATION

SEC. 8. (A) FINANCIAL ASSISTANCE.--AS A DEMONSTRATION OF THE COMMITMENT OF THE UNITED STATES TO THE WORLDWIDE PROTECTION OF ENDANGERED SPECIES AND THREATENED SPECIES, THE PRESIDENT MAY, SUBJECT TO THE PROVISIONS OF SECTION 1415 OF THE SUPPLEMENTAL APPROPRIATION ACT, 1953 (31 U.S.C. 724), //66 STAT. 662.// USE FOREIGN CURRENCIES ACCRUING TO THE UNITED STATES GOVERNMENT UNDER THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954 OR ANY OTHER LAW TO PROVIDE TO ANY FOREIGN COUNTRY (WITH ITS CONSENT) ASSISTANCE IN THE DEVELOPMENT AND MANAGEMENT OF PROGRAMS IN THAT COUNTRY WHICH THE SECRETARY DETERMINES TO BE NECESSARY OR USEFUL FOR THE CONSERVATION OF ANY ENDANGERED SPECIES OR THREATENED SPECIES LISTED BY THE SECRETARY PURSUANT TO SECTION 4 OF THIS ACT. //68 STAT. 454. 7 USC 1691.// THE PRESIDENT SHALL PROVIDE ASSISTANCE (WHICH INCLUDES, BUT IS NOT LIMITED TO, THE ACQUISITION, BY LEASE OR OTHERWISE, OF LANDS, WATERS, OR INTERESTS THEREIN) TO FOREIGN COUNTRIES UNDER THIS SECTION UNDER SUCH TERMS AND CONDITIONS AS HE DEEMS APPROPRIATE. WHENEVER FOREIGN CURRENCIES ARE AVAILABLE FOR THE PROVISION OF ASSISTANCE UNDER THIS SECTION, SUCH CURRENCIES SHALL BE USED IN PREFERENCE TO FUNDS APPROPRIATED UNDER THE AUTHORITY OF SECTION 15 OF THIS ACT.

(B) ENCOURAGEMENT OF FOREIGN PROGRAMS.--IN ORDER TO CARRY OUT FURTHER THE PROVISIONS OF THIS ACT, THE SECRETARY, THROUGH THE SECRETARY OF STATE, SHALL ENCOURAGE--

(1) FOREIGN COUNTRIES TO PROVIDE FOR THE CONSERVATION OF FISH OR WILDLIFE INCLUDING ENDANGERED SPECIES AND THREATENED SPECIES LISTED PURSUANT TO SECTION 4 OF THIS ACT;

(2) THE ENTERING INTO OF BILATERAL OR MULTILATERAL AGREEMENTS WITH FOREIGN COUNTRIES TO PROVIDE FOR SUCH CONSERVATION; AND

(3) FOREIGN PERSONS WHO DIRECTLY OR INDIRECTLY TAKE FISH OR WILDLIFE IN FOREIGN COUNTRIES OR ON THE HIGH SEAS FOR IMPORTATION INTO THE UNITED STATES FOR COMMERCIAL OR OTHER PURPOSES TO DEVELOP AND CARRY OUT WITH SUCH ASSISTANCE AS HE MAY PROVIDE, CONSERVATION PRACTICES DESIGNED TO ENHANCE SUCH FISH OR WILDLIFE AND THEIR HABITAT.

(C) PERSONNEL.--AFTER CONSULTATION WITH THE SECRETARY OF STATE, THE SECRETARY MAY--

(1) ASSIGN OR OTHERWISE MAKE AVAILABLE ANY OFFICER OR EMPLOYEE OF HIS DEPARTMENT FOR THE PURPOSE OF COOPERATING WITH FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS IN DEVELOPING PERSONNEL RESOURCES AND PROGRAMS WHICH PROMOTE THE CONSERVATION OF FISH OR WILDLIFE; AND

(2) CONDUCT OR PROVIDE FINANCIAL ASSISTANCE FOR THE EDUCATIONAL TRAINING OF FOREIGN PERSONNEL, IN THIS COUNTRY OR ABROAD, IN FISH, WILDLIFE, OR PLANT MANAGEMENT, RESEARCH AND LAW ENFORCEMENT AND TO RENDER PROFESSIONAL ASSISTANCE ABROAD IN SUCH MATTERS. **

(D) INVESTIGATIONS.--AFTER CONSULTATION WITH THE SECRETARY OF STATE AND THE SECRETARY OF THE TREASURY, AS APPROPRIATE, THE SECRETARY MAY CONDUCT OR CAUSE TO BE CONDUCTED SUCH LAW ENFORCEMENT INVESTIGATIONS AND RESEARCH ABROAD AS HE DEEMS NECESSARY TO CARRY OUT THE PURPOSES OF THIS ACT. **

(E) CONVENTION IMPLEMENTATION.--THE PRESIDENT IS AUTHORIZED AND DIRECTED TO DESIGNATE APPROPRIATE AGENCIES TO ACT AS THE MANAGEMENT AUTHORITY OR AUTHORITIES AND THE SCIENTIFIC AUTHORITY OR AUTHORITIES PURSUANT TO THE CONVENTION. THE AGENCIES SO DESIGNATED SHALL THEREAFTER BE AUTHORIZED TO DO ALL THINGS ASSIGNED TO THEM UNDER THE CONVENTION, INCLUDING THE ISSUANCE OF PERMITS AND CERTIFICATES. THE AGENCY DESIGNATED BY THE PRESIDENT TO COMMUNICATE WITH OTHER PARTIES TO THE CONVENTION AND WITH THE SECRETARIAT SHALL ALSO BE EMPOWERED, WHERE APPROPRIATE, IN CONSULTATION WITH THE STATE DEPARTMENT, TO ACT ON BEHALF OF AND REPRESENT THE UNITED STATES IN ALL REGARDS AS REQUIRED BY THE CONVENTION. THE PRESIDENT SHALL ALSO DESIGNATE THOSE AGENCIES WHICH SHALL ACT ON BEHALF OF AND REPRESENT THE UNITED STATES IN ALL REGARDS AS REQUIRED BY THE CONVENTION ON NATURE PROTECTION AND WILDLIFE PRESERVATION IN THE WESTERN HEMISPHERE. //56 STAT. 1354.// **

PROHIBITED ACTS

SEC. 9. (A) GENERAL.--(1) EXCEPT AS PROVIDED IN SECTIONS 6 (G) (2) AND 10 OF THIS ACT, WITH RESPECT TO ANY ENDANGERED SPECIES OF FISH OR WILDLIFE LISTED PURSUANT TO SECTION 4 OF THIS ACT IT IS UNLAWFUL FOR ANY PERSON SUBJECT TO THE JURISDICTION OF THE UNITED STATES TO--

(A) IMPORT ANY SUCH SPECIES INTO, OR EXPORT ANY SUCH SPECIES FROM THE UNITED STATES;

(B) TAKE ANY SUCH SPECIES WITHIN THE UNITED STATES OR THE TERRITORIAL SEA OF THE UNITED STATES;

(C) TAKE ANY SUCH SPECIES UPON THE HIGH SEAS;

(D) POSSESS, SELL, DELIVER, CARRY, TRANSPORT, OR SHIP, BY ANY

MEANS WHATSOEVER, ANY SUCH SPECIES TAKEN IN VIOLATION OF SUBPARAGRAPHS (B) AND (C);

(E) DELIVER, RECEIVE, CARRY, TRANSPORT, OR SHIP IN INTERSTATE OR FOREIGN COMMERCE, BY ANY MEANS WHATSOEVER AND IN THE COURSE OF A COMMERCIAL ACTIVITY, ANY SUCH SPECIES;

(F) SELL OR OFFER FOR SALE IN INTERSTATE OR FOREIGN COMMERCE ANY SUCH SPECIES; OR

(G) VIOLATE ANY REGULATION PERTAINING TO SUCH SPECIES OR TO ANY THREATENED SPECIES OF FISH OR WILDLIFE LISTED PURSUANT TO SECTION 4 OF THIS ACT AND PROMULGATED BY THE SECRETARY PURSUANT TO AUTHORITY PROVIDED BY THIS ACT.

(2) EXCEPT AS PROVIDED IN SECTIONS 6 (G) (2) AND 10 OF THIS ACT, WITH RESPECT TO ANY ENDANGERED SPECIES OF PLANTS LISTED PURSUANT TO SECTION 4 OF THIS ACT, IT IS UNLAWFUL FOR ANY PERSON SUBJECT TO THE JURISDICTION OF THE UNITED STATES TO--

(A) IMPORT ANY SUCH SPECIES INTO, OR EXPORT ANY SUCH SPECIES FROM, THE UNITED STATES;

(B) DELIVER, RECEIVE, CARRY, TRANSPORT, OR SHIP IN INTERSTATE OR FOREIGN COMMERCE, BY ANY MEANS WHATSOEVER AND IN THE COURSE OF A COMMERCIAL ACTIVITY, ANY SUCH SPECIES;

(C) SELL OR OFFER FOR SALE IN INTERSTATE OR FOREIGN COMMERCE ANY SUCH SPECIES; OR

(D) VIOLATE ANY REGULATION PERTAINING TO SUCH SPECIES OR TO ANY THREATENED SPECIES OF PLANTS LISTED PURSUANT TO SECTION 4 OF THIS ACT AND PROMULGATED BY THE SECRETARY PURSUANT TO AUTHORITY PROVIDED BY THIS ACT.

(B) SPECIES HELD IN CAPTIVITY OR CONTROLLED ENVIRONMENT.--THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY FISH OR WILDLIFE HELD IN CAPTIVITY OR IN A CONTROLLED ENVIRONMENT ON THE EFFECTIVE DATE OF THIS ACT IF THE PURPOSES OF SUCH HOLDING ARE NOT CONTRARY TO THE PURPOSES OF THIS ACT; EXCEPT THAT THIS SUBSECTION SHALL NOT APPLY IN THE CASE OF ANY FISH OR WILDLIFE HELD IN THE COURSE OF A COMMERCIAL ACTIVITY. WITH RESPECT TO ANY ACT PROHIBITED BY THIS SECTION WHICH OCCURS AFTER A PERIOD OF 180 DAYS FROM THE EFFECTIVE DATE OF THIS ACT, THERE SHALL BE A REBUTTABLE PRESUMPTION THAT THE FISH OR WILDLIFE INVOLVED IN SUCH ACT WAS NOT HELD IN CAPTIVITY OR IN A CONTROLLED ENVIRONMENT ON SUCH EFFECTIVE DATE.

(C) VIOLATION OF CONVENTION.--(1) IT IS UNLAWFUL FOR ANY PERSON SUBJECT TO THE JURISDICTION OF THE UNITED STATES TO ENGAGE IN ANY TRADE IN ANY SPECIMENS CONTRARY TO THE PROVISIONS OF THE CONVENTION, OR TO POSSESS ANY SPECIMENS TRADED CONTRARY TO THE PROVISIONS OF THE CONVENTION, INCLUDING THE DEFINITIONS OF TERMS IN ARTICLE I THEREOF.

(2) ANY IMPORTATION INTO THE UNITED STATES OF FISH OR WILDLIFE SHALL, IF--

(A) SUCH FISH OR WILDLIFE IS NOT AN ENDANGERED SPECIES LISTED PURSUANT TO SECTION 4 OF THIS ACT BUT IS LISTED IN APPENDIX II TO THE CONVENTION,

(B) THE TAKING AND EXPORTATION OF SUCH FISH OR WILDLIFE IS NOT CONTRARY TO THE PROVISIONS OF THE CONVENTION AND ALL OTHER

APPLICABLE REQUIREMENTS OF THE CONVENTION HAVE BEEN SATISFIED,
(C) THE APPLICABLE REQUIREMENTS OF SUBSECTIONS (D), (E), AND (F)
OF THIS SECTION HAVE BEEN SATISFIED, AND

(D) SUCH IMPORTATION IS NOT MADE IN THE COURSE OF A COMMERCIAL
ACTIVITY,

TO BE PRESUMED TO BE AN IMPORTATION NOT IN VIOLATION OF ANY PROVISIONS
OF THIS ACT OR ANY REGULATION ISSUED PURSUANT TO THIS ACT.

(D) IMPORTS AND EXPORTS.--(1) IT IS UNLAWFUL FOR ANY PERSON TO ENGAGE
IN BUSINESS AS AN IMPORTER OR EXPORTER OF FISH OR WILDLIFE (OTHER THAN
SHELLFISH AND FISHERY PRODUCTS WHICH (A) ARE NOT LISTED PURSUANT TO
SECTION 4 OF THIS ACT AS ENDANGERED SPECIES OR THREATENED SPECIES, AND (B)
ARE IMPORTED FOR PURPOSES OF HUMAN OR ANIMAL CONSUMPTION OR TAKEN IN
WATERS UNDER THE JURISDICTION OF THE UNITED STATES OR ON THE HIGH SEAS FOR
RECREATIONAL PURPOSES) OR PLANTS WITHOUT FIRST HAVING OBTAINED PERMISSION
FROM THE SECRETARY.

(2) ANY PERSON REQUIRED TO OBTAIN PERMISSION UNDER PARAGRAPH (1) OF
THIS SUBSECTION SHALL--

(A) KEEP SUCH RECORDS AS WILL FULLY AND CORRECTLY DISCLOSE EACH
IMPORTATION OR EXPORTATION OF FISH, WILDLIFE, OR PLANTS MADE BY HIM
AND THE SUBSEQUENT DISPOSITION MADE BY HIM WITH RESPECT TO SUCH
FISH, WILDLIFE, OR PLANTS;

(B) AT ALL REASONABLE TIMES UPON NOTICE BY A DULY AUTHORIZED
REPRESENTATIVE OF THE SECRETARY, AFFORD SUCH REPRESENTATIVE ACCESS
TO HIS PLACES OF BUSINESS, AN OPPORTUNITY TO EXAMINE HIS INVENTORY
OF IMPORTED FISH, WILDLIFE, OR PLANTS AND THE RECORDS REQUIRED TO BE
KEPT UNDER SUBPARAGRAPH (A) OF THIS PARAGRAPH, AND TO COPY SUCH
RECORDS; AND

(C) FILE SUCH REPORTS AS THE SECRETARY MAY REQUIRE.

(3) THE SECRETARY SHALL PRESCRIBE SUCH REGULATIONS AS ARE NECESSARY AND
APPROPRIATE TO CARRY OUT THE PURPOSES OF THIS SUBSECTION.

(E) REPORTS.--IT IS UNLAWFUL FOR ANY PERSON IMPORTING OR EXPORTING FISH
OR WILDLIFE (OTHER THAN SHELLFISH AND FISHERY PRODUCTS WHICH (1) ARE NOT
LISTED PURSUANT TO SECTION 4 OF THIS ACT AS ENDANGERED OR THREATENED
SPECIES, AND (2) ARE IMPORTED FOR PURPOSES OF HUMAN OR ANIMAL CONSUMPTION
OR TAKEN IN WATERS UNDER THE JURISDICTION OF THE UNITED STATES OR ON THE
HIGH SEAS FOR RECREATIONAL PURPOSES) OR PLANTS TO FAIL TO FILE ANY
DECLARATION OR REPORT AS THE SECRETARY DEEMS NECESSARY TO FACILITATE
ENFORCEMENT OF THIS ACT OR TO MEET THE OBLIGATIONS OF THE CONVENTION.

(F) DESIGNATION OF PORTS.--(1) IT IS UNLAWFUL FOR ANY PERSON SUBJECT TO
THE JURISDICTION OF THE UNITED STATES TO IMPORT INTO OR EXPORT FROM THE
UNITED STATES ANY FISH OR WILDLIFE (OTHER THAN SHELLFISH AND FISHERY
PRODUCTS WHICH (A) ARE NOT LISTED PURSUANT TO SECTION 4 OF THIS ACT AS
ENDANGERED SPECIES OR THREATENED SPECIES, AND (B) ARE IMPORTED FOR
PURPOSES OF HUMAN OR ANIMAL CONSUMPTION TO OR TAKEN IN WATERS UNDER THE
JURISDICTION OF THE UNITED STATES OR ON THE HIGH SEAS FOR RECREATIONAL
PURPOSES) OR PLANTS, EXCEPT AT A PORT OR PORTS DESIGNATED BY THE SECRETARY
OF THE INTERIOR. FOR THE PURPOSE OF FACILITATING ENFORCEMENT OF THIS ACT
AND REDUCING THE COSTS THEREOF, THE SECRETARY OF THE INTERIOR, WITH

APPROVAL OF THE SECRETARY OF THE TREASURY AND AFTER NOTICE AND OPPORTUNITY FOR PUBLIC HEARING, MAY, BY REGULATION, DESIGNATE PORTS AND CHANGE SUCH DESIGNATIONS. THE SECRETARY OF THE INTERIOR, UNDER SUCH TERMS AND CONDITIONS AS HE MAY PRESCRIBE, MAY PERMIT THE IMPORTATION OR EXPORTATION AT NONDESIGNATED PORTS IN THE INTEREST OF THE HEALTH OR SAFETY OF THE FISH OR WILDLIFE OR PLANTS, OR FOR OTHER REASONS IF, IN HIS DISCRETION, HE DEEMS IT APPROPRIATE AND CONSISTENT WITH THE PURPOSE OF THIS SUBSECTION.

(2) ANY PORT DESIGNATED BY THE SECRETARY OF THE INTERIOR UNDER THE AUTHORITY OF SECTION 4 (D) OF THE ACT OF DECEMBER 5, 1969 (16 U.S.C. 666CC - 4 (D)), //83 STAT. 277. 16 USC 668CC - 4.// SHALL IF SUCH DESIGNATION IS IN EFFECT ON THE DAY BEFORE THE DATE OF THE ENACTMENT OF THIS ACT, BE DEEMED TO BE A PORT DESIGNATED BY THE SECRETARY UNDER PARAGRAPH (1) OF THIS SUBSECTION UNTIL SUCH TIME AS THE SECRETARY OTHERWISE PROVIDES.

(G) VIOLATIONS.--IT IS UNLAWFUL FOR ANY PERSON SUBJECT TO THE JURISDICTION OF THE UNITED STATES TO ATTEMPT TO COMMIT, SOLICIT ANOTHER TO COMMIT, OR CAUSE TO BE COMMITTED, ANY OFFENSE DEFINED IN THIS SECTION. EXCEPTIONS

SEC. 10. (A) PERMITS.--THE SECRETARY MAY PERMIT, UNDER SUCH TERMS AND CONDITIONS AS HE MAY PRESCRIBE, ANY ACT OTHERWISE PROHIBITED BY SECTION 9 OF THIS ACT FOR SCIENTIFIC PURPOSES OR TO ENHANCE THE PROPAGATION OR SURVIVAL OF THE AFFECTED SPECIES. **

(B) HARDSHIP EXEMPTIONS.--(1) IF ANY PERSON ENTERS INTO A CONTRACT WITH RESPECT TO A SPECIES OF FISH OR WILDLIFE OR PLANT BEFORE THE DATE OF THE PUBLICATION IN THE FEDERAL REGISTER OF NOTICE OF CONSIDERATION OF THAT SPECIES AS AN ENDANGERED SPECIES AND THE SUBSEQUENT LISTING OF THAT SPECIES AS AN ENDANGERED SPECIES PURSUANT TO SECTION 4 OF THIS ACT WILL CAUSE UNDUE ECONOMIC HARDSHIP TO SUCH PERSON UNDER THE CONTRACT, THE SECRETARY, IN ORDER TO MINIMIZE SUCH HARDSHIP, MAY EXEMPT SUCH PERSON FROM THE APPLICATION OF SECTION 9 (A) OF THIS ACT TO THE EXTENT THE SECRETARY DEEMS APPROPRIATE IF SUCH PERSON APPLIES TO HIM FOR SUCH EXEMPTION AND INCLUDES WITH SUCH APPLICATION SUCH INFORMATION AS THE SECRETARY MAY REQUIRE TO PROVE SUCH HARDSHIP; EXCEPT THAT (A) NO SUCH EXEMPTION SHALL BE FOR A DURATION OF MORE THAN ONE YEAR FROM THE DATE OF PUBLICATION IN THE FEDERAL REGISTER OF NOTICE OF CONSIDERATION OF THE SPECIES CONCERNED, OR SHALL APPLY TO A QUANTITY OF FISH OR WILDLIFE OR PLANTS IN EXCESS OF THAT SPECIFIED BY THE SECRETARY; (B) THE ONE-YEAR PERIOD FOR THOSE SPECIES OF FISH OR WILDLIFE LISTED BY THE SECRETARY AS ENDANGERED PRIOR TO THE EFFECTIVE DATE OF THIS ACT SHALL EXPIRE IN ACCORDANCE WITH THE TERMS OF SECTION 3 OF THE ACT OF DECEMBER 5, 1969 (83 STAT. 275; //16 USC 668CC - 3.// AND (C) NO SUCH EXEMPTION MAY BE GRANTED FOR THE IMPORTATION OR EXPORTATION OF A SPECIMEN LISTED IN APPENDIX I OF THE CONVENTION WHICH IS TO BE USED IN A COMMERCIAL ACTIVITY.

(2) AS USED IN THIS SUBSECTION, THE TERM "UNDUE ECONOMIC HARDSHIP" SHALL INCLUDE, BUT NOT BE LIMITED TO:

(A) SUBSTANTIAL ECONOMIC LOSS RESULTING FROM INABILITY CAUSED BY THIS ACT TO PERFORM CONTRACTS WITH RESPECT TO SPECIES OF FISH AND WILDLIFE ENTERED INTO PRIOR TO THE DATE OF PUBLICATION IN THE FEDERAL REGISTER OF A NOTICE OF CONSIDERATION OF SUCH SPECIES AS AN

ENDANGERED SPECIES:

(B) SUBSTANTIAL ECONOMIC LOSS TO PERSONS WHO, FOR THE YEAR PRIOR TO THE NOTICE OF CONSIDERATION OF SUCH SPECIES AS AN ENDANGERED SPECIES, DERIVED A SUBSTANTIAL PORTION OF THEIR INCOME FROM THE LAWFUL TAKING OF ANY LISTED SPECIES, WHICH TAKING WOULD BE MADE UNLAWFUL UNDER THIS ACT; OR

(C) CURTAILMENT OF SUBSISTENCE TAKING MADE UNLAWFUL UNDER THIS ACT BY PERSONS (I) NOT REASONABLY ABLE TO SECURE OTHER SOURCES OF SUBSISTENCE; AND (II) DEPENDENT TO A SUBSTANTIAL EXTENT UPON HUNTING AND FISHING FOR SUBSISTENCE; AND (III) WHO MUST ENGAGE IN SUCH CURTAILED TAKING FOR SUBSISTENCE PURPOSES.

(3) THE SECRETARY MAY MAKE FURTHER REQUIREMENTS FOR A SHOWING OF UNDUE ECONOMIC HARDSHIP AS HE DEEMS FIT. EXCEPTIONS GRANTED UNDER THIS SECTION MAY BE LIMITED BY THE SECRETARY IN HIS DISCRETION AS TO TIME, AREA, OR OTHER FACTOR OF APPLICABILITY.

(C) NOTICE AND REVIEW.--THE SECRETARY SHALL PUBLISH NOTICE IN THE FEDERAL REGISTER OF EACH APPLICATION FOR AN EXEMPTION OR PERMIT WHICH IS MADE UNDER THIS SUBSECTION. EACH NOTICE SHALL INVITE THE SUBMISSION FROM INTERESTED PARTIES, WITHIN THIRTY DAYS AFTER THE DATE OF THE NOTICE, WRITTEN DATA, VIEWS, OR ARGUMENTS WITH RESPECT TO THE APPLICATION. INFORMATION RECEIVED BY THE SECRETARY AS A PART OF ANY APPLICATION SHALL BE AVAILABLE TO THE PUBLIC AS A MATTER OF PUBLIC RECORD AT EVERY STAGE OF THE PROCEEDING.

(D) PERMIT AND EXEMPTION POLICY.--THE SECRETARY MAY GRANT EXCEPTIONS UNDER SUBSECTIONS (A) AND (B) OF THIS SECTION ONLY IF HE FINDS AND PUBLISHES HIS FINDING IN THE FEDERAL REGISTER THAT (1) SUCH EXCEPTIONS WERE APPLIED FOR IN GOOD FAITH, (2) IF GRANTED AND EXERCISED WILL NOT OPERATE TO THE DISADVANTAGE OF SUCH ENDANGERED SPECIES, AND (3) WILL BE CONSISTENT WITH THE PURPOSES AND POLICY SET FORTH IN SECTION 2 OF THIS ACT.

(E) ALASKA NATIVES.--(1) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION THE PROVISIONS OF THIS ACT SHALL NOT APPLY WITH RESPECT TO THE TAKING OF ANY ENDANGERED SPECIES OR THREATENED SPECIES, OR THE IMPORTATION OF ANY SUCH SPECIES TAKING PURSUANT TO THIS SECTION, BY--

(A) ANY INDIAN, ALEUT, OR ESKIMO WHO IS AN ALASKAN NATIVE WHO RESIDES IN ALASKA; OR

(B) ANY NON-NATIVE PERMANENT RESIDENT OF AN ALASKAN NATIVE VILLAGE;

IF SUCH TAKING IS PRIMARILY FOR SUBSISTENCE PURPOSES. NON-EDIBLE BYPRODUCTS OF SPECIES TAKEN PURSUANT TO THIS SECTION MAY BE SOLD IN INTERSTATE COMMERCE WHEN MADE INTO AUTHENTIC NATIVE ARTICLES OF HANDICRAFTS AND CLOTHING; EXCEPT THAT THE PROVISIONS OF THIS SUBSECTION SHALL NOT APPLY TO ANY NON-NATIVE RESIDENT OF AN ALASKAN NATIVE VILLAGE FOUND BY THE SECRETARY TO BE NOT PRIMARILY DEPENDENT UPON THE TAKING OF FISH AND WILDLIFE FOR CONSUMPTION OR FOR THE CREATION AND SALE OF AUTHENTIC NATIVE ARTICLES OF HANDICRAFTS AND CLOTHING.

(2) ANY TAKING UNDER THIS SUBSECTION MAY NOT BE ACCOMPLISHED IN A WASTEFUL MANNER.

(3) AS USED IN THIS SUBSECTION--

(I) THE TERM "SUSTINENCE" INCLUDES SELLING ANY EDIBLE PORTION OF FISH OR WILDLIFE IN NATIVE VILLAGES AND TOWNS IN ALASKA FOR NATIVE CONSUMPTION WITHIN NATIVE VILLAGES OR TOWNS; AND

(II) THE TERM "AUTHENTIC NATIVE ARTICLES OF HANDICRAFTS AND CLOTHING" MEANS ITEMS COMPOSED WHOLLY OR IN SOME SIGNIFICANT RESPECT OF NATURAL MATERIALS, AND WHICH ARE PRODUCED, DECORATED, OR FASHIONED IN THE EXERCISE OF OF TRADITIONAL NATIVE HANDICRAFTS WITHOUT THE USE OF PANTOGRAPHS, MULTIPLE CARVERS, OR OTHER MASS COPYING DEVICES. TRADITIONAL NATIVE HANDICRAFTS INCLUDE, BUT ARE NOT LIMITED TO, WEAVING, CARVING, STITCHING, SEWING, LACKING, BEADING, DRAWING, AND PAINTING.

(4) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION, WHENEVER THE SECRETARY DETERMINES THAT ANY SPECIES OF FISH OR WILDLIFE WHICH IS SUBJECT TO TAKING UNDER THE PROVISIONS OF THIS SUBSECTION IS AN ENDANGERED SPECIES OR THREATENED SPECIES, AND THAT SUCH TAKING MATERIALLY AND NEGATIVELY AFFECTS THE THREATENED OR ENDANGERED SPECIES, HE MAY PRESCRIBE REGULATIONS UPON THE TAKING OF SUCH SPECIES BY ANY SUCH INDIAN, ALUT, ESKIMO, OR NON-NATIVE ALASKAN RESIDENT OF AN ALASKAN NATIVE VILLAGE. SUCH REGULATIONS MAY BE ESTABLISHED WITH REFERENCE TO SPECIES, GEOGRAPHICAL DESCRIPTION OF THE AREA INCLUDED, THE SEASON FOR TAKING, OR ANY OTHER FACTORS RELATED TO THE REASON FOR ESTABLISHING SUCH REGULATIONS AND CONSISTENT WITH THE POLICY OF THIS ACT. SUCH REGULATIONS SHALL BE PRESCRIBED AFTER A NOTICE AND HEARINGS IN THE AFFECTED JUDICIAL DISTRICTS OF ALASKA AND AS OTHERWISE REQUIRED BY SECTION 103 OF THE MARINE MAMMAL PROTECTION ACT OF 1972, 16 USC 1373.// AND SHALL BE REMOVED AS SOON AS THE SECRETARY DETERMINES THAT THE NEED FOR THEIR IMPOSITIONS HAS DISAPPEARED.

PENALTIES AND ENFORCEMENT

SEC. 11. (A) CIVIL PENALTIES.--(1) ANY PERSON WHO KNOWINGLY VIOLATES, OR WHO KNOWINGLY COMMITS AN ACT IN THE COURSE OF A COMMERCIAL ACTIVITY WHICH VIOLATES, ANY PROVISION OF THIS ACT, OR ANY PROVISION OF ANY PERMIT OR CERTIFICATE ISSUED HEREUNDER, OR OF ANY REGULATION ISSUED IN ORDER TO IMPLEMENT SUBSECTION (A) (1) (A), (B), (C), (D), (E), OR (F), (A) (2) (A), (B), OR (C), (C), (D) (OTHER THAN REGULATION RELATING TO RECORDKEEPING OR FILING OF REPORTS), (F) OR (G) OF SECTION 9 OF THIS ACT, MAY BE A CIVIL PENALTY BY THE SECRETARY OF NOT MORE THAN \$10,000 FOR EACH VIOLATION. ANY PERSON WHO KNOWINGLY VIOLATES, OR WHO KNOWINGLY COMMITS AN ACT IN THE COURSE OF A COMMERCIAL ACTIVITY WHICH VIOLATES, ANY PROVISION OF ANY OTHER REGULATION ISSUED UNDER THIS ACT MAY BE ASSESSED A CIVIL PENALTY BY THE SECRETARY OF NOT MORE THAN \$5,000 FOR EACH SUCH VIOLATION. ANY PERSON WHO OTHERWISE VIOLATES ANY PROVISION OF THIS ACT, OR ANY REGULATION, PERMIT, OR CERTIFICATE ISSUED HEREUNDER, MAY BE ASSESSED A CIVIL PENALTY BY THE SECRETARY OF NOT MORE THAN \$1,000 FOR EACH SUCH VIOLATION. NO PENALTY MAY BE ASSESSED UNDER THIS SUBSECTION UNLESS SUCH PERSON IS GIVEN NOTICE AND OPPORTUNITY FOR A HEARING WITH RESPECT TO SUCH VIOLATION. EACH VIOLATION SHALL BE A SEPARATE OFFENSE. ANY SUCH CIVIL PENALTY MAY BE REMITTED OR MITIGATED BY THE SECRETARY. UPON ANY FAILURE TO PAY A PENALTY ASSESSED

UNDER THIS SUBSECTION, THE SECRETARY MAY REQUEST THE ATTORNEY GENERAL TO INSTITUTE A CIVIL ACTION IN A DISTRICT COURT FOR THE UNITED STATES FOR ANY DISTRICT IN WHICH SUCH PERSON IS FOUND, RESIDES, OR TRANSACTS BUSINESS TO COLLECT THE PENALTY AND SUCH COURT SHALL HAVE JURISDICTION TO HEAR AND DECIDE ANY SUCH ACTION. THE COURT SHALL HEAR SUCH ACTION ON THE RECORD MADE BEFORE THE SECRETARY AND SHALL SUSTAIN HIS ACTION IF IT IS SUPPORTED BY SUBSTANTIAL EVIDENCE ON THE RECORD CONSIDERED AS A WHOLE.

(2) HEARINGS HELD DURING PROCEEDINGS FOR THE ASSESSMENT OF CIVIL PENALTIES AUTHORIZED BY PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CONDUCTED IN ACCORDANCE WITH SECTION 554 OF TITLE 5, UNITED STATES CODE, 78 STAT. 384.// THE SECRETARY MAY ISSUE SUBPENAS FOR THE ATTENDANCE AND TESTIMONY OF WITNESSES AND THE PRODUCTION OF RELEVANT PAPERS, BOOKS, AND DOCUMENTS, AND ADMINISTER OATHS. WITNESSES SUMMONED SHALL BE PAID THE SAME FEES AND MILEAGE THAT ARE PAID TO WITNESSES IN THE COURTS OF THE UNITED STATES. IN CASE OF CONTUMACY OR REFUSAL TO OBEY A SUBPENA SERVED UPON ANY PERSON PURSUANT TO THIS PARAGRAPH, THE DISTRICT COURT OF THE UNITED STATES FOR ANY DISTRICT IN WHICH SUCH PERSON IS FOUND OR RESIDES OR TRANSACTS BUSINESS, UPON APPLICATION BY THE UNITED STATES AND AFTER NOTICE TO SUCH PERSON, SHALL HAVE JURISDICTION TO ISSUE AN ORDER REQUIRING SUCH PERSON TO APPEAR AND GIVE TESTIMONY BEFORE THE SECRETARY OR TO APPEAR AND PRODUCE DOCUMENTS BEFORE THE SECRETARY, OR BOTH, AND ANY FAILURE TO OBEY SUCH ORDER OF THE COURT MAY BE PUNISHED BY SUCH COURT AS A CONTEMPT THEREOF.

(B) CRIMINAL VIOLATIONS.--(1) ANY PERSON WHO WILLFULLY COMMITS AN ACT WHICH VIOLATES ANY PROVISION OF THIS ACT, OF ANY PERMIT OR CERTIFICATE ISSUED HEREUNDER, OR OF ANY REGULATION ISSUED IN ORDER TO IMPLEMENT SUBSECTION (A) (1) (A), (B), (C), (D), (E), OR (F); (A) (2) (A), (B), OR (C), (C), (D) (OTHER THAN A REGULATION RELATING TO RECORDKEEPING, OR FILING OF REPORTS), (F), OR (G) OF SECTION 9 OF THIS ACT SHALL, UPON CONVICTION, BE FINED NOT MORE THAN \$20,000 OR IMPRISONED FOR NOT MORE THAN ONE YEAR, OR BOTH. ANY PERSON WHO WILLFULLY COMMITS AN ACT WHICH VIOLATES ANY PROVISION OF ANY OTHER REGULATION ISSUED UNDER THIS ACT, SHALL UPON CONVICTION, BE FINED NOT MORE THAN \$10,000 OR IMPRISONED FOR NOT MORE THAN SIX MONTHS, OR BOTH.

(2) THE HEAD OF ANY FEDERAL AGENCY WHICH HAS ISSUED A LEASE, LICENSE, PERMIT, OR OTHER AGREEMENT AUTHORIZING THE USE OF FEDERAL LANDS, INCLUDING GRAZING OF DOMESTIC LIVESTOCK, TO ANY PERSON WHO IS CONVICTED OF A CRIMINAL VIOLATION OF THIS ACT OR ANY REGULATION, PERMIT, OR CERTIFICATE ISSUED HEREUNDER MAY IMMEDIATELY MODIFY, SUSPEND, OR REVOKE EACH LEASE, LICENSE, PERMIT, OR OTHER AGREEMENT. THE SECRETARY SHALL ALSO SUSPEND FOR A PERIOD OF UP TO ONE YEAR, OR CANCEL, ANY FEDERAL HUNTING OR FISHING PERMITS OR STAMPS ISSUED TO ANY PERSON WHO IS CONVICTED OF A CRIMINAL VIOLATION OF ANY PROVISION OF THIS ACT OR ANY REGULATION, PERMIT, OR CERTIFICATE ISSUED HEREUNDER. THE UNITED STATES SHALL NOT BE LIABLE FOR THE PAYMENTS OF ANY COMPENSATION, REIMBURSEMENT, OR DAMAGES IN CONNECTION WITH THE MODIFICATION, SUSPENSION, OR REVOCATION OF ANY LEASES, LICENSES, PERMITS, STAMPS, OR OTHER AGREEMENTS PURSUANT TO THIS SECTION.

(C) DISTRICT COURT JURISDICTION.--THE SEVERAL DISTRICT COURTS OF THE

UNITED STATES, INCLUDING THE COURTS ENUMERATED IN SECTION 460 OF TITLE 28, UNITED STATES CODE, //65 STAT. 725; 72 STAT. 348.// SHALL HAVE JURISDICTION OVER ANY ACTIONS ARISING UNDER THIS ACT. FOR THE PURPOSE OF THIS ACT, AMERICAN SAMOA SHALL BE INCLUDED WITHIN THE JUDICIAL DISTRICT OF THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF HAWAII.

(D) REWARDS.--UPON THE RECOMMENDATION OF THE SECRETARY, THE SECRETARY OF THE TREASURY IS AUTHORIZED TO PAY AN AMOUNT EQUAL TO ONE-HALF OF THE CIVIL PENALTY OR FINE PAID, BUT NOT TO EXCEED \$2,500, TO ANY PERSON WHO FURNISHES INFORMATION WHICH LEADS TO A FINDING OF CIVIL VIOLATION OR A CONVICTION OF A CRIMINAL VIOLATION OF ANY PROVISION OF THIS ACT OR ANY REGULATION OR PERMIT ISSUED THEREUNDER. ANY OFFICER OR EMPLOYEE OF THE UNITED STATES OR OF ANY STATE OR LOCAL GOVERNMENT WHO FURNISHES INFORMATION OR RENDERS SERVICE IN THE PERFORMANCE OF HIS OFFICIAL DUTIES SHALL NOT BE ELIGIBLE FOR PAYMENT UNDER THIS SECTION.

(E) ENFORCEMENT.--(1) THE PROVISIONS OF THIS ACT AND ANY . BY THE SECRETARY, THE SECRETARY OF THE TREASURY, OR THE SECRETARY OF THE DEPARTMENT IN WHICH THE COAST GUARD IS OPERATING, OR ALL SUCH SECRETARIES. EACH SUCH SECRETARY MAY UTILIZE BY AGREEMENT, WITH OR WITHOUT REIMBURSEMENT, THE PERSONNEL, SERVICES, AND FACILITIES OF ANY OTHER FEDERAL AGENCY OR ANY STATE AGENCY FOR PURPOSES OF ENFORCING THIS ACT.

(2) THE JUDGES OF THE DISTRICT COURTS OF THE UNITED STATES AND UNITED STATES MAGISTRATES MAY, WITHIN THEIR RESPECTIVE JURISDICTIONS, UPON PROPER OATH OR AFFIRMATION SHOWING PROBABLE CAUSE, ISSUE SUCH WARRANTS OR OTHER PROCESS AS MAY BE REQUIRED FOR ENFORCEMENT OF THIS ACT AND ANY REGULATION ISSUED THEREUNDER.

(3) ANY PERSON AUTHORIZED BY THE SECRETARY, THE SECRETARY OF THE TREASURY, OR THE SECRETARY OF THE DEPARTMENT IN WHICH THE COAST GUARD IS OPERATING, TO ENFORCE THIS ACT MAY DETAIN FOR INSPECTION AND INSPECT ANY PACKAGE, CRATE, OR OTHER CONTAINER, INCLUDING ITS CONTENTS, AND ALL ACCOMPANYING DOCUMENTS, UPON IMPORTATION OR EXPORTATION. SUCH PERSON MAY EXECUTE AND SERVE ANY ARREST WARRANT, SEARCH WARRANT, OR OTHER WARRANT OR CIVIL OR CRIMINAL PROCESS ISSUED BY ANY OFFICER OR COURT OF COMPETENT JURISDICTION FOR ENFORCEMENT OF THIS ACT. SUCH PERSON SO AUTHORIZED MAY SEARCH AND SEIZE, WITH OR WITHOUT A WARRANT, AS AUTHORIZED BY LAW. ANY FISH, WILDLIFE, PROPERTY, OR ITEM SO SEIZED SHALL BE HELD BY ANY PERSON AUTHORIZED BY THE SECRETARY, THE SECRETARY OF THE TREASURY, OR THE SECRETARY OF THE DEPARTMENT IN WHICH THE COAST GUARD IS OPERATING PENDING DISPOSITION OF CIVIL OR CRIMINAL PROCEEDINGS, OR THE INSTITUTION OF AN ACTION IN REM FOR FORFEITURE OF SUCH FISH, WILDLIFE, PROPERTY, OR ITEM PURSUANT TO PARAGRAPH (4) OF THIS SUBSECTION: EXCEPT THAT THE SECRETARY MAY, IN LIEU OF HOLDING SUCH FISH, WILDLIFE, PROPERTY, OR ITEM, PERMIT THE OWNER OR CONSIGNEE TO POST A BOND OR OTHER SURETY SATISFACTORY TO THE SECRETARY.

(4) (4) ALL FISH OR WILDLIFE OR PLANTS TAKEN, POSSESSED, SOLD, PURCHASED, OFFERED FOR SALE OR PURCHASE, TRANSPORTED, DELIVERED, RECEIVED, CARRIED, SHIPPED, EXPORTED, OR IMPORTED CONTRARY TO THE PROVISIONS OF THIS ACT, ANY REGULATION MADE PURSUANT THERETO, OR ANY PERMIT OR CERTIFICATE ISSUED HEREUNDER SHALL BE SUBJECT TO FORFEITURE TO THE UNITED STATES.

(B) ALL GUNS, TRAPS, NETS, AND OTHER EQUIPMENT, VESSELS, VEHICLES, AIRCRAFT, AND OTHER MEANS OF TRANSPORTATION USED TO AID THE TAKING, POSSESSING, SELLING, PURCHASING, OFFERING FOR SALE OR PURCHASE, TRANSPORTING, DELIVERING, RECEIVING, CARRYING, SHIPPING, EXPORTING, OR IMPORTING OF ANY FISH OR WILDLIFE OR PLANTS IN VIOLATION OF THIS ACT, ANY REGULATION MADE PURSUANT THERETO, OR ANY PERMIT OR CERTIFICATE ISSUED THEREUNDER SHALL BE SUBJECT TO FORFEITURE TO THE UNITED STATES UPON CONVICTION OF A CRIMINAL VIOLATION PURSUANT TO SECTION 11 (B) (1) OF THIS ACT.

(5) ALL PROVISIONS OF LAW RELATING TO THE SEIZURE, FORFEITURE, AND CONDEMNATION OF A VESSEL FOR VIOLATION OF THE CUSTOMS LAWS, THE DISPOSITION OF SUCH VESSEL OR THE PROCEEDS FROM THE SALE THEREOF, AND THE REMISSION OR MITIGATION OF SUCH FORFEITURE, SHALL APPLY TO THE SEIZURES AND FORFEITURES INCURRED, OR ALLEGED TO HAVE BEEN INCURRED, UNDER THE PROVISIONS OF THIS ACT, INsofar AS SUCH PROVISIONS OF LAW ARE APPLICABLE AND NOT INCONSISTENT WITH THE PROVISIONS OF THIS ACT; EXCEPT THAT ALL POWERS, RIGHTS, AND DUTIES CONFERRED OR IMPOSED BY THE CUSTOMS LAWS UPON ANY OFFICER OR EMPLOYEE OF THE TREASURY DEPARTMENT SHALL, FOR THE PURPOSES OF THIS ACT, BE EXERCISED OR PERFORMED BY THE SECRETARY OR BY SUCH PERSONS AS HE MAY DESIGNATE.

(F) REGULATIONS.--THE SECRETARY, THE SECRETARY OF THE TREASURY, AND THE SECRETARY OF THE DEPARTMENT IN WHICH THE COAST GUARD IS OPERATING, ARE AUTHORIZED TO PROMULGATE SUCH REGULATIONS AS MAY BE APPROPRIATE TO ENFORCE THIS ACT, AND CHARGE REASONABLE FEES FOR EXPENSES TO THE GOVERNMENT CONNECTED WITH PERMITS OR CERTIFICATES AUTHORIZED BY THIS ACT INCLUDING PROCESSING APPLICATIONS AND REASONABLE INSPECTIONS, AND WITH THE TRANSFER, BOARD, HANDLING, OR STORAGE OF FISH OR WILDLIFE OR PLANTS AND EVIDENTIARY ITEMS SEIZED AND FORFEITED UNDER THIS ACT. ALL SUCH FEES COLLECTED PURSUANT TO THIS SUBSECTION SHALL BE DEPOSITED IN THE TREASURY TO THE CREDIT OF THE APPROPRIATION WHICH IS CURRENT AND CHARGEABLE FOR THE COST OF FURNISHING THE SERVICES. APPROPRIATED FUNDS MAY BE EXPENDED PENDING REIMBURSEMENT FROM PARTIES IN INTEREST.

(G) CITIZEN SUITS.--(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION ANY PERSON MAY COMMENCE A CIVIL SUIT ON HIS OWN BEHALF--

(A) TO ENJOIN ANY PERSON, INCLUDING THE UNITED STATES AND ANY OTHER GOVERNMENTAL INSTRUMENTALITY OR AGENCY (TO THE EXTENT PERMITTED BY THE ELEVENTH AMENDMENT TO THE CONSTITUTION), WHO IS ALLEGED TO BE IN VIOLATION OF ANY PROVISION OF THIS ACT OR REGULATION ISSUED UNDER THE AUTHORITY THEREOF; OR

(B) TO COMPEL THE SECRETARY TO APPLY, PURSUANT TO SECTION 6 (G) (2) (B) (III) OF THIS ACT, THE PROHIBITIONS SET FORTH IN OR AUTHORIZED PURSUANT TO SECTION 4 (D) OR SECTION 9 (A) (1) (B) OF THIS ACT WITH RESPECT TO THE TAKING OF ANY RESIDENT ENDANGERED SPECIES OR THREATENED SPECIES WITHIN ANY STATE.

THE DISTRICT COURTS SHALL HAVE JURISDICTION, WITHOUT REGARD TO THE AMOUNT IN CONTROVERSY OR THE CITIZENSHIP OF THE PARTIES, TO ENFORCE ANY SUCH PROVISION OR REGULATION, AS THE CASE MAY BE. IN ANY CIVIL SUIT COMMENCED UNDER SUBPARAGRAPH (B) THE DISTRICT COURT SHALL COMPEL THE

SECRETARY TO APPLY THE PROHIBITION SOUGHT IF THE COURT FINDS THAT THE ALLEGATION THAT AN EMERGENCY EXISTS IS SUPPORTED BY SUBSTANTIAL EVIDENCE.

(2) (A) NO ACTION MAY BE COMMENCED UNDER SUBPARAGRAPH (1) (A) OF THIS SECTION--

(I) PRIOR TO SIXTY DAYS AFTER WRITTEN NOTICE OF THE VIOLATION HAS BEEN GIVEN TO THE SECRETARY, AND TO ANY ALLEGED VIOLATOR OF ANY SUCH PROVISION OR REGULATION;

(II) IF THE SECRETARY HAS COMMENCED ACTION TO IMPOSE A PENALTY PURSUANT TO SUBSECTION (A) OF THIS SECTION; OR

(III) IF THE UNITED STATES HAS COMMENCED AND IS DILIGENTLY PROSECUTING A CRIMINAL ACTION IN A COURT OF THE UNITED STATES OR A STATE TO REDRESS A VIOLATION OF ANY SUCH PROVISION OR REGULATION.

(B) NO ACTION MAY BE COMMENCED UNDER SUBPARAGRAPH (1) (B) OF THIS SECTION--

(I) PRIOR TO SIXTY DAYS AFTER WRITTEN NOTICE HAS BEEN GIVEN TO THE SECRETARY SETTING FORTH THE REASONS WHY AN EMERGENCY IS THOUGHT TO EXIST WITH RESPECT TO AN ENDANGERED SPECIES OR A THREATENED SPECIES IN THE STATE CONCERNED; OR

(II) IF THE SECRETARY HAS COMMENCED AND IS DILIGENTLY PROSECUTING ACTION UNDER SECTION 6 (G) (2) (B) (II) OF THIS ACT TO DETERMINE WHETHER ANY SUCH EMERGENCY EXISTS.

(3) (A) ANY SUIT UNDER THIS SUBSECTION MAY BE BROUGHT IN THE JUDICIAL DISTRICT IN WHICH THE VIOLATION OCCURS.

(B) IN ANY SUCH SUIT UNDER THIS SUBSECTION IN WHICH THE UNITED STATES IS NOT A PARTY, THE ATTORNEY GENERAL, AT THE REQUEST OF THE SECRETARY, MAY INTERVENE ON BEHALF OF THE UNITED STATES AS A MATTER OF RIGHT.

(4) THE COURT, IN ISSUING ANY FINAL ORDER IN ANY SUIT BROUGHT PURSUANT TO PARAGRAPH (1) OF THIS SUBSECTION, MAY AWARD COSTS OF LITIGATION (INCLUDING REASONABLE ATTORNEY AND EXPERT WITNESS FEES) TO ANY PARTY, WHENEVER THE COURT DETERMINES SUCH AWARD IS APPROPRIATE.

(5) THE INJUNCTIVE RELIEF PROVIDED BY THIS SUBSECTION SHALL NOT RESTRICT ANY RIGHT WHICH ANY PERSON (OR CLASS OF PERSONS) MAY HAVE UNDER ANY STATUTE OR COMMON LAW TO SEEK ENFORCEMENT OF ANY STANDARD OR LIMITATION TO SEEK ANY OTHER RELIEF (INCLUDING RELIEF AGAINST THE SECRETARY OR A STATE AGENCY).

(H) COORDINATION WITH OTHER LAWS.--THE SECRETARY OF AGRICULTURE AND THE SECRETARY SHALL PROVIDE FOR APPROPRIATE COORDINATION OF THE ADMINISTRATION OF THIS ACT WITH THE ADMINISTRATION OF THE ANIMAL QUARANTINE LAWS (21 U.S.C. 101 - 105, 111 - 135B, AND 612 - 614) AND SECTION 306 OF THE TARIFF ACT OF 1930 (19 U.S.C. 1306). //46 STAT. 689. 19 USC 1654.// NOTHING IN THIS ACT OR ANY AMENDMENT MADE BY THIS ACT SHALL BE CONSTRUED AS SUPERSEDING OR LIMITING IN ANY MANNER THE FUNCTIONS OF THE SECRETARY OF AGRICULTURE UNDER ANY OTHER LAW RELATING TO PROHIBITED OR RESTRICTED IMPORTATIONS OR POSSESSION OF ANIMALS AND OTHER ARTICLES AND NO PROCEEDING OR DETERMINATION UNDER THIS ACT SHALL PRECLUDE ANY PROCEEDING OR BE CONSIDERED DETERMINATIVE OF ANY ISSUE OF FACT OR LAW IN ANY PROCEEDING UNDER ANY ACT ADMINISTERED BY THE SECRETARY OF AGRICULTURE. NOTHING IN THIS ACT SHALL BE CONSTRUED AS SUPERSEDING OR LIMITING IN ANY MANNER THE

FUNCTIONS AND RESPONSIBILITIES OF THE SECRETARY OF THE TREASURY UNDER THE TARIFF ACT OF 1930, INCLUDING, WITHOUT LIMITATION, SECTION 527 OF THAT ACT (19 U.S.C. 1527), //46 STAT. 741.// RELATING TO THE IMPORTATION OF WILDLIFE TAKEN, KILLED, POSSESSED, OR EXPORTED TO THE UNITED STATES IN VIOLATION OF THE LAWS OR REGULATIONS OF A FOREIGN COUNTRY.

ENDANGERED PLANTS

SEC. 12. THE SECRETARY OF THE SMITHSONIAN INSTITUTION, IN CONJUNCTION WITH OTHER AFFECTED AGENCIES, IS AUTHORIZED AND DIRECTED TO REVIEW (1) SPECIES OF PLANTS WHICH ARE NOW OR MAY BECOME ENDANGERED OR THREATENED AND (2) METHODS OF ADEQUATELY CONSERVING SUCH SPECIES, //87 STAT. 901// AND TO REPORT TO CONGRESS WITHIN ONE YEAR AFTER THE DATE OF THE ENACTMENT OF THIS ACT, THE RESULTS OF SUCH REVIEW INCLUDING RECOMMENDATIONS FOR NEW LEGISLATION OR THE AMENDMENT OF EXISTING LEGISLATION. //87 STAT. 902.//

CONFORMING AMENDMENTS

SEC. 13. (A) SUBSECTION 4 (C) OF THE ACT OF OCTOBER 15, 1966 (80 STAT. 928, 16 U.S.C. 668DD (C)), IS FURTHER AMENDED BY REVISING THE SECOND SENTENCE THEREOF TO READ AS FOLLOWS: "WITH THE EXCEPTION OF ENDANGERED SPECIES AND THREATENED SPECIES LISTED BY THE SECRETARY PURSUANT TO SECTION 4 OF THE ENDANGERED SPECIES ACT OF 1973 IN STATES WHEREIN A COOPERATIVE AGREEMENT DOES NOT EXIST PURSUANT TO SECTION 6 (C) OF THAT ACT, NOTHING IN THIS ACT SHALL BE CONSTRUED TO AUTHORIZE THE SECRETARY TO CONTROL OR REGULATE HUNTING OR FISHING OF RESIDENT FISH AND WILDLIFE ON LANDS NOT WITHIN THE SYSTEM." //ANTE, P. 886.//

(B) SUBSECTION 10 (A) OF THE MIGRATORY BIRD CONSERVATION ACT (45 STAT. 1224, 16 U.S.C. 7151 (A)) AND SUBSECTION 401 (A) OF THE ACT OF JUNE 15, 1935 (49 STAT. 383, 16 U.S.C. 7155 (A)), //80 STAT. 929, 80 STAT. 930.// ARE EACH AMENDED BY STRIKING OUT "THREATENED WITH EXTINCTION," AND INSERTING IN LIEU THEREOF THE FOLLOWING: "LISTED PURSUANT TO SECTION 4 OF THE ENDANGERED SPECIES ACT OF 1973 AS ENDANGERED SPECIES OR THREATENED SPECIES,".

(C) SECTION 7 (A) (1) OF THE LAND AND WATER CONSERVATION FUND ACT OF 1965 (16 U.S.C. 460L - 9 (A) (1)) IS AMENDED BY STRIKING OUT: //78 STAT. 897; 86 STAT. 459.//

"THREATENED SPECIES.--FOR ANY NATIONAL AREA WHICH MAY BE AUTHORIZED FOR THE PRESERVATION OF SPECIES OF FISH OR WILDLIFE THAT ARE THREATENED WITH EXTINCTION."

AND INSERTING IN LIEU THEREOF THE FOLLOWING:

"ENDANGERED SPECIES AND THREATENED SPECIES.--FOR LANDS, WATERS, OR INTERESTS THEREIN, THE ACQUISITION OF WHICH IS AUTHORIZED UNDER SECTION 5 (A) OF THE ENDANGERED SPECIES ACT OF 1973, NEEDED FOR THE PURPOSE OF CONSERVING ENDANGERED OR THREATENED SPECIES OF FISH OR WILDLIFE OR PLANTS."

(D) THE FIRST SENTENCE OF SECTION 2 OF THE ACT OF SEPTEMBER 28, 1962, AS AMENDED (76 STAT. 653, 16 U.S.C. 460K - 1), //86 STAT. 1063.// IS AMENDED TO READ AS FOLLOWS:

"THE SECRETARY IS AUTHORIZED TO ACQUIRE AREAS OF LAND, OR INTERESTS THEREIN, WHICH ARE SUITABLE FOR--

"(1) INCIDENTAL FISH AND WILDLIFE-ORIENTED RECREATIONAL

DEVELOPMENT,

"(2) THE PROTECTION OF NATURAL RESOURCES,

"(3) THE CONSERVATION OF ENDANGERED SPECIES OR THREATENED SPECIES LISTED BY THE SECRETARY PURSUANT TO SECTION 4 OF THE ENDANGERED SPECIES ACT OF 1973, OR

"(4) CARRYING OUT TWO OR MORE OF THE PURPOSES SET FORTH IN PARAGRAPHS (1) THROUGH (3) OF THIS SECTION, AND ARE ADJACENT TO, OR WITHIN, THE SAID CONSERVATION AREAS, EXCEPT THAT THE ACQUISITION OF ANY LAND OR INTEREST THEREIN PURSUANT TO THIS SECTION SHALL BE ACCOMPLISHED ONLY WITH SUCH FUNDS AS MAY BE APPROPRIATED THEREFOR BY THE CONGRESS OR DONATED FOR SUCH PURPOSES, BUT SUCH PROPERTY SHALL NOT BE ACQUIRED WITH FUNDS OBTAINED FROM THE SALE OF FEDERAL MIGRATORY BIRD HUNTING STAMPS."

(E) THE MARINE MAMMAL PROTECTION ACT OF 1972 (16 U.S.C. 1361 - 1407 IS AMENDED-- //87 STAT. 902, 87 STAT. 903, 86 STAT. 1027.//

(1) BY STRIKING OUT "ENDANGERED SPECIES CONSERVATION ACT OF 1969" IN SECTION 3 (1) (B) THEREOF AND INSERTING IN LIEU THEREOF THE FOLLOWING: "ENDANGERED SPECIES ACT OF 1973"; //16 USC 1362. ANTE, P. 884.//

(2) BY STRIKING OUT "PURSUANT TO THE ENDANGERED SPECIES CONSERVATION ACT OF 1969" IN SECTION 101 (A) (3) (B) THEREOF AND INSERTING IN LIEU THEREOF THE FOLLOWING: "OR THREATENED SPECIES PURSUANT TO THE ENDANGERED SPECIES ACT OF 1973"; //16 USC 1401.//

(3) BY STRIKING OUT "ENDANGERED UNDER THE ENDANGERED ENDANGERED SPECIES CONSERVATION ACT OF 1969" IN SECTION 102 (B) (3) THEREOF AND INSERTING IN LIEU THEREOF THE FOLLOWING: "AN ENDANGERED SPECIES OR THREATENED SPECIES PURSUANT TO THE ENDANGERED SPECIES ACT OF 1973"; AND

(4) BY STRIKING OUT "OF THE INTERIOR SUCH REVISIONS OF THE ENDANGERED SPECIES LIST, AUTHORIZED BY THE ENDANGERED SPECIES CONSERVATION ACT OF 1969," IN SECTION 202 (A) (6) THEREOF AND INSERTING IN LIEU THEREOF THE FOLLOWING: "SUCH REVISIONS OF THE ENDANGERED SPECIES LIST AND THREATENED SPECIES LIST PUBLISHED PURSUANT TO SECTION 4 (C) (1) OF THE ENDANGERED SPECIES ACT OF 1973".

(F) SECTION 2 (L) OF THE FEDERAL ENVIRONMENTAL PESTICIDE CONTROL ACT OF 1972 (PUBLIC LAW 92 - 516) //86 STAT. 973. 7 USC 136 NOTE.// IS AMENDED BY STRIKING OUT THE WORDS "BY THE SECRETARY OF THE INTERIOR UNDER PUBLIC LAW 91 - 135" AND INSERTING IN LIEU THEREOF THE WORDS "OR THREATENED BY THE SECRETARY PURSUANT TO THE ENDANGERED SPECIES ACT OF 1973".

REPEALER

SEC. 14. THE ENDANGERED SPECIES CONSERVATION ACT OF 1969 (SECTIONS 1 THROUGH 3 OF THE ACT OF OCTOBER 15, 1966, AND SECTIONS 1 THROUGH 6 OF THE ACT OF DECEMBER 5, 1969; 16 U.S.C. 668AA - 668CC - 6), IS REPEALED. //80 STAT. 926. 83 STAT. 275.//

AUTHORIZATION OF APPROPRIATIONS

SEC. 15. EXCEPT AS AUTHORIZED IN SECTION 6 OF THIS ACT, THERE ARE AUTHORIZED TO BE APPROPRIATED--

(A) NOT TO EXCEED \$4,000,000 FOR FISCAL YEAR 1974, NOT TO EXCEED \$8,000,000 FOR FISCAL YEAR 1975 AND NOT TO EXCEED \$10,000,000 FOR FISCAL YEAR 1976, TO ENABLE THE DEPARTMENT OF THE INTERIOR TO CARRY OUT SUCH FUNCTIONS AND RESPONSIBILITIES AS IT MAY HAVE BEEN GIVEN UNDER THIS ACT; AND

(B) NOT TO EXCEED \$2,000,000 FOR FISCAL YEAR 1974, \$1,500,000 FOR FISCAL YEAR 1975 AND NOT TO EXCEED \$2,000,000 FOR FISCAL YEAR 1976, TO ENABLE THE DEPARTMENT OF COMMERCE TO CARRY OUT SUCH FUNCTIONS AND RESPONSIBILITIES AS IT MAY HAVE BEEN GIVEN UNDER THIS ACT.

EFFECTIVE DATE

SEC. 16. THIS ACT SHALL TAKE EFFECT ON THE DATE OF ITS ENACTMENT.

MARINE MAMMAL PROTECTION ACT OF 1972

SEC. 17. EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, NO PROVISION OF THIS ACT SHALL TAKE PRECEDENCE OVER ANY MORE RESTRICTIVE CONFLICTING PROVISION OF THE MARINE MAMMAL PROTECTION ACT OF 1972. //86 STAT. 1027.
16 USC 1361 NOTE.//

LEGISLATIVE HISTORY:

HOUSE REPORTS: NO. 93 - 412 (COMM. ON MERCHANT MARINE AND FISHERIES) AND NO. 93 - 740 (COMM. OF CONFERENCE).
SENATE REPORT NO. 93 - 307 (COMM. ON COMMERCE).
CONGRESSIONAL RECORD, VOL. 119 (1973):

JULY 24, CONSIDERED AND PASSED SENATE. SEPT. 18, CONSIDERED AND PASSED HOUSE, AMENDED, IN LIEU OF H.R. 37. DEC. 19, SENATE AGREED TO CONFERENCE REPORT. DEC. 20, HOUSE AGREED TO CONFERENCE REPORT.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENT, VOL. 10, NO. 1 (1974): DEC. 28, 1973, PRESIDENTIAL STATEMENT.

ITEM 45

00104.87.009140

PUBLIC LAW 93 - 222; 87 STAT. 914, HEALTH MAINTENANCE ORGANIZATION ACT OF 1973

93RD CONGRESS, S. 14

DECEMBER 29, 1973

AN ACT

TO AMEND THE PUBLIC HEALTH SERVICE ACT TO PROVIDE ASSISTANCE AND ENCOURAGEMENT FOR THE ESTABLISHMENT AND EXPANSION OF HEALTH MAINTENANCE ORGANIZATIONS, AND FOR OTHER PURPOSES.
 BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED,

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. THIS ACT, WITH THE FOLLOWING TABLE OF CONTENTS, MAY BE CITED AS THE "HEALTH MAINTENANCE ORGANIZATION ACT OF 1973".

TABLE OF CONTENTS

SEC. 1. SHORT TITLE AND TABLE OF CONTENTS.

SEC. 2. HEALTH MAINTENANCE ORGANIZATIONS.

"TITLE XIII - HEALTH MAINTENANCE ORGANIZATIONS

"SEC. 1301. REQUIREMENTS FOR HEALTH MAINTENANCE ORGANIZATIONS.

"SEC. 1302. DEFINITIONS.

"SEC. 1303. GRANTS AND CONTRACTS FOR FEASIBILITY SURVEYS.

"SEC. 1304. GRANTS, CONTRACTS, AND LOAN GUARANTEES FOR PLANNING AND PRELIMINARY DEVELOPMENT COSTS.

"SEC. 1305. LOANS AND LOAN GUARANTEES FOR INITIAL OPERATION COSTS.

"SEC. 1306. APPLICATION REQUIREMENTS.

"SEC. 1307. ADMINISTRATION OF ASSISTANCE PROGRAMS.

"SEC. 1308. GENERAL PROVISIONS RELATING TO LOAN GUARANTEES AND LOANS.

"SEC. 1309. AUTHORIZATIONS OF APPROPRIATIONS.

"SEC. 1310. EMPLOYEES' HEALTH BENEFITS PLANS.

"SEC. 1311. RESTRICTIVE STATE LAWS AND PRACTICES.

"SEC. 1312. CONTINUED REGULATION OF HEALTH MAINTENANCE ORGANIZATIONS.

"SEC. 1313. LIMITATION ON SOURCE OF FUNDING FOR HEALTH MAINTENANCE ORGANIZATIONS.

"SEC. 1314. PROGRAM EVALUATION.

"SEC. 1315. ANNUAL REPORT."

SEC. 3. QUALITY ASSURANCE.

SEC. 4. HEALTH CARE QUALITY ASSURANCE PROGRAMS STUDY.

SEC. 5. REPORTS RESPECTING MEDICALLY UNDERSERVED AREAS AND POPULATION GROUPS AND NON-METROPOLITAN AREAS.

SEC. 6. HEALTH SERVICES FOR INDIANS AND DOMESTIC AGRICULTURAL MIGRATORY AND SEASONAL WORKERS.

SEC. 7. CONFORMING AMENDMENTS.

HEALTH MAINTENANCE ORGANIZATIONS

SEC. 2. THE PUBLIC HEALTH SERVICE ACT IS AMENDED BY ADDING AFTER TITLE

XII THE FOLLOWING NEW TITLE: //ANTE. P. 594.//

"TITLE XIII - HEALTH MAINTENANCE ORGANIZATIONS

"REQUIREMENTS FOR HEALTH MAINTENANCE ORGANIZATIONS

"SEC. 1301. (A) FOR PURPOSES OF THIS TITLE, THE TERM 'HEALTH MAINTENANCE ORGANIZATION' MEANS A LEGAL ENTITY WHICH (1) PROVIDES BASIC AND SUPPLEMENTAL HEALTH SERVICES TO ITS MEMBERS IN THE MANNER PRESCRIBED BY SUBSECTION (B), AND (2) IS ORGANIZED AND OPERATED IN THE MANNER PRESCRIBED BY SUBSECTION (C).

"(B) A HEALTH MAINTENANCE ORGANIZATION SHALL PROVIDE, WITHOUT LIMITATIONS AS TO TIME OR COST OTHER THAN THOSE PRESCRIBED BY OR UNDER THIS TITLE, BASIC AND SUPPLEMENTAL HEALTH SERVICES TO ITS MEMBERS IN THE FOLLOWING MANNER:

"(1) EACH MEMBER IS TO BE PROVIDED BASIC HEALTH SERVICES FOR A BASIC HEALTH SERVICES PAYMENT WHICH (A) IS TO BE PAID ON A PERIODIC BASIS WITHOUT REGARD TO THE DATES HEALTH SERVICES (WITHIN THE BASIC HEALTH SERVICES) ARE PROVIDED; (B) IS FIXED WITHOUT REGARD TO THE FREQUENCY, EXTENT, OR KIND OF HEALTH SERVICE (WITHIN THE BASIC HEALTH SERVICES) ACTUALLY FURNISHED; (C) IS FIXED UNDER A COMMUNITY RATING SYSTEM; AND (D) MAY BE SUPPLEMENTED BY ADDITIONAL NOMINAL PAYMENTS WHICH MAY BE REQUIRED FOR THE PROVISION OF SPECIFIC SERVICES (WITHIN THE BASIC HEALTH SERVICES), EXCEPT THAT SUCH PAYMENTS MAY NOT BE REQUIRED WHERE OR IN SUCH A MANNER THAT THEY SERVE (AS DETERMINED UNDER REGULATIONS OF THE SECRETARY) AS A BARRIER TO THE DELIVERY OF HEALTH SERVICES. SUCH ADDITIONAL NOMINAL PAYMENTS SHALL BE FIXED IN ACCORDANCE WITH THE REGULATIONS OF THE SECRETARY.

"(2) FOR SUCH PAYMENT OR PAYMENTS (HEREINAFTER IN THIS TITLE REFERRED TO AS 'SUPPLEMENTAL HEALTH SERVICES PAYMENTS') AS THE HEALTH MAINTENANCE ORGANIZATION MAY REQUIRE IN ADDITION TO THE BASIC HEALTH SERVICES PAYMENT, THE ORGANIZATION SHALL PROVIDE TO EACH OF ITS MEMBERS EACH HEALTH SERVICE (A) WHICH IS INCLUDED IN SUPPLEMENTAL HEALTH SERVICES (AS DEFINED IN SECTION 1302(2)), (B) FOR WHICH THE REQUIRED HEALTH MANPOWER ARE AVAILABLE IN THE AREA SERVED BY THE ORGANIZATION, AND (C) FOR THE PROVISION OF WHICH THE MEMBER HAS CONTRACTED WITH THE ORGANIZATION. SUPPLEMENTAL HEALTH SERVICES PAYMENTS WHICH ARE FIXED ON A PREPAYMENT BASIS SHALL BE FIXED UNDER A COMMUNITY RATING SYSTEM.

"(3) THE SERVICES OF HEALTH PROFESSIONALS WHICH ARE PROVIDED AS BASIC HEALTH SERVICES SHALL BE PROVIDED THROUGH HEALTH PROFESSIONALS WHO ARE MEMBERS OF THE STAFF OF THE HEALTH MAINTENANCE ORGANIZATION OR THROUGH A MEDICAL GROUP (OR GROUPS) OR INDIVIDUAL PRACTICE ASSOCIATION (OR ASSOCIATIONS), EXCEPT THAT THIS PARAGRAPH SHALL NOT APPLY IN THE CASE OF (A) HEALTH PROFESSIONALS' SERVICES WHICH THE ORGANIZATION DETERMINES, IN CONFORMITY WITH REGULATIONS OF THE SECRETARY, ARE UNUSUAL OR INFREQUENTLY USED, OR (B) ANY BASIC HEALTH SERVICE PROVIDED A MEMBER OF THE HEALTH MAINTENANCE ORGANIZATION OTHER THAN BY SUCH A HEALTH PROFESSIONAL BECAUSE IT WAS MEDICALLY NECESSARY THAT THE SERVICE BE PROVIDED TO THE MEMBER

BEFORE HE COULD HAVE IT PROVIDED BY SUCH A HEALTH PROFESSIONAL. FOR PURPOSES OF THIS PARAGRAPH, THE TERM 'HEALTH PROFESSIONALS' MEANS PHYSICIANS, DENTISTS, NURSES, PODIATRISTS, OPTOMETRISTS, AND SUCH OTHER INDIVIDUALS ENGAGED IN THE DELIVERY OF HEALTH SERVICES AS THE SECRETARY MAY BE REGULATION DESIGNATE.

"(4) BASIC HEALTH SERVICES (AND SUPPLEMENTAL HEALTH SERVICES IN THE CASE OF THE MEMBERS WHO HAVE CONTRACTED THEREFOR) SHALL WITHIN THE AREA SERVED BY THE HEALTH MAINTENANCE ORGANIZATION BE AVAILABLE AND ACCESSIBLE TO EACH OF ITS MEMBERS PROMPTLY AS APPROPRIATE AND IN A MANNER WHICH ASSURES CONTINUITY, AND WHEN MEDICALLY NECESSARY BE AVAILABLE AND ACCESSIBLE TWENTY-FOUR HOURS A DAY AND SEVEN DAYS A WEEK. A MEMBER OF A HEALTH MAINTENANCE ORGANIZATION SHALL BE REIMBURSED BY THE ORGANIZATION FOR HIS EXPENSES IN SECURING BASIC OR SUPPLEMENTAL HEALTH SERVICES OTHER THAN THROUGH THE ORGANIZATION IF IT WAS MEDICALLY NECESSARY THAT THE SERVICES BE PROVIDED BEFORE HE COULD SECURE THEM THROUGH THE ORGANIZATION.

"(C) EACH HEALTH MAINTENANCE ORGANIZATION SHALL-

"(1) HAVE A FINANCIALLY SOUND OPERATION AND ADEQUATE PROVISION AGAINST THE RISK OF INSOLVENCY WHICH IS SATISFACTORY TO THE SECRETARY;

"(2) ASSUME FULL FINANCIAL RISK ON A PROSPECTIVE BASIS FOR THE PROVISION OF BASIC HEALTH SERVICES, EXCEPT THAT A HEALTH MAINTENANCE ORGANIZATION MAY OBTAIN INSURANCE OR MAKE OTHER ARRANGEMENTS (A) FOR THE COST OF PROVIDING TO ANY MEMBER BASIC HEALTH SERVICES THE AGGREGATE VALUE OF WHICH EXCEEDS \$5,000 IN ANY YEAR, OTHER THAN THROUGH THE ORGANIZATION BECAUSE MEDICAL NECESSITY REQUIRED THEIR PROVISION BEFORE THEY COULD BE SECURED THROUGH THE ORGANIZATION, AND (C) FOR NOT MORE THAN 90 PER CENTUM OF THE AMOUNT BY WHICH ITS COSTS FOR ANY OF ITS FISCAL YEARS EXCEED 115 PER CENTUM OF ITS INCOME FOR SUCH FISCAL YEAR;

"(3) ENROLL PERSONS WHO ARE BROADLY REPRESENTATIVE OF THE VARIOUS AGE, SOCIAL, AND INCOME GROUPS WITHIN THE AREA IT SERVES, EXCEPT THAT IN THE CASE OF A HEALTH MAINTENANCE ORGANIZATION WHICH HAS A MEDICALLY UNDERSERVED POPULATION LOCATED (IN WHOLE OR IN PART) IN THE AREA IT SERVES, NOT MORE THAN 75 PER CENTUM OF THE MEMBERS OF THAT ORGANIZATION MAY BE ENROLLED FROM THE MEDICALLY UNDERSERVED POPULATION UNLESS THE AREA IN WHICH SUCH POPULATION RESIDES IS ALSO A RURAL AREA (AS DESIGNATED BY THE SECRETARY);

"(4) HAVE AN OPEN ENROLLMENT PERIOD OF NOT LESS THAN THIRTY DAYS AT LEAST ONCE DURING EACH CONSECUTIVE TWELVE-MONTH PERIOD DURING WHICH ENROLLMENT PERIOD IT ACCEPTS, UP TO ITS CAPACITY, INDIVIDUALS IN THE ORDER IN WHICH THEY APPLY FOR ENROLLMENT, EXCEPT THAT IF THE ORGANIZATION DEMONSTRATES TO THE SATISFACTION OF THE SECRETARY THAT-

"(a) IT HAS ENROLLED, OF WILL BE COMPELLED TO ENROLL, A DISPROPORTIONATE NUMBER OF INDIVIDUALS WHO ARE LIKELY TO UTILIZE ITS SERVICES MORE OFTEN THAN AN ACTUARIALLY DETERMINED AVERAGE (AS DETERMINED UNDER REGULATIONS OF THE SECRETARY) AND ENROLLMENT DURING AN OPEN ENROLLMENT PERIOD OF AN ADDITIONAL NUMBER OF SUCH

INDIVIDUALS WILL JEOPARDIZE ITS ECONOMIC VIABILITY, OR

"(B) IF IT MAINTAINED AN OPEN ENROLLMENT PERIOD IT WOULD NOT BE ABLE TO COMPLY WITH THE REQUIREMENTS OF PARAGRAPH (3), THE SECRETARY MAY WAIVE COMPLIANCE BY THE ORGANIZATION WITH THE OPEN ENROLLMENT REQUIREMENT OF THIS PARAGRAPH FOR NOT MORE THAN THREE CONSECUTIVE TWELVE-MONTH PERIODS AND MAY PROVIDE ADDITIONAL WAIVERS TO THAT ORGANIZATION IF IT MAKES THE DEMONSTRATION REQUIRED BY SUBPARAGRAPH (A) OR (B);

"(5) NOT EXPEL OR REFUSE TO RE-ENROLL ANY MEMBER BECAUSE OF HIS HEALTH STATUS OR HIS REQUIREMENTS FOR HEALTH SERVICES;

"(6) BE ORGANIZED IN SUCH A MANNER THAT ASSURES THAT (A) AT LEAST ONE-THIRD OF THE MEMBERSHIP OF THE POLICYMAKING BODY OF THE HEALTH MAINTENANCE ORGANIZATION WILL BE MEMBERS OF THE ORGANIZATION, AND (B) THERE WILL BE EQUITABLE REPRESENTATION ON SUCH BODY OF MEMBERS FROM MEDICALLY UNDERSERVED POPULATIONS SERVED BY THE ORGANIZATION;

"(7) BE ORGANIZED IN SUCH A MANNER THAT PROVIDES MEANINGFUL PROCEDURES FOR HEARING AND RESOLVING GRIEVANCES BETWEEN THE HEALTH MAINTENANCE ORGANIZATION (INCLUDING THE MEDICAL GROUP OR GROUPS AND OTHER HEALTH DELIVERY ENTITIES PROVIDING HEALTH SERVICES FOR THE ORGANIZATION) AND THE MEMBERS OF THE ORGANIZATION;

"(8) HAVE ORGANIZATIONAL ARRANGEMENTS, ESTABLISHED IN ACCORDANCE WITH REGULATIONS OF THE SECRETARY, FOR AN ONGOING QUALITY ASSURANCE PROGRAM FOR ITS HEALTH SERVICES WHICH PROGRAM (A) STRESSES HEALTH OUTCOMES, AND (B) PROVIDES REVIEW BY PHYSICIANS AND OTHER HEALTH PROFESSIONALS OF THE PROCESS FOLLOWED IN THE PROVISION OF HEALTH SERVICES;

"(9) PROVIDE MEDICAL SOCIAL SERVICES FOR ITS MEMBERS AND ENCOURAGE AND ACTIVELY PROVIDE FOR ITS MEMBERS HEALTH EDUCATION SERVICES, EDUCATION IN THE APPROPRIATE USE OF HEALTH SERVICES, AND EDUCATION IN THE CONTRIBUTION EACH MEMBER CAN MAKE TO THE MAINTENANCE OF HIS OWN HEALTH;

"(10) PROVIDE, OR MAKE ARRANGEMENTS FOR, CONTINUING EDUCATION FOR ITS HEALTH PROFESSIONAL STAFF; AND

"(11) PROVIDE, IN ACCORDANCE WITH REGULATIONS OF THE SECRETARY (INCLUDING SAFEGUARDS CONCERNING THE CONFIDENTIALITY OF THE DOCTOR-PATIENT RELATIONSHIP), AN EFFECTIVE PROCEDURE FOR DEVELOPING, COMPILING, EVALUATING, AND REPORTING TO THE SECRETARY, STATISTICS AND OTHER INFORMATION (WHICH THE SECRETARY SHALL PUBLISH AND DISSEMINATE ON AN ANNUAL BASIS AND WHICH THE HEALTH MAINTENANCE ORGANIZATION SHALL DISCLOSE, IN A MANNER ACCEPTABLE TO THE SECRETARY, TO ITS MEMBERS AND THE GENERAL PUBLIC) RELATING TO (A) THE COST OF ITS OPERATIONS, (B) THE PATTERNS OF UTILIZATION OF ITS SERVICES, (C) THE AVAILABILITY, ACCESSIBILITY, AND ACCEPTABILITY OF ITS SERVICES, (D) TO THE EXTENT PRACTICAL, DEVELOPMENTS IN THE HEALTH STATUS OF ITS MEMBERS, AND (E) SUCH OTHER MATTERS AS THE SECRETARY MAY REQUIRE.

"DEFINITIONS

"SEC. 1302. FOR PURPOSES OF THIS TITLE:

"(1) THE TERM 'BASIC HEALTH SERVICES' MEANS--

"(A) PHYSICIAN SERVICES (INCLUDING CONSULTANT AND REFERRAL SERVICES BY A PHYSICIAN);

"(B) INPATIENT AND OUTPATIENT HOSPITAL SERVICES;

"(C) MEDICALLY NECESSARY EMERGENCY HEALTH SERVICES;

"(D) SHORT-TERM (NOT TO EXCEED TWENTY VISITS), OUTPATIENT EVALUATIVE AND CRISIS INTERVENTION MENTAL HEALTH SERVICES;

"(E) MEDICAL TREATMENT AND REFERRAL SERVICES (INCLUDING REFERRAL SERVICES TO APPROPRIATE ANCILLARY SERVICES) FOR THE ABUSE OF OR ADDICTION TO ALCOHOL AND DRUGS;

"(F) DIAGNOSTIC LABORATORY AND DIAGNOSTIC AND THERAPEUTIC RADIOLOGIC SERVICES;

"(G) HOME HEALTH SERVICES; AND

"(H) PREVENTIVE HEALTH SERVICES (INCLUDING VOLUNTARY FAMILY PLANNING SERVICES, INFERTILITY SERVICES, PREVENTIVE DENTAL CARE FOR CHILDREN, AND CHILDREN'S EYE EXAMINATIONS CONDUCTED TO DETERMINE THE NEED FOR VISION CORRECTION).

IF A SERVICE OF A PHYSICIAN DESCRIBED IN THE PRECEDING SENTENCE MAY ALSO BE PROVIDED UNDER APPLICABLE STATE LAW BY A DENTIST, OPTOMETRIST, OR PODIATRIST, A HEALTH MAINTENANCE ORGANIZATION MAY PROVIDE SUCH SERVICE THROUGH A DENTIST, OPTOMETRIST, OR PODIATRIST (AS THE CASE MAY BE) LICENSED TO PROVIDE SUCH SERVICE. FOR PURPOSES OF THIS PARAGRAPH, THE TERM 'HOME HEALTH SERVICES' MEANS HEALTH SERVICES PROVIDED AT A MEMBER'S HOME BY HEALTH CARE PERSONNEL, AS PRESCRIBED OR DIRECTED BY THE RESPONSIBLE PHYSICIAN OR OTHER AUTHORITY DESIGNATED BY THE HEALTH MAINTENANCE ORGANIZATION. A HEALTH MAINTENANCE ORGANIZATION IS AUTHORIZED, IN CONNECTION WITH THE PRESCRIPTION OF DRUGS, TO MAINTAIN, REVIEW, AND EVALUATE (IN ACCORDANCE WITH REGULATIONS OF THE SECRETARY) A DRUG USE PROFILE OF ITS MEMBERS RECEIVING SUCH SERVICE, EVALUATE PATTERNS OF DRUG UTILIZATION TO ASSURE OPTIMUM DRUG THERAPY, AND PROVIDE FOR INSTRUCTION OF ITS MEMBERS AND OF HEALTH PROFESSIONALS IN THE USE OF PRESCRIPTION AND NON-PRESCRIPTION DRUGS.

"(2) THE TERM 'SUPPLEMENTAL HEALTH SERVICES' MEANS--

"(A) SERVICES OF FACILITIES FOR INTERMEDIATE AND LONG-TERM CARE;

"(B) VISION CARE NOT INCLUDED AS A BASIC HEALTH SERVICE UNDER PARAGRAPH (1) (A) OR (1) (H);

"(C) DENTAL SERVICES NOT INCLUDED AS A BASIC HEALTH SERVICE UNDER PARAGRAPH (1) (A) OR (1) (H);

"(D) MENTAL HEALTH SERVICES NOT INCLUDED AS A BASIC HEALTH SERVICE UNDER PARAGRAPH (1) (D);

"(E) LONG-TERM PHYSICAL MEDICINE AND REHABILITATIVE SERVICES (INCLUDING PHYSICAL THERAPY); AND

"(F) THE PROVISION OF PRESCRIPTION DRUGS PRESCRIBED IN THE COURSE OF THE PROVISION BY THE HEALTH MAINTENANCE ORGANIZATION OF A BASIC HEALTH SERVICE OR A SERVICE DESCRIBED IN THE PRECEDING SUBPARAGRAPHS OF THIS PARAGRAPH.

IF A SERVICE OF A PHYSICIAN DESCRIBED IN THE PRECEDING SENTENCE MAY ALSO

BE PROVIDED UNDER APPLICABLE STATE LAW BY A DENTIST, OPTOMETRIST, OR PODIATRIST, A HEALTH MAINTENANCE ORGANIZATION MAY PROVIDE SUCH SERVICE THROUGH A OPTOMETRIST, DENTIST, OR PODIATRIST (AS THE CASE MAY BE) LICENSED TO PROVIDE SUCH SERVICE. A HEALTH MAINTENANCE ORGANIZATION IS AUTHORIZED, IN CONNECTION WITH THE PRESCRIPTION OR PROVISION OF PRESCRIPTION DRUGS, TO MAINTAIN, REVIEW, AND EVALUATE (IN ACCORDANCE WITH REGULATIONS OF THE SECRETARY) A DRUG USE PROFILE OF ITS MEMBERS RECEIVING SUCH SERVICES, EVALUATE PATTERNS OF DRUG UTILIZATION TO ASSURE OPTIMUM DRUG THERAPY, AND PROVIDE FOR INSTRUCTION OF ITS MEMBERS AND OF HEALTH PROFESSIONALS IN THE USE OF PRESCRIPTION AND NON-PRESCRIPTION DRUGS.

"(3) THE TERM 'MEMBER' WHEN USED IN CONNECTION WITH A HEALTH MAINTENANCE ORGANIZATION MEANS AN INDIVIDUAL WHO HAS ENTERED INTO A CONTRACTUAL ARRANGEMENT, OR ON SOME BEHALF A CONTRACTUAL ARRANGEMENT HAS BEEN ENTERED INTO, WITH THE ORGANIZATION UNDER WHICH THE ORGANIZATION ASSUMES THE RESPONSIBILITY FOR THE PROVISION TO SUCH INDIVIDUAL OF BASIC HEALTH SERVICES AND OF SUCH SUPPLEMENTAL HEALTH SERVICES AS MAY BE CONTRACTED FOR.

"(4) THE TERM 'MEDICAL GROUP' MEANS A PARTNERSHIP, ASSOCIATION, OR OTHER GROUP--

"(A) WHICH IS COMPOSED OF HEALTH PROFESSIONALS LICENSED TO PRACTICE MEDICINE OR OSTEOPATHY AND OF SUCH OTHER LICENSED HEALTH PROFESSIONALS (INCLUDING DENTISTS, OPTOMETRISTS, AND PODIATRISTS) AS ARE NECESSARY FOR THE PROVISION OF HEALTH SERVICES FOR WHICH THE GROUP IS RESPONSIBLE;

"(B) A MAJORITY OF THE MEMBERS OF WHICH ARE LICENSED TO PRACTICE MEDICINE OR OSTEOPATHY; AND

"(C) THE MEMBERS OF WHICH (I) AS THEIR PRINCIPAL PROFESSIONAL ACTIVITY AND AS A GROUP RESPONSIBILITY ENGAGE IN THE COORDINATED PRACTICE OF THEIR PROFESSION FOR A HEALTH MAINTENANCE ORGANIZATION; (II) POOL THEIR INCOME FROM PRACTICE AS MEMBERS OF THE GROUP AND DISTRIBUTE IT AMONG THEMSELVES ACCORDING TO A PREARRANGED SALARY OR DRAWING ACCOUNT OR OTHER PLAN; (III) SHARE MEDICAL AND OTHER RECORDS AND SUBSTANTIAL PORTIONS OF MAJOR EQUIPMENT AND OF PROFESSIONAL, TECHNICAL, AND ADMINISTRATIVE STAFF; (IV) UTILIZE SUCH ADDITIONAL PROFESSIONAL PERSONNEL, ALLIED HEALTH PROFESSIONS PERSONNEL, AND OTHER HEALTH PERSONNEL (AS SPECIFIED IN REGULATIONS OF THE SECRETARY) AS ARE AVAILABLE AND APPROPRIATE FOR THE EFFECTIVE AND EFFICIENT DELIVERY OF THE SERVICES OF THE MEMBERS OF THE GROUP; AND (V) ARRANGE FOR AND ENCOURAGE CONTINUING EDUCATION IN THE FIELD OF CLINICAL MEDICINE AND RELATED AREAS FOR THE MEMBERS OF THE GROUP.

"(5) THE TERM 'INDIVIDUAL PRACTICE ASSOCIATION' MEANS A PARTNERSHIP, CORPORATION, ASSOCIATION, OR OTHER LEGAL ENTITY WHICH HAS ENTERED INTO A SERVICES ARRANGEMENT (OR ARRANGEMENTS) WITH PERSONS WHO ARE LICENSED TO PRACTICE MEDICINE, OSTEOPATHY, DENTISTRY, PODIATRY, OPTOMETRY, OR OTHER HEALTH PROFESSION IN A STATE AND A MAJORITY OF WHOM ARE LICENSED TO PRACTICE MEDICINE OR OSTEOPATHY. SUCH AN ARRANGEMENT SHALL PROVIDE--

"(A) THAT SUCH PERSONS SHALL PROVIDE THEIR PROFESSIONAL SERVICES IN ACCORDANCE WITH A COMPENSATION ARRANGEMENT ESTABLISHED BY THE

ENTITY; AND

"(B) TO THE EXTENT FEASIBLE (I) THAT SUCH PERSONS SHALL UTILIZE SUCH ADDITIONAL PROFESSIONAL PERSONNEL (AS SPECIFIED IN REGULATIONS OF THE SECRETARY) AS ARE AVAILABLE AND APPROPRIATE FOR THE EFFECTIVE AND EFFICIENT DELIVERY OF THE SERVICES OF THE PERSONS WHO ARE PARTIES TO THE ARRANGEMENT, (II) FOR THE SHARING BY SUCH PERSONS OF MEDICAL AND OTHER RECORDS, EQUIPMENT, AND PROFESSIONAL, TECHNICAL, AND ADMINISTRATIVE STAFF, AND (III) FOR THE ARRANGEMENT AND ENCOURAGEMENT OF THE CONTINUING EDUCATION OF SUCH PERSONS IN THE FIELD OF CLINICAL MEDICINE AND RELATED AREAS.

"(6) THE TERM 'SECTION 314(A) STATE HEALTH PLANNING AGENCY' MEANS THE AGENCY OF A STATE WHICH ADMINISTERS OR SUPERVISES THE ADMINISTRATION OF A STATE'S HEALTH PLANNING FUNCTIONS UNDER A STATE PLAN APPROVED UNDER SECTION 314(A) (HEREINAFTER IN THIS TITLE REFERRED TO AS A 'SECTION 314(A) PLAN'); AND THE TERM 'SECTION 314(B) AREAWIDE HEALTH PLANNING AGENCY' MEANS A PUBLIC OR NONPROFIT PRIVATE AGENCY OR ORGANIZATION WHICH HAS DEVELOPED A COMPREHENSIVE REGIONAL, METROPOLITAN, OR OTHER LOCAL AREA PLAN OR PLANS REFERRED TO IN SECTION 314(B) (HEREINAFTER IN THIS TITLE REFERRED TO AS A 'SECTION 314(B) PLAN'). //80 STAT. 1181. 42 USC 246.//

"(7) THE TERM 'MEDICALLY UNDERSERVED POPULATION' MEANS THE POPULATION OF AN URBAN OR RURAL AREA DESIGNATED BY THE SECRETARY AS AN AREA WITH A SHORTAGE OF PERSONAL HEALTH SERVICES OR A POPULATION GROUP DESIGNATED BY THE SECRETARY AS HAVING A SHORTAGE OF SUCH SERVICES. SUCH A DESIGNATION MAY BE MADE BY THE SECRETARY ONLY AFTER CONSIDERATION OF THE COMMENTS (IF ANY) OF (A) EACH SECTION 314(A) STATE HEALTH PLANNING AGENCY WHOSE SECTION 314(A) PLAN COVERS (IN WHOLE OR IN PART) SUCH URBAN OR RURAL AREA OR THE AREA IN WHICH SUCH POPULATIONS GROUP RESIDES, AND (B) EACH SECTION 314(B) AREAWIDE HEALTH PLANNING AGENCY WHOSE SECTION 314(B) PLAN COVERS (IN WHOLE OR IN PART) SUCH URBAN OR RURAL AREA OR THE AREA IN WHICH SUCH POPULATION GROUP RESIDES.

"(8) THE TERM 'COMMUNITY RATING SYSTEM' MEANS A SYSTEM OF FIXING RATES OF PAYMENTS FOR HEALTH SERVICES. UNDER SUCH A SYSTEM RATES OF PAYMENTS MAY BE DETERMINED ON A PER-PERSON OR PER-FAMILY BASIS AND MAY VARY WITH THE NUMBER OF PERSONS IN A FAMILY, BUT EXCEPT AS OTHERWISE AUTHORIZED IN THE NEXT SENTENCE, SUCH RATES MUST BE EQUIVALENT FOR ALL INDIVIDUALS AND FOR ALL FAMILIES OF SIMILAR COMPOSITION. THE FOLLOWING DIFFERENTIALS IN RATES OF PAYMENTS MAY BE ESTABLISHED UNDER SUCH SYSTEM:

"(A) NOMINAL DIFFERENTIALS IN SUCH RATES MAY BE ESTABLISHED TO REFLECT THE DIFFERENT ADMINISTRATIVE COSTS OF COLLECTING PAYMENTS FROM THE FOLLOWING CATEGORIES OF MEMBERS:

"(I) INDIVIDUAL MEMBERS (INCLUDING THEIR FAMILIES).

"(II) SMALL GROUPS OF MEMBERS (AS DETERMINED UNDER REGULATIONS OF THE SECRETARY).

"(III) LARGE GROUPS OF MEMBERS (AS DETERMINED UNDER REGULATIONS OF THE SECRETARY).

"(B) DIFFERENTIALS IN SUCH RATES MAY BE ESTABLISHED FOR MEMBERS ENROLLED IN A HEALTH MAINTENANCE ORGANIZATION PURSUANT TO A CONTRACT WITH A GOVERNMENTAL AUTHORITY UNDER SECTION 1079 OR 1086 OF TITLE

10, UNITED STATES CODE, OR UNDER ANY OTHER GOVERNMENTAL PROGRAM (OTHER THAN THE HEALTH BENEFITS PROGRAM AUTHORIZED BY CHAPTER 89 OF TITLE 5, UNITED STATES CODE) OR ANY HEALTH BENEFITS PROGRAM FOR EMPLOYEES OF STATES, POLITICAL SUBDIVISIONS OF STATES, AND OTHER PUBLIC ENTITIES. //80 STAT. 863. 5 USC 8901.//

"(9) THE TERM 'NON-METROPOLITAN AREA' MEANS AN AREA NO PART OF WHICH IS WITHIN AN AREA DESIGNATED AS A STANDARD METROPOLITAN STATISTICAL AREA BY THE OFFICE OF MANAGEMENT AND BUDGET AND WHICH DOES NOT CONTAIN A CITY WHOSE POPULATION EXCEEDS FIFTY THOUSAND INDIVIDUALS.

"GRANTS AND CONTRACTS FOR FEASIBILITY SURVEYS

"SEC. 1303. (A) THE SECRETARY MAY MAKE GRANTS TO AND ENTER INTO CONTRACTS WITH PUBLIC OR NONPROFIT PRIVATE ENTITIES FOR PROJECTS FOR SURVEYS OR OTHER ACTIVITIES TO DETERMINE THE FEASIBILITY OF DEVELOPING AND OPERATING OR EXPANDING THE OPERATION OF HEALTH MAINTENANCE ORGANIZATIONS.

"(B) AN APPLICATION FOR A GRANT OR CONTRACT UNDER THIS SECTION SHALL CONTAIN--

"(1) ASSURANCE SATISFACTORY TO THE SECRETARY THAT, IN CONDUCTING SURVEYS OR OTHER ACTIVITIES WITH ASSISTANCE UNDER A GRANT OR CONTRACT UNDER THIS SECTION, THE APPLICANT WILL (A) COOPERATE WITH THE SECTION 314(B) AREA-WIDE HEALTH PLANNING AGENCY (IF ANY) WHOSE SECTION 314(B) PLAN COVERS (IN WHOLE OR IN PART) THE AREA FOR WHICH THE SURVEY OR OTHER ACTIVITY WILL BE CONDUCTED, AND (B) NOTIFY THE MEDICAL SOCIETY SERVING SUCH AREA OF SUCH SURVEYS OR OTHER ACTIVITIES; AND //80 STAT. 1181; 84 STAT. 1304. 42 USC 246.//

"(2) SUCH OTHER INFORMATION AS THE SECRETARY MAY BY REGULATION PRESCRIBE.

"(C) IN CONSIDERING APPLICATIONS FOR GRANTS AND CONTRACTS UNDER THIS SECTION, THE SECRETARY SHALL GIVE PRIORITY TO AN APPLICATION WHICH CONTAINS OR IS SUPPORTED BY ASSURANCES SATISFACTORY TO THE SECRETARY THAT AT THE TIME THE HEALTH MAINTENANCE ORGANIZATION FOR WHICH SUCH APPLICATION OR PROPOSAL IS SUBMITTED FIRST BECOMES OPERATIONAL NOT LESS THAN 30 PER CENTUM OF ITS MEMBERS WILL BE MEMBERS OF A MEDICALLY UNDERSERVED POPULATION.

"(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), THE FOLLOWING LIMITATIONS APPLY WITH RESPECT TO GRANTS AND CONTRACTS MADE UNDER THIS SECTION:

"(A) IF A PROJECT HAS BEEN ASSISTED WITH A GRANT OR CONTRACT UNDER SUBSECTION (A), THE SECRETARY MAY NOT MAKE ANY OTHER GRANT OR ENTER INTO ANY OTHER CONTRACT UNDER THIS SECTION FOR SUCH PROJECT.

"(B) ANY PROJECT FOR WHICH A GRANT IS MADE OR CONTRACT ENTERED INTO MUST BE COMPLETED WITHIN TWELVE MONTHS FROM THE DATE THE GRANT IS MADE OR CONTRACT ENTERED INTO.

"(2) THE SECRETARY MAY MAKE NOT MORE THAN ONE ADDITIONAL GRANT OR ENTER INTO NOT MORE THAN ONE ADDITIONAL CONTRACT FOR A PROJECT FOR WHICH A GRANT HAS PREVIOUSLY BEEN MADE OR A CONTRACT PREVIOUSLY ENTERED INTO, AND HE MAY PERMIT ADDITIONAL TIME (UP TO TWELVE MONTHS) FOR COMPLETION OF THE PROJECT IF HE DETERMINES THAT THE ADDITIONAL GRANT OR CONTRACT (AS THE CASE MAY BE), OR ADDITIONAL TIME, OR BOTH, IS NEEDED TO ADEQUATELY COMPLETE THE PROJECT.

"(E) THE AMOUNT TO BE PAID BY THE UNITED STATES UNDER A GRANT MADE, OR CONTRACT ENTERED INTO, UNDER SUBSECTION (A) SHALL BE DETERMINED BY THE SECRETARY, EXCEPT THAT (1) THE AMOUNT TO BE PAID BY THE UNITED STATES UNDER ANY SINGLE GRANT OR CONTRACT FOR ANY PROJECT MAY NOT EXCEED \$50,000, AND (2) THE AGGREGATE OF THE AMOUNTS TO BE PAID BY THE UNITED STATES FOR ANY PROJECT UNDER SUCH SUBSECTION UNDER GRANTS OR CONTRACTS, OR BOTH, MAY NOT EXCEED THE GREATER OF (A) 90 PER CENTUM OF THE COST OF SUCH PROJECT (AS DETERMINED UNDER REGULATIONS OF THE SECRETARY), OR (B) IN THE CASE OF A PROJECT FOR A HEALTH MAINTENANCE ORGANIZATION WHICH WILL SERVE A MEDICALLY UNDERSERVED POPULATION, SUCH GREATER PERCENTAGE (UP TO 100 PER CENTUM) OF SUCH COST AS THE SECRETARY MAY PRESCRIBE IF HE DETERMINES THAT THE CEILING ON THE GRANTS AND CONTRACTS FOR SUCH PROJECT SHOULD BE DETERMINED BY SUCH GREATER PERCENTAGE.

"(F) PAYMENTS UNDER GRANTS UNDER THIS SECTION MAY BE MADE IN ADVANCE OR BY WAY OF REIMBURSEMENT AND AT SUCH INTERVALS AND ON SUCH CONDITIONS AS THE SECRETARY FINDS NECESSARY.

"(G) CONTRACTS MAY BE ENTERED INTO UNDER THIS SECTION WITHOUT REGARD TO SECTIONS 3648 AND 3709 OF THE REVISED STATUTES (31 U.S.C. 529; 41 U.S.C. 5).

"(H) PAYMENTS UNDER GRANTS AND CONTRACTS UNDER THIS SECTION SHALL BE MADE FROM APPROPRIATIONS MADE UNDER SECTION 1309(A). //POST, P.930.//

"(I) OF THE SUMS APPROPRIATED FOR ANY FISCAL YEAR UNDER SECTION 1309(A) FOR GRANTS AND CONTRACTS UNDER THIS SECTION, NOT LESS THAN 20 PER CENTUM SHALL BE SET ASIDE AND OBLIGATED IN SUCH FISCAL YEAR FOR PROJECTS (1) TO DETERMINE THE FEASIBILITY OF DEVELOPING AND OPERATING OR EXPANDING THE OPERATION OF HEALTH MAINTENANCE ORGANIZATIONS WHICH THE SECRETARY DETERMINES MAY REASONABLY BE EXPECTED TO HAVE AFTER THEIR DEVELOPMENT OR EXPANSION NOT LESS THAN 66 PER CENTUM OF THEIR MEMBERSHIP DRAWN FROM RESIDENTS OF NON-METROPOLITAN AREAS, AND (2) THE APPLICATIONS FOR WHICH MEET THE REQUIREMENTS OF THIS TITLE FOR APPROVAL. SUMS SET ASIDE IN THE FISCAL YEAR ENDING JUNE 30, 1974, OR JUNE 30, 1975, FOR PROJECTS DESCRIBED IN THE PRECEDING SENTENCE BUT NOT OBLIGATED IN SUCH FISCAL YEAR FOR GRANTS AND CONTRACTS UNDER THIS SECTION BECAUSE OF A LACK OF APPLICANTS FOR PROJECTS MEETING THE REQUIREMENTS OF SUCH SENTENCE SHALL REMAIN AVAILABLE FOR OBLIGATION UNDER THIS SECTION IN THE SUCCEEDING FISCAL YEAR FOR PROJECTS OTHER THAN THOSE DESCRIBED IN CLAUSE (1) OF SUCH SENTENCE.

"GRANTS, CONTRACTS, AND LOAN GUARANTEES FOR PLANNING AND FOR INITIAL DEVELOPMENT COSTS

"SEC. 1304. (A) THE SECRETARY MAY--

"(1) MAKE GRANTS TO AND ENTER INTO CONTRACTS WITH PUBLIC OR NONPROFIT PRIVATE ENTITIES FOR PLANNING PROJECTS FOR THE ESTABLISHMENT OF HEALTH MAINTENANCE ORGANIZATIONS OR FOR THE SIGNIFICANT EXPANSION OF THE MEMBERSHIP OF, OR AREAS SERVED BY, HEALTH MAINTENANCE ORGANIZATIONS; AND

"(2) GUARANTEE TO NON-FEDERAL LENDERS PAYMENT OF THE PRINCIPAL OF AND THE INTEREST ON LOANS MADE TO PRIVATE ENTITIES (OTHER THAN NONPROFIT PRIVATE ENTITIES) FOR PLANNING PROJECTS FOR THE ESTABLISHMENT OR EXPANSION OF HEALTH MAINTENANCE ORGANIZATIONS TO

SERVE MEDICALLY UNDERSERVED POPULATIONS.

PLANNING PROJECTS ASSISTED UNDER THIS SUBSECTION SHALL INCLUDE DEVELOPMENT OF PLANS FOR THE MARKETING OF THE SERVICES OF THE HEALTH MAINTENANCE ORGANIZATION.

"(B)(1) THE SECRETARY MAY--

"(A) MAKE GRANTS TO AND ENTER INTO CONTRACTS WITH PUBLIC OR NONPROFIT PRIVATE ENTITIES FOR PROJECTS FOR THE INITIAL DEVELOPMENT OF HEALTH MAINTENANCE ORGANIZATIONS; AND

"(B) GUARANTEE TO NON-FEDERAL LENDERS PAYMENT OF THE PRINCIPAL OF AND THE INTEREST ON LOANS MADE TO ANY PRIVATE ENTITY (OTHER THAN A NONPROFIT PRIVATE ENTITY) FOR A PROJECT FOR THE INITIAL DEVELOPMENT OF A HEALTH MAINTENANCE ORGANIZATION WHICH WILL SERVE A MEDICALLY UNDERSERVED POPULATION.

"(2) FOR PURPOSES OF THIS SECTION, THE TERM 'INITIAL DEVELOPMENT' WHEN USED TO DESCRIBE A PROJECT FOR WHICH ASSISTANCE IS AUTHORIZED BY THIS SUBSECTION INCLUDES SIGNIFICANT EXPANSION OF THE MEMBERSHIP OF, OR THE AREA SERVED BY, A HEALTH MAINTENANCE ORGANIZATION. FUNDS UNDER GRANTS AND CONTRACTS UNDER THIS SUBSECTION AND UNDER LOANS GUARANTEED UNDER THIS SUBSECTION MAY ONLY BE UTILIZED FOR SUCH PURPOSES AS THE SECRETARY MAY PRESCRIBE IN REGULATIONS. SUCH PURPOSES MAY INCLUDE (A) THE IMPLEMENTATION OF AN ENROLLMENT CAMPAIGN FOR SUCH AN ORGANIZATION, (B) THE DETAILED DESIGN OF AND ARRANGEMENTS FOR THE HEALTH OF ADMINISTRATIVE AND INTERNAL ORGANIZATIONAL ARRANGEMENTS, INCLUDING FISCAL CONTROL AND FUND ACCOUNTING PROCEDURES, AND THE DEVELOPMENT OF A CAPITAL FINANCING PROGRAM, (D) THE RECRUITMENT OF PERSONNEL FOR SUCH AN ORGANIZATION AND THE CONDUCT OF TRAINING ACTIVITIES FOR SUCH PERSONNEL, AND (F) THE PAYMENT OF ARCHITECTS' AND ENGINEERS' FEES.

"(3) A GRANT OR CONTRACT UNDER THIS SUBSECTION MAY ONLY BE MADE OR ENTERED INTO FOR INITIAL DEVELOPMENT COSTS IN THE ONE-YEAR PERIOD BEGINNING ON THE FIRST DAY OF THE FIRST MONTH IN WHICH SUCH GRANT OR CONTRACT IS MADE OR ENTERED INTO. THE NUMBER OF GRANTS MADE FOR ANY INITIAL DEVELOPMENT PROJECT UNDER THIS SUBSECTION WHEN ADDED TO THE NUMBER OF CONTRACTS ENTERED INTO FOR SUCH PROJECT UNDER THIS SUBSECTION MAY NOT EXCEED THREE. A LOAN GUARANTEE UNDER THIS SUBSECTION MAY ONLY BE MADE FOR A LOAN (OR LOANS) FOR SUCH COSTS INCURRED IN A PERIOD NOT TO EXCEED THREE YEARS.

"(C) (1) AN APPLICATION FOR A GRANT, CONTRACT, OR LOAN GUARANTEE UNDER SUBSECTION (A) FOR A PLANNING PROJECT SHALL CONTAIN ASSURANCES SATISFACTORY TO THE SECRETARY THAT IN CARRYING OUT THE PLANNING PROJECT FOR WHICH THE GRANT, CONTRACT, OR LOAN GUARANTEE IS SOUGHT, THE APPLICANT WILL (A) COOPERATE WITH THE SECTION 314(B) AREA-WIDE HEALTH PLANNING AGENCY (IF ANY) WHOSE SECTION 314(B) PLAN COVERS (IN WHOLE OR IN PART) THE AREA PROPOSED TO BE SERVED BY THE HEALTH MAINTENANCE ORGANIZATION FOR WHICH THE PLANNING PROJECT WILL BE CONDUCTED, AND (B) NOTIFY THE MEDICAL SOCIETY SERVING SUCH AREA OF THE PLANNING PROJECT. //80 STAT. 1181; 84 STAT. 1304 42 USC 246.//

"(2) IF THE SECRETARY MAKES A GRANT OR LOAN GUARANTEE OR ENTERS INTO A CONTRACT UNDER SUBSECTION (A) FOR A PLANNING PROJECT FOR A HEALTH

MAINTENANCE ORGANIZATION, HE MAY, WITHIN THE PERIOD IN WHICH THE PLANNING PROJECT MUST BE COMPLETED, MAKE A GRANT OR LOAN GUARANTEE OR ENTER INTO A CONTRACT UNDER SUBSECTION (B) FOR THE INITIAL DEVELOPMENT OF THAT HEALTH MAINTENANCE ORGANIZATION; BUT NO GRANT OR LOAN GUARANTEE MAY BE MADE OR CONTRACT ENTERED INTO UNDER SUBSECTION (B) FOR INITIAL DEVELOPMENT OF A HEALTH MAINTENANCE ORGANIZATION UNLESS THE SECRETARY DETERMINES THAT (A) SUFFICIENT PLANNING FOR ITS ESTABLISHMENT OR EXPANSION (AS THE CASE MAY BE) HAS BEEN CONDUCTED BY THE APPLICANT FOR THE GRANT, CONTRACT, OR LOAN GUARANTEE, AND (B) THE FEASIBILITY OF ESTABLISHING AND OPERATING, OR OF EXPANDING, THE HEALTH MAINTENANCE ORGANIZATION HAS BEEN ESTABLISHED BY THE APPLICANT.

"(D) IN CONSIDERING APPLICATIONS FOR GRANTS AND CONTRACTS UNDER THIS SECTION, THE SECRETARY SHALL GIVE PRIORITY TO AN APPLICATION WHICH CONTAINS OR IS SUPPORTED BY ASSURANCES SATISFACTORY TO THE SECRETARY THAT AT THE TIME THE HEALTH MAINTENANCE ORGANIZATION FOR WHICH SUCH APPLICATION IS SUBMITTED FIRST BECOMES OPERATIONAL NOT LESS THAN 30 PER CENTUM OF ITS MEMBERS WILL BE MEMBERS OF A MEDICALLY UNDERSERVED POPULATION.

"(E)(1) EXCEPT AS PROVIDED IN PARAGRAPH (2), THE FOLLOWING LIMITATIONS APPLY WITH RESPECT TO GRANTS, LOAN GUARANTEES, AND CONTRACTS MADE UNDER SUBSECTION (A) OF THIS SECTION:

"(A) IF A PLANNING PROJECT HAS BEEN ASSISTED WITH GRANT, LOAN GUARANTEE, OR CONTRACT UNDER SUBSECTION (A), THE SECRETARY MAY NOT MAKE ANY OTHER PLANNING GRANT OR LOAN GUARANTEE OR ENTER INTO ANY OTHER PLANNING CONTRACT FOR SUCH PROJECT UNDER THIS SECTION.

"(B) ANY PROJECT FOR WHICH A GRANT OR LOAN GUARANTEE IS MADE OR CONTRACT ENTERED INTO MUST BE COMPLETED WITHIN TWELVE MONTHS FROM THE DATE THE GRANT OR LOAN GUARANTEE IS MADE OR CONTRACT ENTERED INTO.

"(2) THE SECRETARY MAY NOT MAKE MORE THAN ONE ADDITIONAL GRANT OR LOAN GUARANTEE OR ENTER INTO NOT MORE THAN ONE ADDITIONAL CONTRACT FOR A PLANNING PROJECT FOR WHICH A GRANT OR LOAN GUARANTEE HAS PREVIOUSLY BEEN MADE OR A CONTRACT PREVIOUSLY ENTERED INTO, AND HE MAY PERMIT ADDITIONAL TIME (UP TO TWELVE MONTHS) FOR COMPLETION OF THE PROJECT IF HE DETERMINES THAT THE ADDITIONAL GRANT, LOAN GUARANTEE, OR CONTRACT (AS THE CASE MAY BE), OR ADDITIONAL TIME, OR BOTH, IS NEEDED TO ADEQUATELY COMPLETE THE PROJECT.

"(F) (1) THE AMOUNT TO BE PAID BY THE UNITED STATES UNDER A GRANT MADE, OR CONTRACT ENTERED INTO, UNDER SUBSECTION (A) FOR A PLANNING PROJECT, AND (EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION) THE AMOUNT OF PRINCIPAL OF A LOAN FOR A PLANNING PROJECT WHICH MAY BE GUARANTEED UNDER SUCH SUBSECTION, SHALL BE DETERMINED BY THE SECRETARY, EXCEPT THAT (A) THE AMOUNT TO BE PAID BY THE UNITED STATES UNDER ANY SINGLE GRANT OR CONTRACT, AND THE AMOUNT OF PRINCIPAL OF ANY SINGLE LOAN GUARANTEED UNDER SUCH SUBSECTION, MAY NOT EXCEED \$125,000, AND (B) THE AGGREGATE OF THE AMOUNTS TO BE PAID FOR ANY PROJECT BY THE UNITED STATES UNDER GRANTS OR CONTRACTS, OR BOTH, UNDER SUCH SUBSECTION, AND THE AGGREGATE AMOUNT OF PRINCIPAL OF LOANS GUARANTEED UNDER SUCH SUBSECTION FOR ANY PROJECT, MAY NOT EXCEED THE GREATER OF (I) 90 PER CENTUM OF THE COST OF SUCH PROJECT (AS DETERMINED

UNDER REGULATIONS OF THE SECRETARY), OR (II) IN THE CASE OF A PROJECT FOR A HEALTH MAINTENANCE ORGANIZATION WHICH WILL SERVE A MEDICALLY UNDERSERVED POPULATION, SUCH GREATER PERCENTAGE (UP TO 100 PER CENTUM) OF SUCH COST AS THE SECRETARY MAY PRESCRIBE IF HE DETERMINES THAT THE CEILING ON THE GRANTS, CONTRACTS, AND LOAN GUARANTEES (OR ANY COMBINATION THEREOF) FOR SUCH PROJECT SHOULD BE DETERMINED BY SUCH GREATER PERCENTAGE.

"(2) THE AMOUNT TO BE PAID BY THE UNITED STATES UNDER A GRANT MADE, OR CONTRACT ENTERED INTO, UNDER SUBSECTION (B) FOR AN INITIAL DEVELOPMENT PROJECT, AND (EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION) THE AMOUNT OF PRINCIPAL OF A LOAN FOR AN INITIAL DEVELOPMENT PROJECT WHICH MAY BE GUARANTEED UNDER SUCH SUBSECTION, SHALL BE DETERMINED BY THE SECRETARY; EXCEPT THAT THE AMOUNTS TO BE PAID BY THE UNITED STATES FOR ANY INITIAL DEVELOPMENT PROJECT UNDER GRANTS OR CONTRACTS, OR BOTH, UNDER SUCH SUBSECTION, AND THE AGGREGATE AMOUNT OF PRINCIPAL OF LOANS GUARANTEED UNDER SUCH SUBSECTION FOR ANY PROJECT, MAY NOT EXCEED THE LESSER OF--

"(A) \$1,000,000, OR

"(B) AN AMOUNT EQUAL OF THE GREATER OF (I) 90 PER CENTUM OF THE COST OF SUCH PROJECT (AS DETERMINED UNDER REGULATIONS OF THE SECRETARY, OR (II) IN THE CASE OF A PROJECT FOR A HEALTH MAINTENANCE ORGANIZATION WHICH WILL SERVE A MEDICALLY UNDERSERVED POPULATION, SUCH GREATER PERCENTAGE (UP TO 100 PER CENTUM) OF SUCH COST AS THE SECRETARY MAY PRESCRIBE IF HE DETERMINES THAT THE CEILING ON THE GRANTS, CONTRACTS, AND LOAN GUARANTEES (OR ANY COMBINATION THEREOF) FOR SUCH PROJECT SHOULD BE DETERMINED BY SUCH GREATER PERCENTAGE.

"(3) THE CUMULATIVE TOTAL OF THE PRINCIPAL OF THE LOANS OUTSTANDING AT ANY TIME WITH RESPECT TO WHICH GUARANTEES HAVE BEEN ISSUED UNDER THIS SECTION MAY NOT EXCEED SUCH LIMITATIONS AS MAY BE SPECIFIED IN APPROPRIATION ACTS.

"(G) PAYMENTS UNDER GRANTS UNDER THIS SECTION MAY BE MADE IN ADVANCE OR BY WAY OF REIMBURSEMENT AND AT SUCH INTERVALS AND ON SUCH CONDITIONS AS THE SECRETARY FINDS NECESSARY.

"(H) CONTRACTS MAY BE ENTERED INTO UNDER THIS SECTION WITHOUT REGARD TO SECTIONS 3648 AND 3709 OF THE REVISED STATUTES (31 U.S.C. 529; 41 U.S.C. 5).

"(I) PAYMENTS UNDER GRANTS AND CONTRACTS UNDER THIS SECTION SHALL BE MADE FROM APPROPRIATIONS UNDER SECTION 1309(A). //POST. P. 930-//

"(J) LOAN GUARANTEES UNDER SUBSECTION (A) (2) FOR PLANNING PROJECTS MAY BE MADE THROUGH THE FISCAL YEAR ENDING JUNE 30, 1976; AND LOAN GUARANTEES UNDER SUBSECTION (B) (1) (B) FOR INITIAL DEVELOPMENT PROJECTS MAY BE MADE THROUGH THE FISCAL YEAR ENDING JUNE 30, 1977.

"(K) (1) OF THE SUMS APPROPRIATED FOR ANY FISCAL YEAR UNDER SECTION 1309 (A) FOR GRANTS AND CONTRACTS UNDER SUBSECTION (A) OF THIS SECTION, NOT LESS THAN 20 PER CENTUM SHALL BE SET ASIDE AND OBLIGATED IN SUCH FISCAL YEAR FOR PROJECTS (A) TO PLAN THE ESTABLISHMENT OR EXPANSION OF HEALTH MAINTENANCE ORGANIZATIONS WHICH THE SECRETARY DETERMINES MAY REASONABLY BE EXPECTED TO HAVE AFTER THEIR ESTABLISHMENT OR EXPANSION NOT LESS THAN 66 PER CENTUM OF THEIR MEMBERSHIP DRAWN FROM RESIDENTS OF NON-METROPOLITAN AREAS, AND (B) THE APPLICATIONS FOR WHICH MEET THE

REQUIREMENTS OF THIS TITLE FOR APPROVAL. SUMS SET ASIDE IN THE FISCAL YEAR ENDING JUNE 30, 1974, OR JUNE 30, 1975, FOR PROJECTS DESCRIBED IN THE PRECEDING SENTENCE BUT NOT OBLIGATED IN SUCH FISCAL YEAR FOR GRANTS AND CONTRACTS UNDER SUBSECTION (A) OF THIS SECTION BECAUSE OF A LACK OF APPLICANTS FOR PROJECTS MEETING THE REQUIREMENTS OF SUCH SENTENCE SHALL REMAIN AVAILABLE FOR OBLIGATION UNDER SUCH SUBSECTION IN THE SUCCEEDING FISCAL YEAR FOR PROJECTS OTHER THAN THOSE DESCRIBED IN CLAUSE (A) OF SUCH SENTENCE.

"(2) OF THE SUMS APPROPRIATED FOR ANY FISCAL YEAR UNDER SECTION 1309(A) FOR GRANTS AND CONTRACTS UNDER SUBSECTION (B) OF THIS SECTION, NOT LESS THAN 20 PER CENTUM SHALL BE SET ASIDE AND OBLIGATED IN SUCH FISCAL YEAR FOR PROJECTS (A) FOR THE INITIAL DEVELOPMENT OF HEALTH MAINTENANCE ORGANIZATIONS WHICH THE SECRETARY DETERMINES MAY REASONABLY BE EXPECTED TO HAVE AFTER THEIR INITIAL DEVELOPMENT NOT LESS THAN 66 PER CENTUM OF THEIR MEMBERSHIP DRAWN FROM RESIDENTS OF NON-METROPOLITAN AREAS, AND (B) THE APPLICATIONS FOR WHICH MEET THE REQUIREMENTS OF THIS TITLE FOR APPROVAL. SUMS SET ASIDE IN THE FISCAL YEAR ENDING JUNE 30, 1974, OR IN EITHER OF THE NEXT TWO FISCAL YEARS FOR PROJECTS DESCRIBED IN THE PRECEDING SENTENCE BUT NOT OBLIGATED IN SUCH FISCAL YEAR FOR GRANTS AND CONTRACTS UNDER SUBSECTION (B) OF THIS SECTION BECAUSE OF A LACK OF APPLICANTS FOR PROJECTS MEETING THE REQUIREMENTS OF SUCH SENTENCE SHALL REMAIN AVAILABLE FOR OBLIGATION UNDER SUCH SUBSECTION IN THE SUCCEEDING FISCAL YEAR FOR PROJECTS OTHER THAN THOSE DESCRIBED IN CLAUSE (A) OF SUCH SENTENCE.

"LOANS AND LOAN GUARANTEES FOR INITIAL OPERATION COSTS

"SEC. 1305. (A) THE SECRETARY MAY--

"(1) MAKE LOANS TO PUBLIC OR NONPROFIT PRIVATE HEALTH MAINTENANCE ORGANIZATIONS TO ASSIST THEM IN MEETING THE AMOUNT BY WHICH THEIR OPERATING COSTS IN THE PERIOD OF THE FIRST THIRTY-SIX MONTHS OF THEIR OPERATION EXCEED THEIR REVENUES IN THAT PERIOD;

"(2) MAKE LOANS TO PUBLIC OR NONPROFIT PRIVATE HEALTH MAINTENANCE ORGANIZATIONS TO ASSIST THEM IN MEETING THE AMOUNT BY WHICH THEIR OPERATING COSTS, WHICH THE SECRETARY DETERMINES ARE ATTRIBUTABLE TO SIGNIFICANT EXPANSION IN THEIR MEMBERSHIP OR AREA SERVED AND WHICH ARE INCURRED IN THE PERIOD OF THE FIRST THIRTY-SIX MONTHS OF THEIR OPERATION AFTER SUCH EXPANSION, EXCEED THEIR REVENUES IN THAT PERIOD WHICH THE SECRETARY DETERMINES ARE ATTRIBUTABLE TO SUCH EXPANSION; AND

"(3) GUARANTEE TO NON-FEDERAL LENDERS PAYMENT OF THE PRINCIPAL OF AND THE INTEREST ON LOANS MADE TO ANY PRIVATE HEALTH MAINTENANCE ORGANIZATION (OTHER THAN A PRIVATE NONPROFIT HEALTH MAINTENANCE ORGANIZATION) FOR THE AMOUNTS REFERRED TO IN PARAGRAPH (1) OR (2), BUT ONLY IF SUCH HEALTH MAINTENANCE ORGANIZATION WILL SERVE A MEDICALLY UNDERSERVED POPULATION.

NO LOAN OR LOAN GUARANTEE MAY BE MADE UNDER THIS SUBSECTION FOR THE OPERATING COSTS OF A HEALTH MAINTENANCE ORGANIZATION UNLESS THE SECRETARY DETERMINES THAT THE ORGANIZATION HAS MADE ALL REASONABLE ATTEMPTS TO MEET SUCH COSTS.

"(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), THE PRINCIPAL AMOUNT OF

ANY LOAN MADE OR GUARANTEED UNDER SUBSECTION (A) IN ANY FISCAL YEAR FOR A HEALTH MAINTENANCE ORGANIZATION MAY NOT EXCEED \$1,000,000 AND THE AGGREGATE AMOUNT OF PRINCIPAL OF LOANS MADE OR GUARANTEED, OR BOTH, UNDER THIS SECTION FOR A HEALTH MAINTENANCE ORGANIZATION MAY NOT EXCEED \$2,500,000.

"(2) THE CUMULATIVE TOTAL OF THE PRINCIPAL OF THE LOANS OUTSTANDING AT ANY TIME WHICH HAVE BEEN DIRECTLY MADE, OR WITH RESPECT TO WHICH GUARANTEES HAVE BEEN ISSUED, UNDER SUBSECTION (A) MAY NOT EXCEED SUCH LIMITATIONS AS MAY BE SPECIFIED IN APPROPRIATION ACTS.

"(C) LOANS UNDER THIS SECTION SHALL BE MADE FROM THE FUND ESTABLISHED UNDER SECTION 1308(E). //POST, P. 930.//

"(D) A LOAN OR LOAN GUARANTEE MAY BE MADE UNDER THIS SECTION THROUGH THE FISCAL YEAR ENDING JUNE 30, 1978.

"(E) OF THE SUMS USED FOR LOANS UNDER THIS SECTION IN ANY FISCAL YEAR FROM THE LOAN FUND ESTABLISHED UNDER SECTION 1308(E), NOT LESS THAN 20 PER CENTUM SHALL BE USED FOR LOANS FOR PROJECTS (1) FOR THE INITIAL OPERATION OF HEALTH MAINTENANCE ORGANIZATIONS WHICH THE SECRETARY DETERMINES HAVE NOT LESS THAN 66 PER CENTUM OF THEIR MEMBERSHIP DRAWN FROM RESIDENTS OF NONMETROPOLITAN AREAS, AND (2) THE APPLICATIONS FOR WHICH MEET THE REQUIREMENTS OF THIS TITLE FOR APPROVAL.

"APPLICATION REQUIREMENTS

"SEC. 1306. (A) NO GRANT, CONTRACT, LOAN, OR LOAN GUARANTEE MAY BE MADE UNDER THIS TITLE UNLESS AN APPLICATION THEREFOR HAS BEEN SUBMITTED TO, AND APPROVED BY, THE SECRETARY.

"(B) THE SECRETARY MAY NOT APPROVE AN APPLICATION FOR A GRANT, CONTRACT, LOAN, OR LOAN GUARANTEE UNDER THIS TITLE UNLESS--

"(1) IN THE CASE OF AN APPLICATION FOR ASSISTANCE UNDER SECTION 1303 OR 1304, SUCH APPLICATION MEETS THE APPLICATION REQUIREMENTS OF SUCH SECTION AND IN THE CASE OF AN APPLICATION FOR A LOAN OR LOAN GUARANTEE, SUCH APPLICATION MEETS THE REQUIREMENTS OF SECTION 1308; //ANTE. PP.920, 921.//

"(2) HE DETERMINES THAT THE APPLICANT MAKING THE APPLICATION WOULD NOT BE ABLE TO COMPLETE THE PROJECT OR UNDERTAKING FOR WHICH THE APPLICATION IS SUBMITTED WITHOUT THE ASSISTANCE APPLIED FOR;

"(3) THE APPLICATION CONTAINS SATISFACTORY SPECIFICATION OF THE EXISTING OR ANTICIPATED (A) POPULATION GROUP OR GROUPS TO BE SERVED BY THE PROPOSED OR EXISTING HEALTH MAINTENANCE ORGANIZATION DESCRIBED IN THE APPLICATION, (B) MEMBERSHIP OF SUCH ORGANIZATION, (C) METHODS, TERMS, AND PERIODS OF THE ENROLLMENT OF MEMBERS OF SUCH ORGANIZATION, (D) ESTIMATED COSTS PER MEMBER OF THE HEALTH AND EDUCATIONAL SERVICES TO BE PROVIDED BY SUCH ORGANIZATION AND THE NATURE OF SUCH COSTS, (E) SOURCES OF PROFESSIONAL SERVICES FOR SUCH ORGANIZATION, AND ORGANIZATIONAL ARRANGEMENTS OF SUCH ORGANIZATION FOR PROVIDING HEALTH AND EDUCATIONAL SERVICES, (F) ORGANIZATIONAL ARRANGEMENTS OF SUCH ORGANIZATION FOR AN ONGOING QUALITY ASSURANCE PROGRAM IN CONFORMITY WITH THE REQUIREMENTS OF SECTION 1301(C), (G) SOURCES OF PREPAYMENT AND OTHER FORMS OF PAYMENT FOR THE SERVICES TO BE PROVIDED BY SUCH ORGANIZATION, (H) FACILITIES, AND ADDITIONAL

CAPITAL INVESTMENTS AND SOURCES OF FINANCING THEREFOR, AVAILABLE TO SUCH ORGANIZATION TO PROVIDE THE LEVEL AND SCOPE OF SERVICES PROPOSED, (I) ADMINISTRATIVE, MANAGERIAL, AND FINANCIAL ARRANGEMENTS AND CAPABILITIES OF SUCH ORGANIZATION, (J) ROLE FOR MEMBERS IN THE PLANNING AND POLICYMAKING FOR SUCH ORGANIZATION, (K) GRIEVANCE PROCEDURES FOR MEMBERS OF SUCH ORGANIZATION, AND (L) EVALUATIONS OF THE SUPPORT FOR AND ACCEPTANCE OF SUCH ORGANIZATION BY THE POPULATION TO BE SERVED, THE SOURCES OF OPERATING SUPPORT, AND THE PROFESSIONAL GROUPS TO BE INVOLVED OR AFFECTED THEREBY; //ANTE, P. 914.//

"(4) CONTAINS OR IS SUPPORTED BY ASSURANCES SATISFACTORY TO THE SECRETARY THAT THE APPLICANT MAKING THE APPLICATION WILL, IN ACCORDANCE WITH SUCH CRITERIA AS THE SECRETARY SHALL BE REGULATION PRESCRIBE, ENROLL, AND MAINTAIN AN ENROLLMENT OF THE MAXIMUM NUMBER OF MEMBERS THAT ITS AVAILABLE AND POTENTIAL RESOURCES (AS DETERMINED UNDER REGULATIONS OF THE SECRETARY) WILL ENABLE IT TO EFFECTIVELY SERVE;

"(5) THE SECTION 314(B) AREAWIDE HEALTH PLANNING AGENCY WHOSE SECTION 314(B) PLAN COVERS (IN WHOLE OR IN PART) THE AREA TO BE SERVED BY THE HEALTH MAINTENANCE ORGANIZATION FOR WHICH SUCH APPLICATION IS SUBMITTED, OR IT THERE IS NO SUCH AGENCY, THE SECTION 314(A) STATE HEALTH PLANNING AGENCY WHOSE SECTION 314(A) PLAN COVERS (IN WHOLE OR IN PART) SUCH AREA, HAS, IN ACCORDANCE WITH REGULATIONS OF THE SECRETARY UNDER SUBSECTION (C) OF THIS SECTION, BEEN PROVIDED AN OPPORTUNITY TO REVIEW THE APPLICATION AND TO SUBMIT TO THE SECRETARY FOR HIS CONSIDERATION ITS RECOMMENDATIONS RESPECTING APPROVAL OF THE APPLICATION OR IF UNDER APPLICABLE STATE LAW SUCH AN APPLICATION MAY NOT BE SUBMITTED WITHOUT THE APPROVAL OF THE SECTION 314(B) AREAWIDE HEALTH PLANNING AGENCY OF THE SECTION 314(A) STATE HEALTH PLANNING AGENCY, THE REQUIRED APPROVAL HAS BEEN OBTAINED; //80 STAT. 1181; 84 STAT. 1304. 42 USC 246.//

"(6) IN THE CASE OF AN APPLICATION MADE FOR A PROJECT WHICH PREVIOUSLY RECEIVED A GRANT, CONTRACT, LOAN, OR LOAN GUARANTEE UNDER THIS TITLE, SUCH APPLICATION CONTAINS OR IS SUPPORTED BY ASSURANCES SATISFACTORY TO THE SECRETARY THAT THE APPLICANT MAKING THE APPLICATION HAS THE FINANCIAL CAPABILITY TO ADEQUATELY CARRY OUT THE PURPOSES OF SUCH PROJECT AND HAS DEVELOPED AND OPERATED SUCH PROJECT IN ACCORDANCE WITH THE REQUIREMENTS OF THIS TITLE AND WITH THE PLANS CONTAINED IN PREVIOUS APPLICATIONS FOR SUCH ASSISTANCE; AND

"(7) THE APPLICATION IS SUBMITTED IN SUCH FORM AND MANNER, AND CONTAINS SUCH ADDITIONAL INFORMATION, AS THE SECRETARY SHALL PRESCRIBE IN REGULATIONS.

AN ORGANIZATION MAKING MULTIPLE APPLICATIONS FOR MORE THAN ONE GRANT, CONTRACT, LOAN, OR LOAN GUARANTEE UNDER THIS TITLE, SIMULTANEOUSLY OR OVER THE COURSE OF TIME, SHALL NOT BE REQUIRED TO SUBMIT DUPLICATE OR REDUNDANT INFORMATION BUT SHALL BE REQUIRED TO UPDATE THE SPECIFICATIONS (REQUIRED BY PARAGRAPH (3) RESPECTING THE EXISTING OR PROPOSED HEALTH MAINTENANCE ORGANIZATION IN SUCH MANNER AND WITH SUCH FREQUENCY AS THE SECRETARY MAY

BY REGULATION PRESCRIBE.

"(C) THE SECRETARY SHALL BY REGULATION ESTABLISH STANDARDS AND PROCEDURES FOR SECTION 314(B) AREA-WIDE HEALTH PLANNING AGENCIES AND SECTION 314(A) STATE HEALTH PLANNING AGENCIES TO FOLLOW IN REVIEWING AND COMMENTING ON APPLICATIONS FOR GRANTS, CONTRACTS, LOANS, AND LOAN GUARANTEES UNDER THIS TITLE.

"ADMINISTRATION OF ASSISTANCE PROGRAMS

"SEC. 1307. (A) (1) EACH RECIPIENT OF A GRANT, CONTRACT, LOAN, OR LOAN GUARANTEE UNDER THIS TITLE SHALL KEEP SUCH RECORDS AS THE SECRETARY SHALL PRESCRIBE, INCLUDING RECORDS WHICH FULLY DISCLOSE THE AMOUNT AND DISPOSITION BY SUCH RECIPIENT OF THE PROCEEDS OF THE GRANT, CONTRACT, OR LOAN (DIRECTLY MADE OR GUARANTEED), THE TOTAL COST OF THE UNDERTAKING IN CONNECTION WITH WHICH SUCH ASSISTANCE WAS GIVEN OR USED, THE AMOUNT OF THAT PORTION OF THE COST OF THE UNDERTAKING SUPPLIED BY OTHER SOURCES, AND SUCH OTHER RECORDS AS WILL FACILITATE AN EFFECTIVE AUDIT.

"(2) THE SECRETARY, OR ANY OF HIS DULY AUTHORIZED REPRESENTATIVES, SHALL HAVE ACCESS FOR THE PURPOSE OF AUDIT AND EXAMINATION TO ANY BOOKS, DOCUMENTS, PAPERS, AND RECORDS OF THE RECIPIENTS OF A GRANT, CONTRACT, LOAN, OR LOAN GUARANTEE UNDER THIS TITLE WHICH RELATE TO SUCH ASSISTANCE.

"(B) UPON EXPIRATION OF THE PERIOD FOR WHICH A GRANT, CONTRACT, LOAN, OR LOAN GUARANTEE WAS PROVIDED AN ENTITY UNDER THIS TITLE, SUCH ENTITY SHALL MAKE A FULL AND COMPLETE REPORT TO THE SECRETARY IN SUCH MANNER AS HE MAY BY REGULATION PRESCRIBE. EACH SUCH REPORT SHALL CONTAIN, AMONG SUCH OTHER MATTERS AS THE SECRETARY MAY BY REGULATION REQUIRE, DESCRIPTIONS OF PLANS, DEVELOPMENTS, AND OPERATIONS RELATING TO THE MATTERS REFERRED TO IN SECTION 1306(B) (3). //REPORT TO SECRETARY OF H.F. W.// ANTE. P. 925.//

"(C) IF IN ANY FISCAL YEAR THE FUNDS APPROPRIATED UNDER SECTION 1309 ARE INSUFFICIENT TO FUND ALL APPLICATIONS APPROVED UNDER THIS TITLE FOR THAT FISCAL YEAR, THE SECRETARY SHALL, AFTER APPLYING THE APPLICABLE PRIORITIES UNDER SECTIONS 1303 AND 1304, GIVE PRIORITY TO THE FUNDING OF APPLICATIONS FOR PROJECTS WHICH THE SECRETARY DETERMINES ARE THE MOST LIKELY TO BE ECONOMICALLY VIABLE. //POST. P. 930.//

"(D) AN ENTITY WHICH PROVIDES HEALTH SERVICES TO A DEFINED POPULATION ON A PREPAID BASIS AND WHICH HAS MEMBERS WHO ARE ENTITLED TO INSURANCE BENEFITS UNDER TITLE XVIII OF THE SOCIAL SECURITY ACT OR TO MEDICAL ASSISTANCE UNDER A STATE PLAN APPROVED UNDER TITLE XIX OF SUCH ACT MAY BE CONSIDERED AS A HEALTH MAINTENANCE ORGANIZATION FOR PURPOSES OF RECEIVING ASSISTANCE UNDER THIS TITLE IF-- //79 STAT. 291; 86 STAT. 1370. 42 USC 1395. 42 USC 1396.//

"(1) WITH RESPECT TO ITS MEMBERS WHO ARE ENTITLED TO SUCH INSURANCE BENEFITS OR TO SUCH MEDICAL ASSISTANCE IT (A) PROVIDES HEALTH SERVICES IN ACCORDANCE WITH SECTION 1301(B), EXCEPT THAT (I) IT DOES NOT FURNISH TO THOSE MEMBERS THE HEALTH SERVICES (WITHIN THE BASIC HEALTH SERVICES) FOR WHICH IT MAY NOT BE COMPENSATED UNDER SUCH TITLE XVIII OR SUCH STATE PLAN, AND (II) IT DOES NOT FIX THE BASIC OR SUPPLEMENTAL HEALTH SERVICES PAYMENT FOR SUCH MEMBERS UNDER A COMMUNITY RATING SYSTEM, AND (B) IS ORGANIZED AND OPERATED IN THE

MANNER PRESCRIBED BY SECTION 1301(C), EXCEPT THAT IT DOES NOT ASSUME FULL FINANCIAL RISK ON A PROSPECTIVE BASIS FOR THE PROVISION TO SUCH MEMBERS OF BASIC OR SUPPLEMENTAL HEALTH SERVICES WITH RESPECT TO WHICH IT IS NOT REQUIRED UNDER SUCH TITLE XVIII OR SUCH STATE PLAN TO ASSUME SUCH FINANCIAL RISK; AND

"(2) WITH RESPECT TO ITS OTHER MEMBERS IT PROVIDES HEALTH SERVICES IN ACCORDANCE WITH SECTION 1301(B) AND IS ORGANIZED AND OPERATED IN THE MANNER PRESCRIBED BY SECTION 1301(C).

"(E) IN ANY FISCAL YEAR NO LOAN GUARANTEE MAY BE MADE UNDER THIS TITLE IF THE MAKING OF SUCH GUARANTEE WOULD CAUSE THE CUMULATIVE TOTAL OF THE PRINCIPAL OF THE LOANS GUARANTEED UNDER THIS TITLE IN SUCH FISCAL YEAR TO EXCEED THE AMOUNT OF GRANT AND CONTRACT FUNDS OBLIGATED UNDER THIS TITLE IN SUCH FISCAL YEAR; EXCEPT THAT THIS SUBSECTION SHALL NOT APPLY IF THE AMOUNT OF GRANT AND CONTRACT FUNDS OBLIGATED UNDER THIS TITLE IN SUCH FISCAL YEAR EQUALS THE SUMS APPROPRIATED UNDER SECTION 1309 FOR GRANTS AND CONTRACTS FOR SUCH FISCAL YEAR.

"GENERAL PROVISIONS RELATING TO LOAN GUARANTEES AND LOANS

"SEC. 1308. (A) (1) THE SECRETARY MAY NOT APPROVE AN APPLICATION FOR A LOAN GUARANTEE UNDER THIS TITLE UNLESS HE DETERMINES THAT (A) THE TERMS, CONDITIONS, SECURITY (IF ANY), AND SCHEDULE AND AMOUNT OF REPAYMENTS WITH RESPECT TO THE LOAN ARE SUFFICIENT TO PROTECT THE FINANCIAL INTERESTS OF THE UNITED STATES AND ARE OTHERWISE REASONABLE, INCLUDING A DETERMINATION THAT THE RATE OF INTEREST DOES NOT EXCEED SUCH PER CENTUM PER ANNUM ON THE PRINCIPAL OBLIGATION OUTSTANDING AS THE SECRETARY DETERMINES TO BE REASONABLE, TAKING INTO ACCOUNT THE RANGE OF INTEREST RATES PREVAILING IN THE PRIVATE MARKET FOR SIMILAR LOANS AND THE RISKS ASSUMED BY THE UNITED STATES, AND (B) THE LOAN WOULD NOT BE AVAILABLE ON REASONABLE TERMS AND CONDITIONS WITHOUT THE GUARANTEE UNDER THIS TITLE.

"(2) (A) THE UNITED STATES SHALL BE ENTITLED TO RECOVER FROM THE APPLICANT FOR A LOAN GUARANTEE UNDER THIS TITLE THE AMOUNT OF ANY PAYMENT MADE PURSUANT TO SUCH GUARANTEE, UNLESS THE SECRETARY FOR GOOD CAUSE WAIVES SUCH RIGHT OF RECOVERY; AND, UPON MAKING ANY SUCH PAYMENT, THE UNITED STATES SHALL BE SUBROGATED TO ALL OF THE RIGHTS OF THE RECIPIENT OF THE PAYMENTS WITH RESPECT TO WHICH THE GUARANTEE WAS MADE.

"(B) TO THE EXTENT PERMITTED BY SUBPARAGRAPH (C), ANY TERMS AND CONDITIONS APPLICABLE TO A LOAN GUARANTEE UNDER THIS TITLE (INCLUDING TERMS AND CONDITIONS IMPOSED UNDER SUBPARAGRAPH (D)) MAY BE MODIFIED BY THE SECRETARY TO THE EXTENT HE DETERMINES IT TO BE CONSISTENT WITH THE FINANCIAL INTEREST OF THE UNITED STATES.

"(C) ANY LOAN GUARANTEE MADE BY THE SECRETARY UNDER THIS TITLE SHALL BE INCONTESTABLE (I) IN THE HANDS OF AN APPLICANT ON WHOSE BEHALF SUCH GUARANTEE IS MADE UNLESS THE APPLICANT ENGAGED IN FRAUD OR MISREPRESENTATION IN SECURING SUCH GUARANTEE, AND (II) AS TO ANY PERSON (OR HIS SUCCESSOR IN INTEREST) WHO MAKES OR CONTRACTS TO MAKE A LOAN TO SUCH APPLICANT IN RELIANCE THEREON UNLESS SUCH PERSON (OR HIS SUCCESSOR IN INTEREST) ENGAGED IN FRAUD OR MISREPRESENTATION IN MAKING OR CONTRACTING TO MAKE SUCH LOAN.

"(D) GUARANTEES OF LOANS UNDER THIS TITLE SHALL BE SUBJECT TO SUCH

FURTHER TERMS AND CONDITIONS AS THE SECRETARY DETERMINES TO BE NECESSARY TO ASSURE THAT THE PURPOSES OF THIS TITLE WILL BE ACHIEVED.

"(B) (1) THE SECRETARY MAY NOT APPROVE AN APPLICATION FOR A LOAN UNDER THIS TITLE UNLESS--

"(A) THE SECRETARY IS REASONABLY SATISFIED THAT THE APPLICANT THEREFOR WILL BE ABLE TO MAKE PAYMENTS OF PRINCIPAL AND INTEREST THEREON WHEN DUE, AND

10 "(B) THE APPLICANT PROVIDES THE SECRETARY WITH REASONABLE ASSURANCES THAT THERE WILL BE AVAILABLE TO IT SUCH ADDITIONAL FUNDS AS MAY BE NECESSARY TO COMPLETE THE PROJECT OR UNDERTAKING WITH RESPECT TO WHICH SUCH LOAN IS REQUESTED.

"(2) ANY LOAN MADE UNDER THIS TITLE SHALL (A) HAVE SUCH SECURITY, (B) HAVE SUCH MATURITY DATE, (C) BE REPAYABLE IN SUCH INSTALLMENTS, PREVAILING, ON THE DATE THE LOAN IS MADE, WITH RESPECT TO LOANS GUARANTEED UNDER THIS TITLE, AND (E) BE SUBJECT TO SUCH OTHER TERMS AND CONDITIONS (INCLUDING PROVISIONS FOR RECOVERY IN CASE OF DEFAULT), AS THE SECRETARY DETERMINES TO BE NECESSARY TO CARRY OUT THE PURPOSES OF THIS TITLE WHILE ADEQUATELY PROTECTING THE FINANCIAL INTERESTS OF THE UNITED STATES.

"(3) THE SECRETARY MAY, FOR GOOD CAUSE BUT WITH DUE REGARD TO THE FINANCIAL INTERESTS OF THE UNITED STATES, WAIVE ANY RIGHT OF RECOVERY WHICH HE HAS BY REASON OF THE FAILURE OF A BORROWER TO MAKE PAYMENTS OF PRINCIPAL OF AND INTEREST ON A LOAN MADE UNDER THIS TITLE, EXCEPT THAT IF SUCH LOAN IS SOLD AND GUARANTEED, ANY SUCH WAIVER SHALL HAVE NO EFFECT UPON THE SECRETARY'S GUARANTEE OF TIMELY PAYMENT OF PRINCIPAL AND INTEREST.

"(C) (1) THE SECRETARY MAY FROM TIME TO TIME, BUT WITH DUE REGARD TO THE FINANCIAL INTEREST OF THE UNITED STATES, SELL LOANS MADE BY HIM UNDER THIS TITLE.

"(2) THE SECRETARY MAY AGREE, PRIOR TO HIS SALE OF ANY SUCH LOAN, TO GUARANTEE TO THE PURCHASER (AND ANY SUCCESSOR IN INTEREST OF THE PURCHASER) COMPLIANCE BY THE BORROWER WITH THE TERMS AND CONDITIONS OF SUCH LOAN. ANY SUCH AGREEMENT SHALL CONTAIN SUCH TERMS AND CONDITIONS AS THE SECRETARY CONSIDERS NECESSARY TO PROTECT THE FINANCIAL INTEREST OF THE UNITED STATES OR AS OTHERWISE APPROPRIATE. ANY SUCH AGREEMENT MAY (A) PROVIDE THAT THE SECRETARY SHALL ACT AS AGENT OF ANY SUCH PURCHASER FOR THE PURPOSE OF COLLECTING FROM THE BORROWER TO WHICH SUCH LOAN WAS MADE AND PAYING OVER TO SUCH PURCHASER, ANY PAYMENTS OF PRINCIPAL AND INTEREST PAYABLE BY SUCH ORGANIZATION UNDER SUCH LOAN; AND (B) PROVIDE FOR THE REPURCHASE BY THE SECRETARY OF ANY SUCH LOAN ON SUCH TERMS AND CONDITIONS AS MAY BE SPECIFIED IN THE AGREEMENT. THE FULL FAITH AND CREDIT OF THE UNITED STATES IS PLEDGED TO THE PAYMENT OF ALL AMOUNTS WHICH MAY BE REQUIRED TO BE PAID UNDER ANY GUARANTEE UNDER THIS PARAGRAPH.

"(3) AFTER ANY LOAN UNDER THIS TITLE TO A PUBLIC HEALTH MAINTENANCE ORGANIZATION HAS BEEN SOLD AND GUARANTEED UNDER THIS SUBSECTION, INTEREST PAID ON SUCH LOAN WHICH IS RECEIVED BY THE PURCHASER THEREOF (OR HIS SUCCESSOR IN INTEREST) SHALL BE INCLUDED IN THE GROSS INCOME OF THE PURCHASER OF THE LOAN (OR HIS SUCCESSOR IN INTEREST) FOR THE PURPOSE OF CHAPTER 1 OF THE INTERNAL REVENUE CODE OF 1954.

"(4) AMOUNTS RECEIVED BY THE SECRETARY AS PROCEEDS FROM THE SALE OF LOANS UNDER THIS SUBSECTION SHALL BE DEPOSITED IN THE LOAN FUND ESTABLISHED UNDER SUBSECTION (E). //68A STAT. 3. 26 USC 1 ET SEQ.//

"(D) (1) THERE IS ESTABLISHED IN THE TREASURY A LOAN GUARANTEE FUND (HEREINAFTER IN THIS SUBSECTION REFERRED TO AS THE 'FUND') WHICH SHALL BE AVAILABLE TO THE SECRETARY WITHOUT FISCAL YEAR LIMITATION, IN SUCH AMOUNTS AS MAY BE SPECIFIED FROM TIME TO TIME IN APPROPRIATION ACTS TO ENABLE HIM TO DISCHARGE HIS RESPONSIBILITIES UNDER LOAN GUARANTEES ISSUED BY HIM UNDER THIS TITLE. THERE ARE AUTHORIZED TO BE APPROPRIATED FROM TIME TO TIME SUCH AMOUNTS AS MAY BE NECESSARY TO PROVIDE THE SUMS REQUIRED FOR THE FUND. TO THE EXTENT AUTHORIZED IN APPROPRIATION ACTS, THERE SHALL ALSO BE DEPOSITED IN THE FUND AMOUNTS RECEIVED BY THE SECRETARY IN CONNECTION WITH LOAN GUARANTEES UNDER THIS TITLE AND OTHER PROPERTY OR ASSETS DERIVED BY HIM FROM HIS OPERATION RESPECTING SUCH LOAN GUARANTEES, INCLUDING ANY MONEY DERIVED FROM THE SALE OF ASSETS.

"(2) IF AT ANY TIME THE SUMS IN THE FUNDS ARE INSUFFICIENT TO ENABLE THE SECRETARY TO DISCHARGE HIS RESPONSIBILITIES UNDER GUARANTEES ISSUED BY HIM UNDER THIS TITLE, HE IS AUTHORIZED TO ISSUE TO THE SECRETARY OF THE TREASURY NOTES OR OTHER OBLIGATIONS IN SUCH FORMS AND DENOMINATIONS, BEARING SUCH MATURITIES, AND SUBJECT TO SUCH TERMS AND CONDITIONS, AS MAY BE PRESCRIBED BY THE SECRETARY WITH THE APPROVAL OF THE SECRETARY OF THE TREASURY. SUCH NOTES OR OTHER OBLIGATIONS SHALL BEAR INTEREST AT A RATE DETERMINED BY THE SECRETARY OF THE TREASURY, TAKING INTO CONSIDERATION THE CURRENT AVERAGE MARKET YIELD ON OUTSTANDING MARKETABLE OBLIGATIONS OF THE UNITED STATES OF COMPARABLE MATURITIES DURING THE MONTH PRECEDING THE ISSUANCE OF THE NOTES OR OTHER OBLIGATIONS. THE SECRETARY OF THE TREASURY SHALL PURCHASE ANY NOTES AND OTHER OBLIGATIONS ISSUED UNDER THIS PARAGRAPH AND FOR THAT PURPOSE HE MAY USE AS A PUBLIC DEBT TRANSACTION THE PROCEEDS FROM THE SALE OF ANY SECURITIES ISSUED UNDER THE SECOND LIBERTY BOND ACT, AND THE PURPOSES FOR WHICH THE SECURITIES MAY BE ISSUED UNDER THAT ACT ARE EXTENDED TO INCLUDE ANY PURCHASE OF SUCH NOTES AND OBLIGATIONS. THE SECRETARY OF THE TREASURY MAY AT ANY TIME SELL ANY OF THE NOTES OR OTHER OBLIGATIONS ACQUIRED BY HIM UNDER THIS PARAGRAPH. ALL REDEMPTIONS, PURCHASES, AND SALES BY THE SECRETARY OF THE TREASURY OF SUCH NOTES OR OTHER OBLIGATIONS SHALL BE TREATED AS PUBLIC DEBT TRANSACTIONS OF THE UNITED STATES. //40 STAT. 288. 31 USC 774.// SUMS BORROWED UNDER THIS PARAGRAPH SHALL BE DEPOSITED IN THE FUND AND REDEMPTION OF SUCH NOTES AND OBLIGATIONS SHALL BE MADE BY THE SECRETARY FROM THE FUND.

"(E) THERE IS ESTABLISHED IN THE TREASURY A LOAN FUND (HEREINAFTER IN THE SUBSECTION REFERRED TO AS THE 'FUND') WHICH SHALL BE AVAILABLE TO THE SECRETARY WITHOUT FISCAL YEAR LIMITATION, IN SUCH AMOUNTS AS MAY BE SPECIFIED FROM TIME TO TIME IN APPROPRIATION ACTS, TO ENABLE HIM TO MAKE LOANS UNDER THIS TITLE. THERE SHALL ALSO BE DEPOSITED IN THE FUND AMOUNTS RECEIVED BY THE SECRETARY AS INTEREST PAYMENTS AND REPAYMENT OF PRINCIPAL ON LOANS MADE UNDER THIS TITLE AND OTHER PROPERTY OR ASSETS DERIVED BY HIM FROM HIS OPERATIONS RESPECTING SUCH LOANS, FROM THE SALE OF LOANS UNDER SUBSECTION (C) OF THIS SECTION, OR FROM THE SALE OF ASSETS.

"AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 1309. (A) FOR THE PURPOSE OF MAKING PAYMENTS UNDER GRANTS AND CONTRACTS UNDER SECTION 1303, 1304(A), AND 1304(B), THERE ARE AUTHORIZED TO BE APPROPRIATED \$25,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, \$55,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, AND \$85,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1976; AND FOR THE PURPOSE OF MAKING PAYMENTS UNDER GRANTS AND CONTRACTS UNDER SECTION 1304(B) FOR THE FISCAL YEAR ENDING JUNE 30, 1977, THERE IS AUTHORIZED TO BE APPROPRIATED \$85,000,000.

"(B) THERE IS AUTHORIZED TO BE APPROPRIATED TO THE LOAN FUND ESTABLISHED UNDER SECTION 1308(E) \$75,000,000 IN THE AGGREGATE FOR THE FISCAL YEARS ENDING JUNE 30, 1974, AND JUNE 30, 1975.

"EMPLOYEES' HEALTH BENEFITS PLANS

"SEC 1310. (A) EACH EMPLOYER WHICH IS REQUIRED DURING ANY CALENDAR QUARTER TO PAY ITS EMPLOYEES THE MINIMUM WAGE SPECIFIED BY SECTION 6 OF THE FAIR LABOR STANDARDS ACT OF 1938 (OR WOULD BE REQUIRED TO PAY HIS EMPLOYEES SUCH WAGE BUT FOR SECTION 13(A) OF SUCH ACT), AND WHICH DURING SUCH CALENDAR QUARTER EMPLOYED AN AVERAGE NUMBER OF EMPLOYEES OF NOT LESS THAN TWENTY-FIVE, SHALL, IN ACCORDANCE WITH REGULATIONS WHICH THE SECRETARY SHALL PRESCRIBE, INCLUDE IN ANY HEALTH BENEFITS PLAN OFFERED TO ITS EMPLOYEES IN THE CALENDAR YEAR BEGINNING AFTER SUCH CALENDAR QUARTER THE OPTION OF MEMBERSHIP IN QUALIFIED HEALTH MAINTENANCE ORGANIZATIONS WHICH ARE ENGAGED IN THE PROVISION OF BASIC AND SUPPLEMENTAL HEALTH SERVICES IN THE AREAS IN WHICH SUCH EMPLOYEES RESIDE. //52 STAT. 1062; 72 STAT. 56; 80 STAT. 838. 29 USC 201. 75 STAT. 71; 80 STAT. 833; 86 STAT. 375. 29 USC 213.//

"(B) IF THERE IS MORE THAN ONE QUALIFIED HEALTH MAINTENANCE ORGANIZATION WHICH IS ENGAGED IN THE PROVISION OF BASIC AND SUPPLEMENTAL HEALTH SERVICES IN THE AREA IN WHICH THE EMPLOYEES OF AN EMPLOYER SUBJECT TO SUBSECTION (A) RESIDE AND IF--

"(1) ONE OR MORE OF SUCH ORGANIZATIONS PROVIDES BASIC HEALTH SERVICES THROUGH PROFESSIONALS WHO ARE MEMBERS OF THE STAFF OF THE ORGANIZATION OR A MEDICAL GROUP (OR GROUPS), AND

"(2) ONE OR MORE OF SUCH ORGANIZATIONS PROVIDES SUCH SERVICES THROUGH AN INDIVIDUAL PRACTICE ASSOCIATION (OR ASSOCIATIONS), THEN OF THE QUALIFIED HEALTH MAINTENANCE ORGANIZATIONS INCLUDED IN A HEALTH BENEFITS PLAN OF SUCH EMPLOYER PURSUANT TO SUBSECTION (A) AT LEAST ONE SHALL BE AN ORGANIZATION WHICH PROVIDES BASIC HEALTH SERVICES AS DESCRIBED IN CLAUSE (1) AND AT LEAST ONE SHALL BE AN ORGANIZATION WHICH PROVIDES BASIC HEALTH SERVICES AS DESCRIBED IN CLAUSE (2).

"(C) NO EMPLOYER SHALL BE REQUIRED TO PAY MORE FOR HEALTH BENEFITS AS A RESULT OF THE APPLICATION OF THIS SECTION THAN WOULD OTHERWISE BE REQUIRED BY ANY PREVAILING COLLECTIVE BARGAINING AGREEMENT OR OTHER LEGALLY ENFORCEABLE CONTRACT FOR THE PROVISION OF HEALTH BENEFITS BETWEEN THE EMPLOYER AND ITS EMPLOYEES. FAILURE OF ANY EMPLOYER TO COMPLY WITH THE REQUIREMENTS OF SUBSECTION (A) SHALL BE CONSIDERED A WILLFUL VIOLATION OF SECTION 15 OF THE FAIR LABOR STANDARDS ACT OF 1938. //52 STAT. 1068; 63 STAT. 919. 29 USC 215.//

"(D) FOR PURPOSES OF THIS SECTION, THE TERM 'QUALIFIED HEALTH

MAINTENANCE ORGANIZATION' MEANS (1) A HEALTH MAINTENANCE ORGANIZATION WHICH HAS PROVIDED ASSURANCES SATISFACTORY TO THE SECRETARY THAT IT PROVIDES BASIC AND SUPPLEMENTAL HEALTH SERVICES TO ITS MEMBERS IN THE MANNER PRESCRIBED BY SECTION 1301(B) AND THAT IT IS ORGANIZED AND OPERATED IN THE MANNER PRESCRIBED BY SECTION 1301(C), AND (2) AN ENTITY WHICH PROPOSES TO BECOME A HEALTH MAINTENANCE ORGANIZATION AND WHICH THE SECRETARY DETERMINES WILL WHEN IT BECOMES OPERATIONAL PROVIDE BASIC AND SUPPLEMENTAL HEALTH SERVICES TO ITS MEMBERS IN THE MANNER PRESCRIBED BY SECTION 1301(B) AND WILL BE ORGANIZED AND OPERATED IN THE MANNER PRESCRIBED BY SECTION 1301(C).

"RESTRICTIVE STATE LAWS AND PRACTICES

"SEC 1311. (A) IN THE CASE OF ANY ENTITY--

"(1) WHICH CANNOT DO BUSINESS AS A HEALTH MAINTENANCE ORGANIZATION IN A STATE IN WHICH IT PROPOSES TO FURNISH BASIC AND SUPPLEMENTAL HEALTH SERVICES BECAUSE THAT STATE BY LAW, REGULATION, OR OTHERWISE--

"(A) REQUIRES AS A CONDITION TO DOING BUSINESS IN THAT STATE THAT A MEDICAL SOCIETY APPROVE THE FURNISHING OF SERVICES BY THE ENTITY,

"(B) REQUIRES THAT PHYSICIANS CONSTITUTE ALL OR A PERCENTAGE OF ITS GOVERNING BODY,

"(C) REQUIRES THAT ALL PHYSICIANS OR A PERCENTAGE OF PHYSICIANS IN THE LOCALE PARTICIPATE OR BE PERMITTED TO PARTICIPATE IN THE PROVISION OF SERVICES FOR THE ENTITY, OR

"(D) REQUIRES THAT THE ENTITY MEET REQUIREMENTS FOR INSURERS OF HEALTH CARE SERVICES DOING BUSINESS IN THAT STATE RESPECTING INITIAL CAPITALIZATION AND ESTABLISHMENT OF FINANCIAL RESERVES AGAINST INSOLVENCY, AND

"(2) FOR WHICH A GRANT, CONTRACT, LOAN, OR LOAN GUARANTEE WAS MADE UNDER THIS TITLE OR WHICH IS A QUALIFIED HEALTH MAINTENANCE ORGANIZATION FOR PURPOSES OF SECTION 1310 (RELATING TO EMPLOYEES' HEALTH BENEFITS PLANS),

SUCH REQUIREMENTS SHALL NOT APPLY TO THAT ENTITY SO AS TO PREVENT IT FROM OPERATING AS A HEALTH MAINTENANCE ORGANIZATION IN ACCORDANCE WITH SECTION 1301.

"(B) NO STATE MAY ESTABLISH OR ENFORCE ANY LAW WHICH PREVENTS A HEALTH MAINTENANCE ORGANIZATION FOR WHICH A GRANT, CONTRACT, LOAN, OR LOAN GUARANTEE WAS MADE UNDER THIS TITLE OR WHICH IS A QUALIFIED HEALTH MAINTENANCE ORGANIZATION FOR PURPOSES OF SECTION 1310 (RELATING TO EMPLOYEES' HEALTH BENEFITS PLANS), FROM SOLICITING MEMBERS THROUGH ADVERTISING ITS SERVICES, CHARGES, OR OTHER NONPROFESSIONAL ASPECTS OF ITS OPERATION. THIS SUBSECTION DOES NOT AUTHORIZE ANY ADVERTISING WHICH IDENTIFIES, REFERS TO, OR MAKES ANY QUALITATIVE JUDGMENT CONCERNING, ANY HEALTH PROFESSIONAL WHO PROVIDES SERVICES FOR A HEALTH MAINTENANCE ORGANIZATION.

"CONTINUED REGULATION OF HEALTH MAINTENANCE ORGANIZATIONS

"SEC. 1312. (A) IF THE SECRETARY DETERMINES THAT AN ENTITY WHICH RECEIVED A GRANT, CONTRACT, LOAN, OR LOAN GUARANTEE UNDER THIS TITLE AS A HEALTH MAINTENANCE ORGANIZATION OR WHICH WAS INCLUDED IN A HEALTH BENEFITS

PLAN OFFERED TO EMPLOYEES PURSUANT TO SECTION 1310--

"(1) FAILS TO PROVIDE BASIC AND SUPPLEMENTAL SERVICES TO ITS MEMBERS,

"(2) FAILS TO PROVIDE SUCH SERVICES IN THE MANNER PRESCRIBED BY SECTION 1301(B), OR

"(3) IS NOT ORGANIZED OR OPERATED IN THE MANNER PRESCRIBED BY SECTION 1301(C),

THE SECRETARY MAY, IN ADDITION TO ANY OTHER REMEDIES AVAILABLE TO HIM, BRING A CIVIL ACTION IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT IN WHICH SUCH ENTITY IS LOCATED TO ENFORCE ITS COMPLIANCE WITH ANY ASSURANCES IT FURNISHED HIM RESPECTING THE PROVISION OF BASIC AND SUPPLEMENTAL HEALTH SERVICES OR ITS ORGANIZATION OR OPERATION, AS THE CASE MAY BE, WHICH ASSURANCES WERE MADE UNDER SECTION 1310 OR WHEN APPLICATION WAS MADE UNDER THIS TITLE FOR A GRANT, CONTRACT, LOAN, OR LOAN GUARANTEE.

"(B) THE SECRETARY, THROUGH THE ASSISTANT SECRETARY FOR HEALTH, SHALL ADMINISTER SUBSECTION (A) IN THE OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH.

"LIMITATION ON SOURCE OF FUNDING FOR HEALTH MAINTENANCE ORGANIZATIONS

"SEC. 1313. NO FUNDS APPROPRIATED UNDER ANY PROVISION OF THIS ACT OTHER THAN THIS TITLE MAY BE USED--

"(1) FOR GRANTS OR CONTRACTS FOR SURVEYS OR OTHER ACTIVITIES TO DETERMINE THE FEASIBILITY OF DEVELOPING OR EXPANDING HEALTH MAINTENANCE ORGANIZATIONS OR OTHER ENTITIES WHICH PROVIDE, DIRECTLY OR INDIRECTLY, HEALTH SERVICES TO A DEFINED POPULATION ON A PREPAID BASIS;

"(2) FOR GRANTS OR CONTRACTS, OR FOR PAYMENTS UNDER LOAN GUARANTEES, FOR PLANNING PROJECTS FOR THE ESTABLISHMENT OR EXPANSION OF SUCH ORGANIZATIONS OR ENTITIES;

"(3) FOR GRANTS OR CONTRACTS, OR FOR PAYMENTS UNDER LOAN GUARANTEES, FOR PROJECTS FOR THE INITIAL DEVELOPMENT OR EXPANSION OF SUCH ORGANIZATIONS OR ENTITIES; OR

1U "(4) FOR LOANS, OR FOR PAYMENTS UNDER LOAN GUARANTEES, TO ASSIST IN MEETING THE COSTS OF THE INITIAL OPERATION AFTER ESTABLISHMENT OR EXPANSION OF SUCH ORGANIZATIONS OR ENTITIES.

"PROGRAM EVALUATION

"SEC. 1314. (A) THE COMPTROLLER GENERAL SHALL EVALUATE THE OPERATIONS OF AT LEAST FIFTY OF THE HEALTH MAINTENANCE ORGANIZATIONS FOR WHICH ASSISTANCE WAS PROVIDED UNDER SECTION 1303, 1304, OR 1305. THE PERIOD OF OPERATION OF SUCH HEALTH MAINTENANCE ORGANIZATIONS WHICH SHALL BE EVALUATED UNDER THIS SUBSECTION SHALL BE NOT LESS THAN THIRTY-SIX MONTHS. THE COMPTROLLER GENERAL SHALL REPORT TO THE CONGRESS THE RESULTS OF THE EVALUATION NOT LATER THAN NINETY DAYS AFTER AT LEAST FIFTY OF SUCH HEALTH MAINTENANCE ORGANIZATIONS HAVE BEEN IN OPERATION FOR AT LEAST THIRTY-SIX MONTHS. SUCH REPORT SHALL CONTAIN FINDINGS--

"(1) WITH RESPECT TO THE ABILITY OF THE ORGANIZATIONS EVALUATED TO OPERATE ON A FINANCIALLY SOUND BASIS WITHOUT CONTINUED FEDERAL FINANCIAL ASSISTANCE,

"(2) WITH RESPECT TO THE ABILITY OF SUCH ORGANIZATIONS TO MEET THE REQUIREMENTS OF SECTION 1301(C) RESPECTING THEIR ORGANIZATION AND OPERATION,

"(3) WITH RESPECT TO THE ABILITY OF SUCH ORGANIZATIONS TO PROVIDE BASIC AND SUPPLEMENTAL HEALTH SERVICES IN THE MANNER PRESCRIBED BY SECTION 1301(B),

"(4) WITH RESPECT TO THE ABILITY OF SUCH ORGANIZATIONS TO INCLUDE INDIGENT AND HIGH-RISK INDIVIDUALS IN THEIR MEMBERSHIP, AND

"(5) WITH RESPECT TO THE ABILITY OF SUCH ORGANIZATIONS TO PROVIDE SERVICES TO MEDICALLY UNDERSERVED POPULATIONS.

"(B) THE COMPTROLLER GENERAL SHALL ALSO CONDUCT A STUDY OF THE ECONOMIC EFFECTS ON EMPLOYERS RESULTING FROM THEIR COMPLIANCE WITH THE REQUIREMENTS OF SECTION 1310. THE COMPTROLLER GENERAL SHALL REPORT TO THE CONGRESS THE RESULTS OF SUCH STUDY NOT LATER THAN THIRTY-SIX MONTHS AFTER THE DATE OF THE ENACTMENT OF THIS TITLE.

"(C) THE COMPTROLLER GENERAL SHALL EVALUATE (1) THE OPERATIONS OF DISTINCT CATEGORIES OF HEALTH MAINTENANCE ORGANIZATIONS IN COMPARISON WITH EACH OTHER, (2) HEALTH MAINTENANCE ORGANIZATIONS AS A GROUP IN COMPARISON WITH ALTERNATIVE FORMS OF HEALTH CARE DELIVERY, AND (3) THE IMPACT THAT HEALTH MAINTENANCE ORGANIZATIONS, INDIVIDUALLY, BY CATEGORY, AND AS A GROUP, HAVE ON THE HEALTH OF THE PUBLIC. THE COMPTROLLER GENERAL SHALL REPORT TO THE CONGRESS THE RESULTS OF SUCH EVALUATION NOT LATER THAN THIRTY-SIX MONTHS AFTER THE DATE OF THE ENACTMENT OF THIS TITLE.

"ANNUAL REPORT

"SEC. 1315. (A) THE SECRETARY SHALL PERIODICALLY REVIEW THE PROGRAMS OF ASSISTANCE AUTHORIZED BY THIS TITLE AND MAKE AN ANNUAL REPORT TO THE CONGRESS OF A SUMMARY OF THE ACTIVITIES UNDER EACH PROGRAM. THE SECRETARY SHALL INCLUDE IN SUCH SUMMARY--

"(1) A SUMMARY OF EACH GRANT, CONTRACT, LOAN, OR LOAN GUARANTEE MADE UNDER THIS TITLE IN THE PERIOD COVERED BY THE REPORT AND A LIST OF THE HEALTH MAINTENANCE ORGANIZATIONS WHICH DURING SUCH PERIOD BECAME QUALIFIED HEALTH MAINTENANCE ORGANIZATIONS FOR PURPOSES OF SECTION 1310;

"(2) THE STATISTICS AND OTHER INFORMATION REPORTED IN SUCH PERIOD TO THE SECRETARY IN ACCORDANCE WITH SECTION 1301(C) (11);

"(C) TO PROVIDE BASIC AND SUPPLEMENTAL HEALTH SERVICES IN THE MANNER PRESCRIBED BY SECTION 1301(B),

"(D) TO INCLUDE INDIGENT AND HIGH-RISK INDIVIDUALS IN THEIR MEMBERSHIP, AND

"(E) TO PROVIDE SERVICES TO MEDICALLY UNDERSERVED POPULATIONS; AND

"(4) FINDINGS WITH RESPECT TO--

"(A) THE OPERATION OF DISTINCT CATEGORIES OF HEALTH MAINTENANCE ORGANIZATIONS IN COMPARISON WITH EACH OTHER,

"(B) HEALTH MAINTENANCE ORGANIZATIONS AS A GROUP IN COMPARISON WITH ALTERNATIVE FORMS OF HEALTH CARE DELIVERY, AND

"(C) THE IMPACT THAT HEALTH MAINTENANCE ORGANIZATIONS, INDIVIDUALLY, BY CATEGORY, AND AS A GROUP, HAVE ON THE HEALTH OF THE

PUBLIC.

"(B) THE OFFICE OF MANAGEMENT AND BUDGET MAY REVIEW THE SECRETARY'S REPORT UNDER SUBSECTION (A) BEFORE ITS SUBMISSION TO THE CONGRESS, BUT THE OFFICE MAY NOT REVISE THE REPORT OR DELAY ITS SUBMISSION, AND IT MAY SUBMIT TO THE CONGRESS ITS COMMENTS (AND THOSE OF OTHER DEPARTMENTS OR AGENCIES OF THE GOVERNMENT) RESPECTING SUCH REPORT."

QUALITY ASSURANCE

SEC. 3. TITLE III OF THE PUBLIC HEALTH SERVICE ACT IS AMENDED BY ADDING AT THE END THEREOF THE FOLLOWING NEW PART: //58 STAT. 691; 85 STAT. 65. 42 USC 241.//

"PART K--QUALITY ASSURANCE

"QUALITY ASSURANCE

"SEC. 399C. (A)(1) THE SECRETARY, THROUGH THE ASSISTANT SECRETARY FOR HEALTH, SHALL CONDUCT RESEARCH AND EVALUATION PROGRAMS RESPECTING THE EFFECTIVENESS, ADMINISTRATION, AND ENFORCEMENT OF QUALITY ASSURANCE PROGRAMS. SUCH RESEARCH AND EVALUATION PROGRAMS SHALL BE CARRIED OUT IN COOPERATION WITH THE ENTITY WITHIN THE DEPARTMENT WHICH ADMINISTERS THE PROGRAMS OF ASSISTANCE UNDER SECTION 304. **

"(2) FOR THE PURPOSE OF CARRYING OUT PARAGRAPH (1), THERE ARE AUTHORIZED TO BE APPROPRIATED \$4,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1974, \$8,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1975, \$9,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1976, \$9,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1977, AND \$10,000,000 FOR THE FISCAL YEAR ENDING JUNE 30, 1978. //81 STAT. 534. 42 USC 242B. APPROPRIATION-// **

"(B) THE SECRETARY SHALL MAKE AN ANNUAL REPORT TO THE CONGRESS AND THE PRESIDENT ON (1) THE QUALITY OF HEALTH CARE IN THE UNITED STATES, (2) THE OPERATION OF QUALITY ASSURANCE PROGRAMS, AND (3) ADVANCES MADE THROUGH RESEARCH AND EVALUATION OF THE EFFECTIVENESS, ADMINISTRATION, AND ENFORCEMENT OF QUALITY ASSURANCE PROGRAMS. THE FIRST ANNUAL REPORT UNDER THIS SUBSECTION SHALL BE MADE WITH RESPECT TO CALENDAR YEAR 1974 AND SHALL BE SUBMITTED NOT LATER THAN MARCH 1, 1975. THE OFFICE OF MANAGEMENT AND BUDGET MAY REVIEW THE SECRETARY'S REPORT UNDER THIS SUBSECTION BEFORE ITS SUBMISSION TO THE CONGRESS, BUT THE OFFICE MAY NOT REVISE THE REPORT OR DELAY ITS SUBMISSION TO THE CONGRESS, AND IT MAY SUBMIT TO THE SECRETARY AND THE CONGRESS ITS COMMENTS (AND THOSE OF OTHER DEPARTMENTS AND AGENCIES OF THE GOVERNMENT) WITH RESPECT TO SUCH REPORT." **

HEALTH CARE QUALITY ASSURANCE PROGRAMS STUDY

SEC. 4. (A) THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE SHALL CONTRACT, IN ACCORDANCE WITH SUBSECTION (B), FOR THE CONDUCT OF A STUDY TO--

(1) ANALYZE PAST AND PRESENT MECHANISMS (BOTH REQUIRED BY LAW AND VOLUNTARY) TO ASSURE THE QUALITY OF HEALTH CARE, IDENTIFY THE STRENGTHS AND WEAKNESSES OF CURRENT MAJOR PROTOTYPES OF HEALTH CARE QUALITY ASSURANCE SYSTEMS, AND IDENTIFY ON A COMPARABLE BASIS THE COSTS OF SUCH PROTOTYPES;

(2) PROVIDE A SET OF BASIC PRINCIPLES TO BE FOLLOWED BY ANY EFFECTIVE HEALTH CARE QUALITY ASSURANCE SYSTEM INCLUDING PRINCIPLES AFFECTING THE SCOPE OF THE SYSTEM, METHODS FOR ASSESSING CARE, DATA

REQUIREMENTS, SPECIFICATIONS FOR THE DEVELOPMENT OF CRITERIA AND STANDARDS WHICH RELATE TO DESIRED OUTCOMES OF CARE, AND MEANS FOR ASSESSING THE RESPONSIVENESS OF SUCH CARE TO THE NEEDS AND PERCEPTIONS OF THE CONSUMERS OF SUCH CARE;

(3) PROVIDE AN ASSESSMENT OF PROGRAMS FOR IMPROVING THE PERFORMANCE OF HEALTH PRACTITIONERS AND INSTITUTIONS IN PROVIDING HIGH-QUALITY HEALTH CARE, INCLUDING A STUDY OF THE EFFECTIVENESS OF SANCTIONS AND EDUCATIONAL PROGRAMS;

(4) DEFINE THE SPECIFIC NEEDS FOR A PROGRAM OF RESEARCH AND EVALUATION IN HEALTH CARE QUALITY ASSURANCE METHODS, INCLUDING THE DESIGN OF PROSPECTIVE EVALUATIONS PROTOCOLS FOR HEALTH CARE QUALITY ASSURANCE SYSTEMS; AND

(5) PROVIDE METHODS FOR ASSESSING THE QUALITY OF HEALTH CARE FROM THE POINT OF VIEW OF CONSUMERS OF SUCH CARE.

(B) THE SECRETARY SHALL CONTRACT FOR THE CONDUCT OF THE STUDY REQUIRED BY SUBSECTION (A) WITH A NONPROFIT PRIVATE ORGANIZATION WHICH--

(1) HAS A NATIONAL REPUTATION FOR OBJECTIVITY IN THE CONDUCT OF STUDIES FOR THE FEDERAL GOVERNMENT;

(2) HAS THE CAPACITY TO READILY MARSHALL THE WIDEST POSSIBLE RANGE OF EXPERTISE AND ADVICE RELEVANT TO THE CONDUCT OF SUCH STUDY;

(3) HAS A MEMBERSHIP AND COMPETENT STAFF WHICH HAVE BACKGROUNDS IN GOVERNMENT, THE HEALTH SCIENCES, AND THE SOCIAL SCIENCES;

(4) HAS A HISTORY OF INTEREST AND ACTIVITY IN HEALTH POLICY ISSUES RELATED TO SUCH STUDY; AND

(5) HAS EXTENSIVE EXISTING CONTRACTS WITH INTERESTED PUBLIC AND PRIVATE AGENCIES AND ORGANIZATIONS.

THE SECRETARY SHALL ENTER INTO SUCH CONTRACT WITHIN 90 DAYS OF THE DATE OF THE ENACTMENT OF THE FIRST ACT MAKING AN APPROPRIATION UNDER SUBSECTION (C).

(C) AN INTERIM REPORT PROVIDING A PLAN FOR THE STUDY REQUIRED BY SUBSECTION (A) SHALL BE SUBMITTED BY THE ORGANIZATION CONDUCTING THE STUDY TO THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE OF THE HOUSE OF REPRESENTATIVES AND THE COMMITTEE ON LABOR AND PUBLIC WELFARE OF THE SENATE BY JUNE 30, 1974; AND A FINAL REPORT GIVING THE RESULTS OF THE STUDY AND PROVIDING SPECIFICATIONS FOR AN EFFECTIVE QUALITY ASSURANCE SYSTEM SHALL BE SUBMITTED BY SUCH ORGANIZATION TO THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE OF THE HOUSE OF REPRESENTATIVES AND THE COMMITTEE ON LABOR AND PUBLIC WELFARE OF THE SENATE BY JANUARY 31, 1976.

(D) THERE IS AUTHORIZED TO BE APPROPRIATED \$10,000,000, WHICH SHALL BE AVAILABLE WITHOUT FISCAL YEAR LIMITATION, FOR THE CONDUCT OF THE STUDY REQUIRED BY SUBSECTION (A).

REPORTS RESPECTING MEDICALLY UNDERSERVED AREAS AND POPULATION GROUPS AND NON-METROPOLITAN AREAS

SEC. 5. WITHIN THREE MONTHS OF THE DATE OF THE ENACTMENT OF THIS ACT, THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE SHALL REPORT TO THE CONGRESS THE CRITERIA USED BY HIM IN THE DESIGNATION OF MEDICALLY UNDERSERVED AREAS AND POPULATION GROUPS FOR THE PURPOSES OF SECTION 1302(7) OF THE PUBLIC HEALTH SERVICE ACT. WITHIN ONE YEAR OF SUCH DATE, THE

SECRETARY SHALL REPORT TO THE CONGRESS (1) THE AREAS AND POPULATION GROUPS DESIGNATED BY HIM UNDER SUCH SECTION 1302(7) AS HAVING A SHORTAGE OF PERSONAL HEALTH SERVICES, (2) THE COMMENTS (IF ANY) SUBMITTED BY STATE AND AREA-WIDE COMPREHENSIVE HEALTH PLANNING AGENCIES UNDER SUCH SECTION WITH RESPECT TO ANY SUCH DESIGNATION, AND (3) THE AREAS WHICH MEET THE DEFINITIONAL STANDARDS UNDER SECTION 1302(9) OF SUCH ACT FOR NON-METROPOLITAN AREAS. THE OFFICE OF MANAGEMENT AND BUDGET MAY REVIEW THE SECRETARY'S REPORT UNDER THIS SECTION BEFORE ITS SUBMISSION TO THE CONGRESS, BUT THE OFFICE MAY NOT REVISE THE REPORT OR DELAY ITS SUBMISSION BEYOND THE DATE PRESCRIBED FOR ITS SUBMISSION, AND IT MAY SUBMIT TO CONGRESS ITS COMMENTS (AND THOSE OF OTHER DEPARTMENTS AND AGENCIES OF THE GOVERNMENT) RESPECTING SUCH REPORT. //ANTE, P. 917.//

HEALTH SERVICES FOR INDIANS AND DOMESTIC AGRICULTURAL
MIGRATORY AND SEASONAL WORKERS

SEC. 6. (A) THE FIRST SECTION OF THE ACT OF AUGUST 5, 1954 (42 U.S.C. 2001), IS AMENDED BY INSERTING "(A)" AFTER "THAT" AND BY ADDING AT THE END THEREOF THE FOLLOWING NEW SUBSECTION: //68 STAT. 674.//

"(B) IN CARRYING OUT HIS FUNCTIONS, RESPONSIBILITIES, AUTHORITIES, AND DUTIES UNDER THIS ACT, THE SECRETARY IS AUTHORIZED, WITH THE CONSENT OF THE INDIAN PEOPLE SERVED, TO CONTRACT WITH PRIVATE OR OTHER NON-FEDERAL HEALTH AGENCIES OR ORGANIZATIONS FOR THE PROVISION OF HEALTH SERVICES TO SUCH PEOPLE ON A FEE-FOR-SERVICE BASIS OR ON A PREPAYMENT OR OTHER SIMILAR BASIS."

(B) THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE, IN CONNECTION WITH EXISTING AUTHORITY (EXCEPT SECTION 310 OF THE PUBLIC HEALTH SERVICE ACT) FOR THE PROVISION OF HEALTH SERVICES TO DOMESTIC AGRICULTURAL MIGRATORY WORKERS, TO PERSONS WHO PERFORM SEASONAL AGRICULTURAL SERVICES SIMILAR TO THE SERVICES PERFORMED BY SUCH WORKERS, AND TO THE FAMILIES OF SUCH WORKERS AND PERSONS, IS AUTHORIZED TO ARRANGE FOR THE PROVISION OF HEALTH SERVICES TO SUCH WORKERS AND PERSONS AND THEIR FAMILIES THROUGH HEALTH MAINTENANCE ORGANIZATIONS. IN CARRYING OUT THIS SUBSECTION THE SECRETARY MAY ONLY USE SUMS APPROPRIATED AFTER THE DATE OF THE ENACTMENT OF THIS ACT. //76 STAT. 592. 42 USC 242H.//

CONFORMING AMENDMENTS

SEC. 7. (A) SECTION 1 OF THE PUBLIC HEALTH SERVICE ACT IS AMENDED TO

READ AS FOLLOWS //58 STAT. 682; 86 STAT. 137. 42 USC 201 NOTE.//
 "SHORT TITLE

"SECTION 1. THIS ACT MAY BE CITED AS THE 'PUBLIC HEALTH SERVICE ACT'."
 (B) TITLE XIII OF THE ACT OF JULY 1, 1944 (58 STAT. 682) (AS SO
 DESIGNATED BY SECTION 2(B) OF THE EMERGENCY MEDICAL SERVICES SYSTEMS ACT
 OF 1973 (PUBLIC LAW 93 - 154) IS REPEALED. //ANTE, P. 604.//

(C) SECTION 306(G) OF THE FEDERAL NATIONAL MORTGAGE ASSOCIATION ACT (12
 U.S.C. 1721(G)) IS AMENDED BY INSERTING ", OR WHICH ARE GUARANTEED UNDER
 TITLE XIII OF THE PUBLIC HEALTH SERVICE ACT" AFTER "CHAPTER 37 OF TITLE 38,
 UNITED STATES CODE". //82 STAT. 542. 38 USC 1801.//

LEGISLATIVE HISTORY:

HOUSE REPORTS: NO. 93 - 451 ACCOMPANYING H. R. 7974
 (COMM. ON INTERSTATE AND FOREIGN COMMERCE) AND NO. 93 - 714 (COMM. OF
 CONFERENCE).

SENATE REPORTS: NO. 93 - 129 (COMM. ON LABOR AND PUBLIC
 WELFARE) AND NO. 93 - 621 (COMM. OF CONFERENCE).

CONGRESSIONAL RECORD, VOL. 119 (1973):

MAY 14, 15, CONSIDERED AND PASSED SENATE. SEPT. 12, CONSIDERED AND
 PASSED HOUSE, AMENDED, IN LIEU OF H.R. 7974. DEC. 18, HOUSE AGREED
 TO CONFERENCE REPORT. DEC. 19, SENATE AGREED TO CONFERENCE REPORT.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS,

VOL. 10, NO. 1 (1974): DEC. 29, 1973, PRESIDENTIAL STATEMENT.

ITEM 49

00104.87.009850

PUBLIC LAW 93 - 236: 87 STAT. 985, REGIONAL RAIL REORGANIZATION ACT OF 1973 (TITLES I - II)

93RD CONGRESS, H. R. 9142

JANUARY 2, 1974

AN ACT

TO AUTHORIZE AND DIRECT THE MAINTENANCE OF ADEQUATE AND EFFICIENT RAIL SERVICES IN THE MIDWEST AND NORTHEAST REGION OF THE UNITED STATES, AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, THAT THIS ACT, DIVIDED INTO TITLES AND SECTIONS ACCORDING TO THE FOLLOWING TABLE OF CONTENTS, MAY BE CITED AS THE "REGIONAL RAIL REORGANIZATION ACT OF 1973". TABLE OMITTED

DECLARATION OF POLICY

SEC. 101. (A) FINDINGS.--THE CONGRESS FINDS AND DECLARES THAT--

(1) ESSENTIAL RAIL SERVICE IN THE MIDWEST AND NORTHEAST REGION OF THE UNITED STATES IS PROVIDED BY RAILROADS WHICH ARE TODAY INSOLVENT AND ATTEMPTING TO UNDERGO REORGANIZATION UNDER THE BANKRUPTCY ACT. //30 STAT. 544. 11 USC 1 NOTE.//

(2) THIS ESSENTIAL RAIL SERVICE IS THREATENED WITH CESSATION OR SIGNIFICANT CURTAILMENT BECAUSE OF THE INABILITY OF THE TRUSTEES OF SUCH RAILROADS TO FORMULATE ACCEPTABLE PLANS OF REORGANIZATION. THIS RAIL SERVICE IS OPERATED OVER RAIL PROPERTIES WHICH WERE ACQUIRED FOR A PUBLIC USE, BUT WHICH HAVE BEEN PERMITTED TO DETERIORATE AND NOW REQUIRE EXTENSIVE REHABILITATION AND MODERNIZATION.

(3) THE PUBLIC CONVENIENCE AND NECESSITY REQUIRE ADEQUATE AND EFFICIENT RAIL SERVICE IN THIS REGION AND THROUGHOUT THE NATION TO MEET THE NEEDS OF COMMERCE, THE NATIONAL DEFENSE, THE ENVIRONMENT, AND THE SERVICE REQUIREMENTS OF PASSENGERS, UNITED STATES MAIL, SHIPPERS, STATES AND THEIR POLITICAL SUBDIVISIONS, AND CONSUMERS.

(4) CONTINUATION AND IMPROVEMENT OF ESSENTIAL RAIL SERVICE IN THIS REGION IS ALSO NECESSARY TO PRESERVE AND MAINTAIN ADEQUATE NATIONAL RAIL SERVICES AND AN EFFICIENT NATIONAL RAIL TRANSPORTATION SYSTEM.

(5) RAIL SERVICE AND RAIL TRANSPORTATION OFFER ECONOMIC AND ENVIRONMENTAL ADVANTAGES WITH RESPECT TO LAND USE, AIR POLLUTION, NOISE LEVELS, ENERGY EFFICIENCY AND CONSERVATION, RESOURCE ALLOCATION, SAFETY, AND COST PER TON-MILE OF MOVEMENTS TO SUCH EXTENT THAT THE PRESERVATION AND MAINTENANCE OF ADEQUATE AND EFFICIENT RAIL SERVICE IS IN THE NATIONAL INTEREST.

(6) THESE NEEDS CANNOT BE MET WITHOUT SUBSTANTIAL ACTION BY THE FEDERAL GOVERNMENT.

(B) PURPOSES.--IT IS THEREFORE DECLARED TO BE THE PURPOSE OF CONGRESS IN THIS ACT TO PROVIDE FOR--

(1) THE IDENTIFICATION OF A RAIL SERVICE SYSTEM IN THE MIDWEST AND NORTHEAST REGION WHICH IS ADEQUATE TO MEET THE NEEDS AND SERVICE

REQUIREMENTS OF THIS REGION AND OF THE NATIONAL RAIL TRANSPORTATION SYSTEM;

(2) THE REORGANIZATION OF RAILROADS IN THIS REGION INTO AN ECONOMICALLY VIABLE SYSTEM CAPABLE OF PROVIDING ADEQUATE AND EFFICIENT RAIL SERVICE TO THE REGION;

(3) THE ESTABLISHMENT OF THE UNITED STATES RAILWAY ASSOCIATION, WITH ENUMERATED POWERS AND RESPONSIBILITIES;

(4) THE ESTABLISHMENT OF THE CONSOLIDATED RAIL CORPORATION, WITH ENUMERATED POWERS AND RESPONSIBILITIES;

(5) ASSISTANCE TO STATES AND LOCAL AND REGIONAL TRANSPORTATION AUTHORITIES FOR CONTINUATION OF LOCAL RAIL SERVICES THREATENED WITH CESSATION; AND

(6) NECESSARY FEDERAL FINANCIAL ASSISTANCE AT THE LOWEST POSSIBLE COST TO THE GENERAL TAXPAYER.

DEFINITIONS

SEC. 102. AS USED IN THIS ACT, UNLESS THE CONTEXT OTHERWISE REQUIRES--

(1) "ASSOCIATION" MEANS THE UNITED STATES RAILWAY ASSOCIATION, ESTABLISHED UNDER SECTION 201 OF THIS ACT;

(2) "COMMISSION" MEANS THE INTERSTATE COMMERCE COMMISSION;

(3) "CORPORATION" MEANS THE CONSOLIDATED RAIL CORPORATION REQUIRED TO BE ESTABLISHED UNDER SECTION 301 OF THIS ACT;

(4) "EFFECTIVE DATE OF THE FINAL SYSTEM PLAN" MEANS THE DATE ON WHICH THE FINAL SYSTEM PLAN OR ANY REVISED FINAL SYSTEM PLAN IS DEEMED APPROVED BY CONGRESS, IN ACCORDANCE WITH SECTION 208 OF THIS ACT;

(5) "EMPLOYEE STOCK OWNERSHIP PLAN" MEANS A TECHNIQUE OF CORPORATE FINANCE THAT USES A STOCK BONUS TRUST OR A COMPANY STOCK MONEY PURCHASE PENSION TRUST WHICH QUALIFIES UNDER SECTION 401 (A) OF THE INTERNAL REVENUE CODE OF 1954 (26 U.S.C. 401 (A)) //68A STAT. 134; 76 STAT. 809.// IN CONNECTION WITH THE FINANCING OF CORPORATE ASSETS, AND OTHER CAPITAL REQUIREMENTS OF A CORPORATION AND WHICH IS DESIGNED TO BUILD BENEFICIAL EQUITY OWNERSHIP OF SHARES IN THE EMPLOYER CORPORATION INTO ITS EMPLOYEES SUBSTANTIALLY IN PROPORTION TO THEIR RELATIVE INCOMES, WITHOUT REQUIRING ANY CASH OUTLAY, ANY REDUCTION IN PAY OR OTHER EMPLOYEE BENEFITS, OR THE SURRENDER OF ANY OTHER RIGHTS ON THE PART OF SUCH EMPLOYEES.

(6) "FINAL SYSTEM PLAN" MEANS THE PLAN OF REORGANIZATION FOR THE RESTRUCTURE, REHABILITATION, AND MODERNIZATION OF RAILROADS IN REORGANIZATION PREPARED PURSUANT TO SECTION 206 AND APPROVED PURSUANT TO SECTION 208 OF THIS ACT;

(7) "INCLUDES" AND VARIANTS THEREOF SHOULD BE READ AS IF THE PHRASE "BUT IS NOT LIMITED TO" WERE ALSO SET FORTH;

(8) "OFFICE" MEANS THE RAIL SERVICES PLANNING OFFICE ESTABLISHED UNDER SECTION 205 OF THIS ACT;

(9) "PROFITABLE RAILROAD" MEANS A RAILROAD WHICH IS NOT A RAILROAD IN REORGANIZATION. THE TERM DOES NOT INCLUDE THE CORPORATION, THE NATIONAL RAILROAD PASSENGER CORPORATION, OR A RAILROAD LEASED, OPERATED, OR CONTROLLED BY A RAILROAD IN

REORGANIZATION IN THE REGION:

(10) "RAIL PROPERTIES" MEANS ASSETS OR RIGHTS OWNED, LEASED, OR OTHERWISE CONTROLLED BY A RAILROAD WHICH ARE USED OR USEFUL IN RAIL TRANSPORTATION SERVICE; EXCEPT THAT THE TERM, WHEN USED IN CONJUNCTION WITH THE PHASE "RAILROADS LEASED, OPERATED OR CONTROLLED BY A RAILROAD IN REORGANIZATION", SHALL NOT INCLUDE ASSETS OR RIGHTS OWNED, LEASED, OR OTHERWISE CONTROLLED BY A CLASS I RAILROAD WHICH IS NOT WHOLLY OWNED, OPERATED, OR LEASED BY A RAILROAD IN REORGANIZATION BUT IS CONTROLLED BY A RAILROAD IN REORGANIZATION;

(11) "RAILROAD" MEANS A COMMON CARRIER BY RAILROAD AS DEFINED IN SECTION 1 (3) OF PART I OF THE INTERSTATE COMMERCE ACT (49 U.S.C. 1 (3)). THE TERM INCLUDES THE CORPORATION AND THE NATIONAL RAILROAD PASSENGER CORPORATION; //41 STAT. 474-//

(12) "RAILROAD IN REORGANIZATION" MEANS A RAILROAD WHICH IS SUBJECT TO A BANKRUPTCY PROCEEDING AND WHICH HAS NOT BEEN DETERMINED BY A COURT TO BE REORGANIZABLE OR NOT SUBJECT TO REORGANIZATION PURSUANT TO THIS ACT AS PRESCRIBED IN SECTION 207 (B) OF THIS ACT. A "BANKRUPTCY PROCEEDING" INCLUDES A PROCEEDING PURSUANT TO SECTION 77 OF THE BANKRUPTCY ACT (11 U.S.C. 205) AND AN EQUITY RECEIVERSHIP OR EQUIVALENT PROCEEDING; 575223890 //49 STAT. //49 STAT. 911; 76 STAT. 572-//

(13) "REGION" MEANS THE STATES OF MAINE, NEW HAMPSHIRE, VERMONT, MASSACHUSETTS, CONNECTICUT, RHODE ISLAND, NEW YORK, NEW JERSEY, PENNSYLVANIA, DELAWARE, MARYLAND, VIRGINIA, WEST VIRGINIA, OHIO, INDIANA, MICHIGAN, AND ILLINOIS; THE DISTRICT OF COLUMBIA; AND THOSE PORTIONS OF CONTIGUOUS STATES IN WHICH ARE LOCATED RAIL PROPERTIES OWNED OR OPERATED BY RAILROADS DOING BUSINESS PRIMARILY IN THE AFOREMENTIONAL JURISDICTIONS (AS DETERMINED BY THE COMMISSION BY ORDER);

(14) "SECRETARY" MEANS THE SECRETARY OF TRANSPORTATION OR HIS DELEGATE, UNLESS THE CONTEXT INDICATES OTHERWISE; AND

(15) "STATE" MEANS ANY STATE OR THE DISTRICT OF COLUMBIA.

TITLE II--UNITED STATES RAILWAY ASSOCIATION
FORMATION AND STRUCTURE

SEC. 201. (A) ESTABLISHMENT.--THERE IS ESTABLISHED, IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION, AN INCORPORATED NONPROFIT ASSOCIATION TO BE KNOWN AS THE UNITED STATES RAILWAY ASSOCIATION.

(B) ADMINISTRATION.--THE ASSOCIATION SHALL BE DIRECTED BY A BOARD OF DIRECTORS. THE INDIVIDUALS DESIGNATED, PURSUANT TO SUBSECTION (D) (2) OF THIS SECTION, AS THE GOVERNMENT MEMBERS OF SUCH BOARD SHALL BE DEEMED THE INCORPORATORS OF THE ASSOCIATION AND SHALL TAKE WHATEVER STEPS ARE NECESSARY TO ESTABLISH THE ASSOCIATION, INCLUDING FILING OF ARTICLES OF INCORPORATION, AND SERVING AS AN ACTING BOARD OF DIRECTORS FOR A PERIOD OF NOT MORE THAN 45 DAYS AFTER THE DATE OF INCORPORATION OF THE ASSOCIATION.

(C) STATUS.--THE ASSOCIATION SHALL BE A GOVERNMENT CORPORATION OF THE DISTRICT OF COLUMBIA SUBJECT, TO THE EXTENT NOT INCONSISTENT WITH THIS TITLE, TO THE DISTRICT OF COLUMBIA NONPROFIT CORPORATION ACT (D.C. CODE, SEC. 29 - 1011 ET SEQ.). //76 STAT. 265-// EXCEPT AS OTHERWISE PROVIDED,

EMPLOYEES OF THE ASSOCIATION SHALL NOT BE DEEMED EMPLOYEES OF THE FEDERAL GOVERNMENT. THE ASSOCIATION SHALL HAVE SUCCESSION UNTIL DISSOLVED BY ACT OF CONGRESS, SHALL MAINTAIN ITS PRINCIPAL OFFICE IN THE DISTRICT OF COLUMBIA, AND SHALL BE DEEMED TO BE A RESIDENT OF THE DISTRICT OF COLUMBIA WITH RESPECT TO VENUE IN ANY LEGAL PROCEEDING.

(D) BOARD OF DIRECTORS.--THE BOARD OF DIRECTORS OF THE ASSOCIATION SHALL CONSIST OF 11 INDIVIDUALS, AS FOLLOWS:

(1) THE CHAIRMAN, A QUALIFIED INDIVIDUAL WHO SHALL BE APPOINTED BY THE PRESIDENT, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE;

(2) THREE GOVERNMENT MEMBERS, WHO SHALL BE THE SECRETARY, THE CHAIRMAN OF THE COMMISSION, AND THE SECRETARY OF THE TREASURY, OR THEIR DULY AUTHORIZED REPRESENTATIVES;

(3) SEVEN NONGOVERNMENT MEMBERS, WHO SHALL BE APPOINTED BY THE PRESIDENT, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE, ON THE FOLLOWING BASIS--

(A) ONE TO BE SELECTED FROM A LIST OF QUALIFIED INDIVIDUALS RECOMMENDED BY THE ASSOCIATION OF AMERICAN RAILROADS OR ITS SUCCESSOR WHO ARE REPRESENTATIVES OF PROFITABLE RAILROADS;

(B) ONE TO BE SELECTED FROM A LIST OF QUALIFIED INDIVIDUALS RECOMMENDED BY THE AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS OR ITS SUCCESSOR WHO ARE REPRESENTATIVE OF RAILROAD LABOR;

(C) ONE TO BE SELECTED FROM A LIST OF QUALIFIED INDIVIDUALS RECOMMENDED BY THE NATIONAL GOVERNORS CONFERENCE;

(D) ONE TO BE SELECTED FROM A LIST OF QUALIFIED INDIVIDUALS RECOMMENDED BY THE NATIONAL LEAGUE OF CITIES AND CONFERENCE OF MAYORS;

(E) TWO TO BE SELECTED FROM LISTS OF QUALIFIED INDIVIDUALS RECOMMENDED BY SHIPPERS AND ORGANIZATIONS REPRESENTATIVE OF SIGNIFICANT SHIPPING INTERESTS INCLUDING SMALL SHIPPERS;

(F) ONE TO BE SELECTED FROM LISTS OF QUALIFIED INDIVIDUALS RECOMMENDED BY FINANCIAL INSTITUTIONS, THE FINANCIAL COMMUNITY, AND RECOGNIZED FINANCIAL LEADERS.

AS USED IN THIS PARAGRAPH, A LIST OF QUALIFIED INDIVIDUALS SHALL CONSIST OF NOT LESS THAN THREE INDIVIDUALS. EXCEPT FOR THE MEMBERS APPOINTED UNDER PARAGRAPHS (1) AND (3) (A), (B), (E), AND (F), NO MEMBER OF THE BOARD MAY HAVE ANY EMPLOYMENT OR OTHER DIRECT FINANCIAL RELATIONSHIP WITH ANY RAILROAD. A MEMBER OF THE BOARD WHO IS NOT OTHERWISE AN EMPLOYEE OF THE FEDERAL GOVERNMENT MAY RECEIVE \$300 PER DIEM WHEN ENGAGED IN THE ACTUAL PERFORMANCE OF HIS DUTIES PLUS REIMBURSEMENT FOR TRAVEL, SUBSISTENCE, AND OTHER NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF SUCH DUTIES.

(3) TERMS OF OFFICE.--THE TERMS OF OFFICE OF THE NONGOVERNMENT MEMBERS OF THE BOARD OF DIRECTORS OF THE ASSOCIATION FIRST TAKING OFFICE SHALL EXPIRE AS DESIGNATED BY THE PRESIDENT AT THE TIME OF NOMINATION--TWO AT THE END OF THE SECOND YEAR; TWO AT THE END OF THE FOURTH YEAR; AND THREE AT THE END OF THE SIXTH YEAR. THE TERM OF OFFICE OF THE CHAIRMAN OF SUCH BOARD SHALL BE 6 YEARS. SUCCESSORS TO MEMBERS OF SUCH BOARD SHALL BE

APPOINTED IN THE SAME MANNER AS THE ORIGINAL MEMBERS AND, EXCEPT IN THE CASE OF GOVERNMENT MEMBERS, SHALL HAVE TERMS OF OFFICE EXPIRING 6 YEARS FROM THE DATE OF EXPIRATION OF THE TERMS FOR WHICH THEIR PREDECESSORS WERE APPOINTED. ANY INDIVIDUAL APPOINTED TO FILL A VACANCY OCCURRING PRIOR TO THE EXPIRATION OF ANY TERM OF OFFICE SHALL BE APPOINTED FOR THE REMAINDER OF THAT TERM.

(F) QUORUM.--BEGINNING 45 DAYS AFTER THE DATE OF INCORPORATION OF THE ASSOCIATION, SIX MEMBERS OF THE BOARD, INCLUDING THREE OF THE NON-GOVERNMENT MEMBERS, SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF ANY FUNCTION OF THE ASSOCIATION.

(G) PRESIDENT.--THE BOARD OF DIRECTORS OF THE ASSOCIATION, UPON THE RECOMMENDATION OF THE SECRETARY, SHALL APPOINT A QUALIFIED INDIVIDUAL TO SERVE AS THE PRESIDENT OF THE ASSOCIATION AT THE PLEASURE OF THE BOARD. THE PRESIDENT OF THE ASSOCIATION, SUBJECT TO THE DIRECTION OF THE BOARD, SHALL MANAGE AND SUPERVISE THE AFFAIRS OF THE ASSOCIATION.

(H) EXECUTIVE COMMITTEE.--THE BOARD OF DIRECTORS OF THE ASSOCIATION SHALL HAVE AN EXECUTIVE COMMITTEE WHICH SHALL CONSIST OF THE CHAIRMAN OF THE BOARD, THE SECRETARY, THE CHAIRMAN OF THE COMMISSION, AND TWO OTHER MEMBERS WHO SHALL BE SELECTED BY THE MEMBERS OF THE BOARD.

(I) MISCELLANEOUS.--(1) THE ASSOCIATION SHALL HAVE A SEAL WHICH SHALL BE JUDICIALLY RECOGNIZED.

(2) THE ADMINISTRATOR OF GENERAL SERVICES SHALL FURNISH THE ASSOCIATION WITH SUCH OFFICES, EQUIPMENT, SUPPLIES, AND SERVICES AS HE IS AUTHORIZED TO FURNISH TO ANY OTHER AGENCY OR INSTRUMENTALITY OF THE UNITED STATES.

(3) THE SECRETARY IS AUTHORIZED TO TRANSFER TO THE ASSOCIATION OR THE CORPORATION RIGHTS IN INTELLECTUAL PROPERTY WHICH ARE DIRECTLY RELATED TO THE CONDUCT OF THE FUNCTIONS OF THE ASSOCIATION OR THE CORPORATION, TO THE EXTENT THAT THE FEDERAL GOVERNMENT HAS SUCH RIGHTS AND TO THE EXTENT THAT TRANSFER IS NECESSARY TO CARRY OUT THE PURPOSES OF THIS ACT.

(J) USE OF NAMES.--NO PERSON, EXCEPT THE ASSOCIATION, SHALL HEREAFTER USE THE WORDS "UNITED STATES RAILWAY ASSOCIATION" AS A NAME FOR ANY BUSINESS PURPOSE. NO PERSON, EXCEPT THE CORPORATION DIRECTED TO BE ESTABLISHED UNDER SECTION 301 OF THIS ACT, SHALL HEREAFTER USE THE WORDS "CONSOLIDATED RAIL CORPORATION" AS A NAME FOR ANY BUSINESS PURPOSE. VIOLATIONS OF THESE PROVISIONS MAY BE ENJOINED BY ANY COURT OF GENERAL JURISDICTION IN AN ACTION COMMENCED BY THE ASSOCIATION OR THE CORPORATION. IN ANY SUCH ACTION, THE ASSOCIATION OR THE CORPORATION MAY RECOVER ANY ACTUAL DAMAGES FLOWING FROM SUCH VIOLATION, AND, IN ADDITION, SHALL BE ENTITLED TO PUNITIVE DAMAGES (REGARDLESS OF THE EXISTENCE OR NONEXISTENCE OF ACTUAL DAMAGE) IN AN AMOUNT NOT TO EXCEED \$100 FOR EACH DAY DURING WHICH SUCH VIOLATION WAS COMMITTED. THE DISTRICT COURTS OF THE UNITED STATES SHALL HAVE JURISDICTION OVER ACTIONS BROUGHT UNDER THIS SUBSECTION, WITHOUT REGARD TO THE AMOUNT IN CONTROVERSY OR THE CITIZENSHIP OF THE PARTIES.

GENERAL POWERS AND DUTIES OF THE ASSOCIATION

SEC. 202. (A) GENERAL.--TO CARRY OUT THE PURPOSES OF THIS ACT, THE ASSOCIATION IS AUTHORIZED TO--

(1) ENGAGE IN THE PREPARATION AND IMPLEMENTATION OF THE FINAL

SYSTEM PLAN;

(2) ISSUE OBLIGATIONS UNDER SECTION 210 OF THIS TITLE AND MAKE LOANS UNDER SECTION 211 OF THIS TITLE; //POST, P. 1000.//

(3) PROVIDE ASSISTANCE TO STATES AND LOCAL OR REGIONAL TRANSPORTATION

AUTHORITIES IN ACCORDANCE WITH SECTION 403 OF THIS ACT;

(4) SUE AND BE SUED, COMPLAIN AND DEFEND, IN THE NAME OF THE ASSOCIATION AND THROUGH ITS OWN ATTORNEYS; ADOPT, AMEND, AND REPEAL BYLAWS GOVERNING THE OPERATION OF THE ASSOCIATION AND SUCH RULES AND REGULATIONS AS ARE NECESSARY TO CARRY OUT THE AUTHORITY GRANTED UNDER THIS ACT; CONDUCT ITS AFFAIRS, CARRY ON OPERATIONS, AND MAINTAIN OFFICES;

(5) APPOINT, FIX THE COMPENSATION, AND ASSIGN THE DUTIES OF SUCH ATTORNEYS, AGENTS, CONSULTANTS, AND OTHER FULL- AND PART-TIME EMPLOYEES AS IT DEEMS NECESSARY OR APPROPRIATE; EXCEPT THAT (1) NO OFFICER OF THE ASSOCIATION, INCLUDING THE CHAIRMAN, MAY RECEIVE COMPENSATION AT A RATE IN EXCESS OF THAT PRESCRIBED FOR LEVEL I OF THE EXECUTIVE SCHEDULE UNDER SECTION 5312 OF TITLE 5, UNITED STATES CODE; AND (2) NO INDIVIDUAL MAY HOLD A POSITION IN VIOLATION OF REGULATIONS WHICH THE SECRETARY SHALL ESTABLISH TO AVOID CONFLICTS OF INTEREST AND TO PROTECT THE INTERESTS OF THE PUBLIC; //80 STAT. 460; 84 STAT. 776.//

(6) ACQUIRE AND HOLD SUCH REAL AND PERSONAL AS IT DEEMS NECESSARY OR APPROPRIATE IN THE EXERCISE OF ITS RESPONSIBILITIES UNDER THIS ACT, AND TO DISPOSE OF ANY SUCH PROPERTY HELD BY IT;

(7) CONSULT WITH THE SECRETARY OF THE ARMY AND THE CHIEF OF ENGINEERS AND REQUEST THE ASSISTANCE OF THE CORPS OF ENGINEERS, AND THE SECRETARY OF THE ARMY MAY DIRECT THE CORPS OF ENGINEERS TO COOPERATE FULLY WITH THE ASSOCIATION, THE CORPORATION, OR ANY ENTITY DESIGNATED IN ACCORDANCE WITH SECTION 206 (C) (1) (C) IN ORDER TO CARRY OUT THE PURPOSES OF THIS ACT;

(8) CONSULT ON AN ONGOING BASIS WITH THE CHAIRMAN OF THE FEDERAL TRADE COMMISSION AND THE ATTORNEY GENERAL TO ASSESS THE POSSIBLE ANTICOMPETITIVE EFFECTS OF VARIOUS PROPOSALS AND TO NEGOTIATE PROVISIONS WHICH WOULD, TO THE GREATEST EXTENT PRACTICABLE IN ACCORDANCE WITH THE PURPOSES OF THIS ACT AND THE GOAL SET FORTH IN SECTION 206 (A) (5) OF THIS TITLE, ALLEVIATE ANY SUCH ANTICOMPETITIVE EFFECTS;

(9) CONSULT WITH REPRESENTATIVES OF SCIENCE, INDUSTRY, AGRICULTURE, LABOR, ENVIRONMENTAL PROTECTION AND CONSUMER ORGANIZATIONS, AND OTHER GROUPS, AS IT DEEMS ADVISABLE; AND

(10) ENTER INTO, WITHOUT REGARD TO SECTION 3709 OF THE REVISED STATUTES OF THE UNITED STATES (41 U.S.C. 5), SUCH CONTRACTS, LEASES, COOPERATIVE AGREEMENTS, OR OTHER TRANSACTIONS AS MAY BE NECESSARY IN THE CONDUCT OF ITS FUNCTIONS AND DUTIES WITH ANY PERSON (INCLUDING A GOVERNMENT ENTITY).

(B) DUTIES.--IN ADDITION TO ITS DUTIES AND RESPONSIBILITIES UNDER OTHER

PROVISIONS OF THIS ACT, THE ASSOCIATION SHALL--

(1) PREPARE A SURVEY OF EXISTING RAIL SERVICES IN THE REGION, INCLUDING PATTERNS OF TRAFFIC MOVEMENT; TRAFFIC DENSITY OVER IDENTIFIED LINES; PERTINENT COSTS AND REVENUES OF LINES; AND PLANT, EQUIPMENT, AND FACILITIES (INCLUDING YARDS AND TERMINALS);

(2) PREPARE AN ECONOMIC AND OPERATIONAL STUDY AND ANALYSIS OF PRESENT AND FUTURE RAIL SERVICE NEEDS IN THE REGION; THE NATURE AND VOLUME OF THE TRAFFIC IN THE REGION NOW BEING MOVED BY RAIL OR LIKELY TO BE MOVED BY RAIL IN THE FUTURE; THE EXTENT TO WHICH AVAILABLE ALTERNATIVE MODES OF TRANSPORTATION COULD MOVE SUCH TRAFFIC AS IS NOW CARRIED BY RAILROADS IN REORGANIZATION; THE

RELATIVE ECONOMIC, SOCIAL, AND ENVIRONMENTAL COSTS THAT WOULD BE INVOLVED IN THE USE OF SUCH AVAILABLE ALTERNATIVE MODES, INCLUDING ENERGY RESOURCE COSTS; AND THE COMPETITIVE OR OTHER EFFECTS ON PROFITABLE RAILROADS;

(3) PREPARE A STUDY OF RAIL PASSENGER SERVICES IN THE REGION, IN TERMS OF SCOPE AND QUALITY;

(4) CONSIDER THE VIEWS OF THE OFFICE AND OF ALL GOVERNMENT OFFICIALS AND PERSONS WHO SUBMIT VIEWS, REPORTS, OR TESTIMONY UNDER SECTION 205 (D) (1) OF THIS TITLE OR IN THE COURSE OF PROCEEDINGS CONDUCTED BY THE OFFICE; //POST, P. 994.//

(5) CONSIDER METHODS OF ACHIEVING ECONOMIES IN THE COST OF RAIL SYSTEM OPERATIONS IN THE REGION INCLUDING CONSOLIDATION, POOLING, AND JOINT USE OR OPERATION OF LINES, FACILITIES, AND OPERATING EQUIPMENT; RELOCATION; REHABILITATION AND MODERNIZATION OF

EQUIPMENT, TRACK, AND OTHER FACILITIES; AND ABANDONMENT OF LINES CONSISTENT WITH MEETING NEEDS AND SERVICE REQUIREMENTS; TOGETHER WITH THE ANTICIPATED ECONOMIC, SOCIAL, AND ENVIRONMENTAL COSTS AND BENEFITS OF EACH SUCH METHOD;

(6) CONSIDER THE EFFECT ON RAILROAD EMPLOYEES OF ANY RESTRUCTURING OF RAIL SERVICES IN THE REGION;

(7) MAKE AVAILABLE TO THE SECRETARY, THE DIRECTOR OF THE OFFICE AND APPROPRIATE COMMITTEES OF THE CONGRESS ALL STUDIES, DATA, AND OTHER INFORMATION ACQUIRED OR DEVELOPED BY THE ASSOCIATION.

(C) INVESTMENT OF FUNDS.--UNCOMMITTED FUNDS OF THE ASSOCIATION SHALL BE KEPT IN CASH ON HAND OR ON DEPOSIT, OR INVESTED IN OBLIGATIONS OF THE UNITED STATES OR GUARANTEED THEREBY, OR IN OBLIGATIONS, PARTICIPATIONS, OR OTHER INVESTMENTS WHICH ARE LAWFUL INVESTMENTS FOR FIDUCIARY, TRUST, OR PUBLIC FUNDS.

(D) EXEMPTION FROM TAXATION.--THE ASSOCIATION, INCLUDING ITS FRANCHISE, CAPITAL RESERVES, SUPPLUS, SECURITY HOLDINGS, AND INCOME SHALL BE EXEMPT FROM ALL TAXATION NOW OR HEREAFTER IMPOSED BY THE UNITED STATES, ANY COMMONWEALTH, TERRITORY, DEPENDENCY, OR POSSESSION THEREOF, OR BY ANY STATE OR POLITICAL SUBDIVISION THEREOF, EXCEPT THAT ANY REAL PROPERTY OF THE ASSOCIATION SHALL BE SUBJECT TO TAXATION TO THE SAME EXTENT ACCORDING TO ITS VALUE AS OTHER REAL PROPERTY IS TAXED.

(F) ANNUAL REPORT.--THE ASSOCIATION SHALL TRANSMIT TO THE CONGRESS AND THE PRESIDENT, NOT LATER THAN 90 DAYS AFTER THE END OF EACH FISCAL YEAR, A COMPREHENSIVE AND DETAILED REPORT ON ALL ACTIVITIES OF THE ASSOCIATION DURING THE PRECEDING FISCAL YEAR. EACH SUCH REPORT SHALL INCLUDE (1) THE ASSOCIATION'S STATEMENT OF SPECIFIC AND DETAILED OBJECTIVES FOR THE ACTIVITIES AND PROGRAMS CONDUCTED AND ASSISTED UNDER THIS ACT; (2) STATEMENTS OF THE ASSOCIATION'S CONCLUSIONS AS TO THE EFFECTIVENESS OF SUCH ACTIVITIES AND PROGRAMS IN MEETING THE STATED OBJECTIVES AND THE PURPOSES OF THIS ACT, MEASURED THROUGH THE END OF THE PRECEDING FISCAL YEAR; (3) RECOMMENDATIONS WITH RESPECT TO ANY LEGISLATION OR ACTION; (4) A STATISTICAL COMPILATION OF THE OBLIGATIONS ISSUED AND LOANS MADE UNDER THIS ACT; (5) A SUMMARY OF OUTSTANDING PROBLEMS CONFRONTING THE ASSOCIATION, IN ORDER OF PRIORITY; (6) ALL OTHER INFORMATION REQUIRED TO BE SUBMITTED TO THE CONGRESS PURSUANT TO ANY OTHER PROVISION OF THIS ACT; AND (7) THE ASSOCIATION'S PROJECTIONS AND PLANS FOR ITS ACTIVITIES AND PROGRAMS DURING THE NEXT FISCAL YEAR.

(F) BUDGET.--THE RECEIPTS AND DISBURSEMENTS OF THE ASSOCIATION (OTHER THAN ADMINISTRATIVE EXPENSES REFERRED TO IN SUBSECTION (G) OF THIS SECTION) IN THE DISCHARGE OF ITS FUNCTIONS SHALL NOT BE INCLUDED IN THE TOTALS OF THE BUDGET OF THE UNITED STATES GOVERNMENT, AND SHALL BE EXEMPT FROM ANY ANNUAL EXPENDITURE AND NET LENDING (BUDGET OUTLAYS) LIMITATIONS IMPOSED ON A BUDGET OF THE UNITED STATES GOVERNMENT. THE CHAIRMAN OF THE ASSOCIATION SHALL TRANSMIT ANNUALLY TO THE CONGRESS A BUDGET FOR PROGRAM ACTIVITIES AND FOR ADMINISTRATIVE EXPENSES OF THE ASSOCIATION. THE CHAIRMAN SHALL REPORT ANNUALLY TO THE CONGRESS THE AMOUNT OF NET LENDING OF THE ASSOCIATION, WHICH WOULD BE INCLUDED IN THE TOTALS OF THE BUDGETS OF THE UNITED STATES GOVERNMENT, IF THE ASSOCIATION'S ACTIVITIES WERE NOT EXCLUDED FROM THOSE TOTALS AS A RESULT OF THIS SECTION.

(G) ACCOUNTABILITY.--(1) SECTION 201 OF THE GOVERNMENT CORPORATION CONTROL ACT (31 U.S.C. 856) IS AMENDED BY STRIKING OUT "AND" AT THE END OF CLAUSE (6) AND BY INSERTING IMMEDIATELY BEFORE THE PERIOD AT THE END THEREOF THE FOLLOWING: ", (8) THE UNITED STATES RAILWAY ASSOCIATION".
//70 STAT. 667; 85 STAT. 37.//

(2) THE CHAIRMAN OF THE ASSOCIATION SHALL TRANSMIT ANNUALLY TO THE OFFICE OF MANAGEMENT AND BUDGET A BUDGET FOR ADMINISTRATIVE EXPENSES OF THE ASSOCIATION. WHENEVER THE ASSOCIATION SUBMITS ANY BUDGET ESTIMATE OR REQUEST TO THE OFFICE OF MANAGEMENT AND BUDGET, IT SHALL CONCURRENTLY TRANSMIT A COPY OF THE ESTIMATE OR REQUEST TO THE CONGRESS. WITHIN BUDGETARY CONSTRAINTS OF THE CONGRESS, THE MAXIMUM FEASIBLE AND PRUDENT BUDGETARY FLEXIBILITY SHALL BE PROVIDED TO THE ASSOCIATION TO PERMIT EFFECTIVE OPERATIONS.

ACCESS TO INFORMATION

SEC. 203. (A) PLANNING.--EACH RAILROAD OPERATING IN THE REGION SHALL PROVIDE SUCH RELEVANT INFORMATION AS MAY BE REQUESTED BY THE SECRETARY, THE OFFICE, OR THE ASSOCIATION IN CONNECTION WITH THE PERFORMANCE OF THEIR RESPECTIVE FUNCTIONS UNDER ANY PROVISION OF THIS ACT. NO INFORMATION MAY BE REQUESTED UNDER THIS SUBSECTION AFTER THE EFFECTIVE DATE OF THE FINAL SYSTEM PLAN.

(B) OTHER.--EACH RAILROAD OR OTHER PERSON OR GOVERNMENT ENTITY SEEKING FINANCIAL ASSISTANCE FROM THE ASSOCIATION SHALL MAINTAIN AND MAKE AVAILABLE SUCH RECORDS, MAKE AND SUBMIT SUCH REPORTS, AND PROVIDE SUCH DATA, MATERIALS, OR OTHER RELEVANT INFORMATION AS MAY BE REQUESTED BY THE ASSOCIATION.

(C) ENFORCEMENT.--WHERE AUTHORIZED UNDER SUBSECTION (A) OR (B) OF THIS SECTION AND UPON PRESENTING APPROPRIATE CREDENTIALS AND A WRITTEN NOTICE OF INSPECTION AUTHORITY, ANY OFFICER OR EMPLOYEE DULY DESIGNATED BY THE SECRETARY, THE OFFICE, OR THE ASSOCIATION MAY, AT REASONABLE TIMES, INSPECT RECORDS, PAPERS, PROCESSES, ROLLING STOCK, SYSTEMS, EQUIPMENT, OR FACILITIES AND MAY, IN FURTHERANCE OF THEIR RESPECTIVE FUNCTIONS UNDER THIS ACT, HOLD SUCH HEARINGS, SIT AND ACT AT SUCH TIMES AND PLACES, ADMINISTER SUCH OATHS, AND REQUIRE BY SUBPOENA OR OTHER ORDER THE ATTENDANCE AND TESTIMONY OF SUCH WITNESSES AND THE PRODUCTION OF SUCH INFORMATION AS IS DEEMED ADVISABLE. SUBPOENAS SHALL BE ISSUED UNDER THE SIGNATURE OF THE SECRETARY, THE DIRECTOR OF THE OFFICE, OR THE CHAIRMAN OR PRESIDENT OF THE ASSOCIATION AND MAY BE SERVED TO ANY DULY DESIGNATED INDIVIDUAL. IN CASE OF CONTEMPT OR REFUSAL TO OBEY SUCH A SUBPOENA OR ORDER BY ANY PERSON WHO RESIDES, IS FOUND, OR TRANSACTS BUSINESS WITHIN THE JURISDICTION OF ANY DISTRICT COURT OF THE UNITED STATES, SUCH DISTRICT COURT SHALL, UPON PETITION, HAVE JURISDICTION TO ISSUE TO SUCH PERSON AN ORDER REQUIRING HIM TO COMPLY FORTHWITH. FAILURE TO OBEY SUCH AN ORDER IS PUNISHABLE BY SUCH COURT AS A CONTEMPT OF COURT.

(D) CONGRESS.--NOTHING IN THIS SECTION SHALL AUTHORIZE THE WITHHOLDING OF INFORMATION FROM ANY DULY AUTHORIZED COMMITTEE OF THE CONGRESS.

REPORT

SEC. 204. (A) PREPARATION.--WITHIN 30 DAYS AFTER THE DATE OF ENACTMENT OF THIS ACT, THE SECRETARY SHALL PREPARE A COMPREHENSIVE REPORT CONTAINING HIS CONCLUSIONS AND RECOMMENDATIONS WITH RESPECT TO THE GEOGRAPHIC ZONES WITHIN THE REGION IN AND BETWEEN WHICH RAIL SERVICE SHOULD BE PROVIDED AND THE CRITERIA UPON WHICH SUCH CONCLUSIONS AND RECOMMENDATIONS ARE BASED. THE SECRETARY MAY USE AS A BASIS FOR THE IDENTIFICATION OF SUCH GEOGRAPHIC ZONES THE STANDARD METROPOLITAN STATISTICAL AREAS, GROUPS OF SUCH AREAS, COUNTIES, OR GROUPS OF COUNTIES HAVING SIMILAR ECONOMIC CHARACTERISTICS SUCH AS MINING, MANUFACTURING, OR FARMING.

(B) SUBMISSION.--THE SECRETARY SHALL SUBMIT THE REPORT REQUIRED BY SUBSECTION (A) OF THIS SECTION TO THE OFFICE, THE ASSOCIATION, THE GOVERNOR AND PUBLIC UTILITIES COMMISSION OF EACH STATE STUDIED IN THE REPORT, LOCAL GOVERNMENTS, CONSUMER ORGANIZATIONS, ENVIRONMENTAL GROUPS, THE PUBLIC, AND THE CONGRESS. THE SECRETARY SHALL FURTHER CAUSE A COPY OF THE REPORT TO BE PUBLISHED IN THE FEDERAL REGISTER.

RAIL SERVICES PLANNING OFFICE

SEC. 205. (A) ESTABLISHMENT.--THERE IS ESTABLISHED, ON THE DATE OF ENACTMENT OF THIS ACT, A NEW OFFICE IN THE COMMISSION TO BE KNOWN AS THE RAIL SERVICES PLANNING OFFICE. THE OFFICE SHALL FUNCTION CONTINUOUSLY PURSUANT TO THE PROVISIONS OF THIS ACT, AND SHALL CEASE TO EXIST 5 YEARS AFTER THE DATE OF ENACTMENT OF THIS ACT. THE OFFICE SHALL BE ADMINISTERED BY A DIRECTOR.

(B) DIRECTOR.--THE DIRECTOR OF THE OFFICE SHALL BE APPOINTED BY THE CHAIRMAN OF THE COMMISSION WITH THE CONCURRENCE OF 5 MEMBERS OF THE COMMISSION. THE DIRECTOR OF THE OFFICE SHALL ADMINISTER AND BE RESPONSIBLE FOR THE DISCHARGE OF THE FUNCTIONS AND DUTIES OF THE OFFICE FROM THE DATE HE TAKES OFFICE UNLESS REMOVED FOR CAUSE BY THE COMMISSION. HE SHALL BE COMPENSATED AT A RATE TO BE SET BY THE CHAIRMAN OF THE COMMISSION WITHOUT REGARD TO THE PROVISIONS OF TITLE 5, UNITED STATES CODE, GOVERNING APPOINTMENTS IN THE COMPETITIVE SERVICE, CLASSIFICATION, AND GENERAL SCHEDULE PAY RATES, BUT AT A RATE NOT IN EXCESS OF THE MAXIMUM RATE FOR GS-18 OF THE GENERAL SCHEDULE UNDER SECTION 5332 OF SUCH TITLE. //5 USC 5332 NOTE.//

(C) POWERS.--THE DIRECTOR OF THE OFFICE IS SUBJECT TO THE DIRECTION OF, AND SHALL REPORT TO, SUCH MEMBER OF THE COMMISSION AS THE CHAIRMAN THEREOF SHALL DESIGNATE. THE CHAIRMAN MAY DESIGNATE HIMSELF AS THAT MEMBER. SUCH DIRECTOR IS AUTHORIZED, WITH THE CONCURRENCE OF SUCH MEMBER OR (IN CASE OF DISAGREEMENT) THE CHAIRMAN OF THE COMMISSION, TO--

(1) APPOINT, FIX THE COMPENSATION, AND ASSIGN THE DUTIES OF EMPLOYEES OF THE OFFICE WITHOUT REGARD TO THE PROVISIONS OF TITLE 5, UNITED STATES CODE, GOVERNING APPOINTMENTS IN THE COMPETITIVE SERVICE, AND TO PROCURE TEMPORARY AND INTERMITTENT SERVICES TO THE SAME EXTENT AS IS AUTHORIZED UNDER SECTION 3109 OF TITLE 5, UNITED STATES CODE, BUT AT RATES NOT TO EXCEED \$250 A DAY FOR QUALIFIED EXPERTS. //80 STAT. 416.// EACH DEPARTMENT, AGENCY, AND INSTRUMENTALITY OF THE EXECUTIVE BRANCH OF THE FEDERAL GOVERNMENT AND EACH INDEPENDENT REGULATORY AGENCY OF THE UNITED STATES IS AUTHORIZED AND SHALL GIVE CAREFUL CONSIDERATION TO A REQUEST TO FURNISH TO THE DIRECTOR OF THE OFFICE, UPON WRITTEN REQUEST, ON A REIMBURSABLE BASIS OR OTHERWISE, SUCH ASSISTANCE AS THE DIRECTOR DEEMS NECESSARY TO CARRY OUT THE FUNCTIONS AND DUTIES OF THE OFFICE. SUCH ASSISTANCE INCLUDES TRANSFER OF PERSONNEL WITH THEIR CONSENT AND WITHOUT PREJUDICE TO THEIR POSITION AND RATING; AND

(2) ENTER INTO, WITHOUT REGARD TO SECTION 3709 OF THE REVISED STATUTES OF THE UNITED STATES (41 U.S.C. 5), SUCH CONTRACTS, LEASES, COOPERATIVE AGREEMENTS, OR OTHER TRANSACTIONS AS MAY BE NECESSARY IN THE CONDUCT OF THE FUNCTIONS AND DUTIES OF THE OFFICE, WITH ANY PERSON (INCLUDING A GOVERNMENT ENTITY).

(D) DUTIES.--IN ADDITION TO ITS DUTIES, AND RESPONSIBILITIES UNDER OTHER PROVISIONS OF THIS ACT, THE OFFICE SHALL--

(1) STUDY AND EVALUATE THE SECRETARY'S REPORT ON RAIL SERVICE IN THE REGION REQUIRED UNDER SECTION 204 (A) OF THIS ACT AND SUBMIT ITS REPORT THEREON TO THE ASSOCIATION WITHIN 120 DAYS AFTER THE DATE OF ENACTMENT OF THIS ACT. THE OFFICE SHALL ALSO SOLICIT, STUDY, AND EVALUATE THE VIEWS WITH RESPECT TO PRESENT AND FUTURE RAIL SERVICE NEEDS OF THE REGION FROM GOVERNORS OF STATES WITHIN THE REGION; MAYORS AND CHIEF EXECUTIVES OF POLITICAL SUBDIVISIONS WITHIN SUCH STATES; SHIPPERS; THE SECRETARY OF DEFENSE; MANUFACTURERS; WHOLESALEERS, AND RETAILERS WITHIN THE REGION;

CONSUMERS OF GOODS AND PRODUCTS SHIPPED BY RAIL; AND ALL OTHER INTERESTED PERSONS. THE OFFICE SHALL CONDUCT PUBLIC HEARINGS TO SOLICIT COMMENTS ON SUCH REPORT AND TO RECEIVE SUCH VIEWS;

(2) EMPLOY AND UTILIZE THE SERVICES OF ATTORNEYS AND SUCH OTHER PERSONNEL AS MAY BE REQUIRED IN ORDER PROPERLY TO PROTECT THE INTERESTS OF THOSE COMMUNITIES AND USERS OF RAIL SERVICE WHICH, FOR WHATEVER REASON, SUCH AS THEIR SIZE OR LOCATION, MIGHT NOT OTHERWISE BE ADEQUATELY REPRESENTED IN THE COURSE OF THE HEARINGS AND EVALUATIONS WHICH THE OFFICE IS REQUIRED TO CONDUCT AND PERFORM UNDER OTHER PROVISIONS OF THIS ACT;

(3) WITHIN 180 DAYS AFTER THE DATE OF ENACTMENT OF THIS ACT, DETERMINE AND PUBLISH STANDARDS FOR DETERMINING THE "REVENUE ATTRIBUTABLE TO THE RAIL PROPERTIES", THE "AVOIDABLE COSTS OF PROVIDING SERVICE", AND "A REASONABLE RETURN ON THE VALUE", AS THOSE PHRASES ARE USED IN SECTION 304 OF THIS ACT, AFTER A PROCEEDING IN ACCORDANCE WITH THE PROVISIONS OF SECTION 553 OF TITLE 5, UNITED STATES CODE; //80 STAT. 383.// AND

(4) ASSIST STATES AND LOCAL AND REGIONAL TRANSPORTATION AGENCIES IN MAKING DETERMINATIONS WHETHER TO PROVIDE RAIL SERVICE CONTINUATION SUBSIDIES TO MAINTAIN IN OPERATION PARTICULAR RAIL PROPERTIES BY ESTABLISHING CRITERIA FOR DETERMINING WHETHER PARTICULAR RAIL PROPERTIES ARE SUITABLE FOR RAIL SERVICE CONTINUATION

SUBSIDIES. SUCH CRITERIA SHOULD INCLUDE THE FOLLOWING CONSIDERATIONS:

RAIL PROPERTIES ARE SUITABLE IF THE COST OF THE REQUIRED SUBSIDY FOR SUCH PROPERTIES PER YEAR TO THE TAXPAYERS IS LESS THAN THE COST OF TERMINATION OF RAIL SERVICE OVER SUCH PROPERTIES MEASURED BY INCREASED FUEL CONSUMPTION AND OPERATIONAL COSTS FOR ALTERNATIVE MODES OF TRANSPORTATION; THE COST TO THE GROSS NATIONAL PRODUCT IN TERMS OF REDUCED OUTPUT OF GOODS AND SERVICES; THE COST OF RELOCATING OR ASSISTING THROUGH UNEMPLOYMENT, RETRAINING,

AND WELFARE BENEFITS TO INDIVIDUALS AND FIRMS ADVERSELY AFFECTED THEREBY; AND THE COST TO THE ENVIRONMENT MEASURED BY DAMAGE CAUSED BY INCREASED POLLUTION.

FINAL SYSTEM PLAN

SEC. 206. (A) GOALS.--THE FINAL SYSTEM PLAN SHALL BE FORMULATED IN SUCH A WAY AS TO EFFECTUATE THE FOLLOWING GOALS:

(1) THE CREATION, THROUGH A PROCESS OF REORGANIZATION, OF A FINANCIALLY SELF-SUSTAINING RAIL SERVICE SYSTEM IN THE REGION;

(2) THE ESTABLISHMENT AND MAINTENANCE OF A RAIL SERVICE SYSTEM ADEQUATE TO MEET THE RAIL TRANSPORTATION NEEDS AND SERVICE REQUIREMENTS OF THE REGION;

(3) THE ESTABLISHMENT OF IMPROVED HIGH-SPEED RAIL PASSENGER SERVICE, CONSONANT WITH THE RECOMMENDATIONS OF THE SECRETARY IN HIS REPORT OF SEPTEMBER 1971, ENTITLED "RECOMMENDATIONS FOR NORTHEAST CORRIDOR TRANSPORTATION";

(4) THE PRESERVATION, TO THE EXTENT CONSISTENT WITH OTHER GOALS, OF EXISTING PATTERNS OF SERVICE BY RAILROADS (INCLUDING SHORT-LINE AND TERMINAL RAILROADS), AND OF EXISTING RAILROAD TRACKAGE IN AREAS IN WHICH FOSSIL FUEL NATURAL RESOURCES ARE LOCATED, AND THE UTILIZATION OF THOSE MODES OF TRANSPORTATION IN THE REGION WHICH REQUIRE THE SMALLEST AMOUNT OF SCARC ENERGY RESOURCES AND WHICH CAN MOST EFFICIENTLY TRANSPORT ENERGY RESOURCES;

(5) THE RETENTION AND PROMOTION OF COMPETITION IN THE PROVISION OF RAIL AND OTHER TRANSPORTATION SERVICES IN THE REGION;

(6) THE ATTAINMENT AND MAINTENANCE OF ANY ENVIRONMENTAL STANDARDS, PARTICULARLY THE APPLICABLE NATIONAL AMBIENT AIR QUALITY STANDARDS AND PLANS ESTABLISHED UNDER THE CLEAN AIR ACT AMENDMENTS OF 1970, TAKING INTO CONSIDERATION THE ENVIRONMENTAL IMPACT OF ALTERNATIVE CHOICES OF ACTION; //84 STAT. 1676. 42 USC 1857B NOTE.//

(7) THE MOVEMENT OF PASSENGERS AND FREIGHT IN RAIL TRANSPORTATION IN THE REGION IN THE MOST EFFICIENT MANNER CONSISTENT WITH SAFE OPERATION, INCLUDING THE REQUIREMENTS OF COMMUTER AND INTERCITY RAIL PASSENGER SERVICE; THE EXTENT TO WHICH THERE SHOULD BE COORDINATION WITH THE NATIONAL RAILROAD PASSENGER CORPORATION AND SIMILAR ENTITIES; AND THE IDENTIFICATION OF ALL SHORT-TO-MEDIUM DISTANCE CORRIDORS IN DENSELY POPULATED AREAS IN WHICH THE MAJOR UPGRADING OF RAIL LINES FOR HIGH-SPEED PASSENGER OPERATION WOULD RETURN SUBSTANTIAL PUBLIC BENEFITS; AND

(8) THE MINIMIZATION OF JOB LOSSES AND ASSOCIATED INCREASES IN UNEMPLOYMENT AND COMMUNITY BENEFIT COSTS IN AREAS IN THE REGION PRESENTLY SERVED BY RAIL SERVICE.

(B) FACTORS.--THE FINAL SYSTEM PLAN SHALL BE BASED UPON DUE CONSIDERATION OF ALL FACTORS RELEVANT TO THE REALIZATION OF THE GOALS SET FORTH IN SUBSECTION (A) OF THIS SECTION. SUCH FACTORS INCLUDE THE NEED FOR AND THE COST OF REHABILITATION AND MODERNIZATION OF TRACK, EQUIPMENT, AND OTHER FACILITIES; METHODS OF ACHIEVING ECONOMIES IN THE COST OF RAIL OPERATIONS IN THE REGION; MEANS OF ACHIEVING RATIONALIZATION OF RAIL SERVICES AND THE RAIL SERVICE SYSTEM IN THE REGION; MARKETING STUDIES; THE IMPACT ON RAILROAD EMPLOYEES, CONSUMER NEEDS; TRAFFIC ANALYSES; FINANCIAL STUDIES; AND ANY OTHER FACTORS IDENTIFIED BY THE ASSOCIATION UNDER SECTION 202 (B) OF THIS TITLE OR IN THE REPORT OF THE SECRETARY REQUIRED UNDER SECTION 204 (A) OF THIS TITLE. //ANTE, P. 990.//

(C) DESIGNATIONS.--THE FINAL SYSTEM PLAN SHALL DESIGNATE--

(1) WHICH RAIL PROPERTIES OF RAILROADS IN REORGANIZATION IN THE REGION OR OF RAILROADS LEASED, OPERATED, OR CONTROLLED BY ANY RAILROAD IN REORGANIZATION IN THE REGION--

(A) SHALL BE TRANSFERRED TO THE CORPORATION;

(B) SHALL BE OFFERED FOR SALE TO A PROFITABLE RAILROAD OPERATING IN THE REGION AND, IF SUCH OFFER IS ACCEPTED, OPERATED BY SUCH RAILROAD; THE PLAN SHALL DESIGNATE WHAT ADDITIONS SHALL BE MADE TO THE DESIGNATION UNDER SUBPARAGRAPH (A) OF THIS PARAGRAPH IN THE EVENT SUCH PROFITABLE RAILROAD FAILS TO ACCEPT SUCH OFFER;

(C) SHALL BE PURCHASED, LEASED, OR OTHERWISE ACQUIRED FROM THE CORPORATION BY THE NATIONAL RAILROAD PASSENGER CORPORATION IN ACCORDANCE WITH THE EXERCISE OF ITS OPTION UNDER SECTION 601 (D) OF THIS ACT FOR IMPROVEMENT TO ACHIEVE THE GOAL SET FORTH IN SUBSECTION (A) (3) OF THIS SECTION;

(D) MAY BE PURCHASED OR LEASED FROM THE CORPORATION BY A STATE OR A LOCAL OR REGIONAL TRANSPORTATION AUTHORITY TO MEET THE NEEDS OF COMMUTER AND INTERCITY RAIL PASSENGER SERVICE; AND

(E) IF NOT OTHERWISE REQUIRED TO BE OPERATED BY THE CORPORATION, A GOVERNMENT ENTITY, OR A RESPONSIBLE PERSON, ARE SUITABLE FOR USE FOR OTHER PUBLIC PURPOSES, INCLUDING HIGHWAYS, OTHER FORMS OF TRANSPORTATION, CONSERVATION, ENERGY TRANSMISSION, EDUCATION OR HEALTH CARE FACILITIES, OR RECREATION. IN CARRYING OUT THIS SUBPARAGRAPH, THE ASSOCIATION SHALL SOLICIT THE VIEWS AND RECOMMENDATIONS OF THE SECRETARY, THE SECRETARY OF THE INTERIOR, THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, AND OTHER AGENCIES OF THE FEDERAL GOVERNMENT AND OF THE STATES AND POLITICAL SUBDIVISIONS THEREOF WITHIN THE REGION, AND THE GENERAL PUBLIC; AND

(2) WHICH RAIL PROPERTIES OF PROFITABLE RAILROADS OPERATING IN THE REGION MAY BE OFFERED FOR SALE TO THE CORPORATION OR TO OTHER PROFITABLE RAILROADS OPERATING IN THE REGION SUBJECT TO PARAGRAPHS (3) AND (4) OF SUBSECTION (D) OF THIS SECTION.

(D) TRANSFERS.—ALL TRANSFERS OR CONVEYANCES PURSUANT TO THE FINAL SYSTEM PLAN SHALL BE MADE IN ACCORDANCE WITH, AND SUBJECT TO, THE FOLLOWING PRINCIPLES:

(1) ALL RAIL PROPERTIES TO BE TRANSFERRED TO THE CORPORATION BY A PROFITABLE RAILROAD, BY TRUSTEES OF A RAILROAD IN REORGANIZATION, OR BY ANY RAILROAD LEASED, OPERATED, OR CONTROLLED BY A RAILROAD IN REORGANIZATION IN THE REGION, SHALL BE TRANSFERRED IN EXCHANGE FOR STOCK AND OTHER SECURITIES OF THE CORPORATION (INCLUDING OBLIGATIONS OF THE ASSOCIATION) AND THE OTHER BENEFITS ACCRUING TO SUCH RAILROAD BY REASON OF SUCH

TRANSFER. (2) ALL RAIL PROPERTIES TO BE CONVEYED TO A PROFITABLE RAILROAD OPERATING IN THE REGION BY TRUSTEES OF A RAILROAD IN REORGANIZATION, OR BY ANY RAILROAD LEASED, OPERATED, OR CONTROLLED BY A RAILROAD IN REORGANIZATION IN THE REGION, SHALL BE CONVEYED IN EXCHANGE FOR COMPENSATION FROM THE PROFITABLE

RAILROAD. (3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, NO ACQUISITION

UNDER THIS ACT SHALL BE MADE BY ANY PROFITABLE RAILROAD OPERATING IN THE REGION WITHOUT A DETERMINATION WITH RESPECT TO EACH SUCH TRANSACTION AND ALL SUCH TRANSACTIONS CUMULATIVELY (A) BY THE ASSOCIATION, UPON ADOPTION AND RELEASE OF THE PRELIMINARY SYSTEM PLAN, THAT SUCH ACQUISITION OR ACQUISITIONS WILL NOT MATERIALLY IMPAIR THE PROFITABILITY OF ANY OTHER PROFITABLE RAILROAD OPERATING IN THE REGION OR OF THE CORPORATION, AND (B) BY THE COMMISSION, WHICH SHALL BE MADE WITHIN 90 DAYS AFTER ADOPTION

AND RELEASE BY THE ASSOCIATION OF THE PRELIMINARY SYSTEM PLAN, THAT SUCH ACQUISITION OR ACQUISITIONS WILL BE IN FULL ACCORD AND COMPLY WITH THE PROVISIONS AND STANDARDS OF SECTION 5 OF PART I OF THE INTERSTATE COMMERCE ACT (49 U.S.C. 5). THE DETERMINATION BY THE ASSOCIATION SHALL NOT BE REVIEWABLE IN ANY COURT. THE DETERMINATION BY THE COMMISSION SHALL NOT BE REVIEWABLE IN ANY COURT. //62 STAT. 472.//

(4) WHERE THE FINAL SYSTEM PLAN DESIGNATES SPECIFIED RAIL PROPERTIES OF A RAILROAD IN REORGANIZATION IN THE REGION, OR OF A RAILROAD LEASED, OPERATED, OR CONTROLLED BY A RAILROAD IN REORGANIZATION IN THE REGION, TO BE OFFERED FOR SALE TO AND OPERATED BY A PROFITABLE RAILROAD OPERATING IN THE REGION, SUCH DESIGNATION SHALL TERMINATE PRIOR TO SUCH DATE, SUCH PROFITABLE RAILROAD HAS NOTIFIED THE ASSOCIATION IN WRITING OF ITS ACCEPTANCE OF SUCH OFFER. WHERE THE FINAL SYSTEM PLAN DESIGNATES SPECIFIED RAIL PROPERTIES OF A PROFITABLE RAILROAD OPERATING IN THE REGION AS AUTHORIZED TO BE OFFERED FOR SALE OR LEASE TO THE CORPORATION OR TO OTHER PROFITABLE RAILROADS OPERATING IN THE REGION, SUCH DESIGNATION AND AUTHORIZATION SHALL TERMINATE 60 DAYS AFTER THE EFFECTIVE DATE OF THE FINAL SYSTEM PLAN UNLESS, PRIOR TO SUCH DATE, A BINDING AGREEMENT WITH RESPECT TO SUCH PROPERTIES HAS BEEN ENTERED INTO AND

CONCLUDED. (5) ALL PROPERTIES SOLD BY THE CORPORATION PURSUANT TO SECTIONS

206 (C) (1) (C) AND 601 (D) OF THIS ACT SHALL BE TRANSFERRED AT A VALUE RELATED TO THE VALUE RECEIVED FOR THE TRANSFER TO THE CORPORATION OF SUCH PROPERTIES.

(E) CORPORATION FEATURES.--THE FINAL SYSTEM PLAN SHALL SET FORTH--

(1) PRO FORMA EARNINGS FOR THE CORPORATION, AS REASONABLY PROJECTED AND CONSIDERING THE ADDITIONS OR CHANGES IN THE DESIGNATION OF RAIL PROPERTIES TO BE OPERATED BY THE CORPORATION WHICH MAY BE MADE UNDER SUBSECTION (D) (4) OF THIS SECTION;

(2) THE CAPITAL STRUCTURE OF THE CORPORATION, BASED ON THE PRO FORMA EARNINGS OF THE CORPORATION AS SET FORTH, INCLUDING SUCH DEBT CAPITALIZATION AS SHALL BE REASONABLY DEEMED TO CONFORM TO THE REQUIREMENTS OF THE PUBLIC INTEREST WITH RESPECT TO RAILROAD DEBT SECURITIES, INCLUDING THE ADEQUACY OF COVERAGE OF FIXED CHARGES; AND

(3) THE MANNER IN WHICH EMPLOYEE STOCK OWNERSHIP PLANS MAY, TO THE EXTENT PRACTICABLE, BE UTILIZED FOR MEETING THE CAPITALIZATION

REQUIREMENTS OF THE CORPORATION, TAKING INTO ACCOUNT (A) THE RELATIVE COST SAVINGS COMPARED TO CONVENTIONAL METHODS OF CORPORATE FINANCE; (B) THE LABOR COST SAVINGS; (C) THE POTENTIAL FOR MINIMIZING STRIKES AND PRODUCING MORE HARMONIOUS RELATIONS BETWEEN LABOR ORGANIZATIONS AND RAILWAY MANAGEMENT; (D) THE PROJECTED EMPLOYEE DIVIDEND INCOMES; (E) THE IMPACT ON QUALITY OF SERVICE AND PRICES TO RAILWAY USERS; AND (F) THE PROMOTION OF

THE OBJECTIVES OF THIS ACT OF CREATING A FINANCIALLY SELF-SUSTAINING RAILWAY SYSTEM IN THE REGION WHICH ALSO MEETS THE SERVICE NEEDS OF THE REGION AND THE NATION.

(F) VALUE.--THE FINAL SYSTEM PLAN SHALL DESIGNATE THE VALUE OF ALL RAIL PROPERTIES TO BE TRANSFERRED UNDER THE FINAL SYSTEM PLAN AND THE VALUE OF THE SECURITIES AND OTHER BENEFITS TO BE RECEIVED FOR TRANSFERRING THOSE RAIL PROPERTIES TO THE CORPORATION IN ACCORDANCE WITH THE FINAL SYSTEM PLAN.

(G) OTHER PROVISIONS.--THE FINAL SYSTEM PLAN MAY RECOMMEND ARRANGEMENTS AMONG VARIOUS RAILROADS FOR JOINT USE OR OPERATION OF RAIL PROPERTIES ON A SHARE OWNERSHIP, COOPERATIVE, POOLED, OR CONDOMINIUM-TYPE BASIS, SUBJECT TO SUCH TERMS AND CONDITIONS AS MAY BE SPECIFIED IN THE FINAL SYSTEM PLAN. THE FINAL SYSTEM PLAN SHALL ALSO MAKE SUCH DESIGNATIONS AS ARE DETERMINED TO BE NECESSARY IN ACCORDANCE WITH THE PROVISIONS OF SECTION 402 OR 403 OF THIS ACT.

(H) OBLIGATIONAL AUTHORITY.--THE FINAL SYSTEM PLAN SHALL RECOMMEND THE AMOUNT OF OBLIGATIONS OF THE ASSOCIATION WHICH ARE NECESSARY TO ENABLE IT TO IMPLEMENT THE FINAL SYSTEM PLAN.

(I) TERMS AND CONDITIONS FOR SECURITIES.--THE FINAL SYSTEM PLAN MAY INCLUDE TERMS AND CONDITIONS FOR ANY SECURITIES TO BE ISSUED BY THE CORPORATION IN EXCHANGE FOR THE CONVEYANCE OF RAIL PROPERTIES UNDER THE FINAL SYSTEM PLAN WHICH IN THE JUDGMENT OF THE ASSOCIATION WILL MINIMIZE ANY ACTUAL OR POTENTIAL DEBT BURDEN ON THE CORPORATION. ANY SUCH TERMS AND CONDITIONS FOR SECURITIES OF THE CORPORATION WHICH PURPORT TO DIRECTLY OBLIGATE THE ASSOCIATION SHALL NOT BECOME EFFECTIVE WITHOUT AFFIRMATIVE APPROVAL, WITH OR WITHOUT MODIFICATION BY A JOINT RESOLUTION OF THE CONGRESS.

ADOPTION OF FINAL SYSTEM PLAN

SEC. 207. (A) PRELIMINARY SYSTEM PLAN.--(1) WITHIN 300 DAYS AFTER THE DATE OF ENACTMENT OF THIS ACT, THE ASSOCIATION SHALL ADOPT AND RELEASE A PRELIMINARY SYSTEM PLAN PREPARED BY IT ON THE BASIS OF REPORTS AND OTHER INFORMATION SUBMITTED TO IT BY THE SECRETARY, THE OFFICE, AND INTERESTED PERSONS IN ACCORDANCE WITH THIS ACT AND ON THE BASIS OF ITS OWN INVESTIGATIONS, CONSULTATIONS, RESEARCH, EVALUATION, AND ANALYSIS PURSUANT TO THIS ACT. COPIES OF THE PRELIMINARY SYSTEM PLAN SHALL BE TRANSMITTED BY THE ASSOCIATION TO THE SECRETARY, THE OFFICE, THE GOVERNOR AND PUBLIC UTILITY COMMISSION OF EACH STATE IN THE REGION, THE CONGRESS, EACH COURT HAVING JURISDICTION OVER A RAILROAD IN REORGANIZATION IN THE REGION, THE SPECIAL COURT, AND INTERESTED PERSONS, AND A COPY SHALL BE PUBLISHED IN THE FEDERAL REGISTER. THE ASSOCIATION SHALL INVITE AND AFFORD INTERESTED PERSONS AN OPPORTUNITY TO SUBMIT COMMENTS ON THE PRELIMINARY SYSTEM PLAN TO THE ASSOCIATION WITHIN 60 DAYS AFTER THE DATE OF ITS RELEASE.

(2) THE OFFICE IS AUTHORIZED AND DIRECTED TO HOLD PUBLIC HEARINGS ON THE PRELIMINARY SYSTEM PLAN AND TO MAKE AVAILABLE TO THE ASSOCIATION A SUMMARY AND ANALYSIS OF THE EVIDENCE RECEIVED IN THE COURSE OF SUCH PROCEEDINGS, TOGETHER WITH ITS CRITIQUE AND EVALUATION OF THE PRELIMINARY SYSTEM PLAN, NOT LATER THAN 60 DAYS AFTER THE DATE OF RELEASE OF SUCH PLAN.

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(B) APPROVAL.--WITHIN 120 DAYS AFTER THE DATE OF ENACTMENT OF THIS ACT EACH UNITED STATES DISTRICT COURT OR OTHER COURT HAVING JURISDICTION OVER A RAILROAD IN REORGANIZATION SHALL DECIDE WHETHER THE RAILROAD IS REORGANIZABLE ON AN INCOME BASIS WITHIN A REASONABLE TIME UNDER SECTION 77 OF THE BANKRUPTCY ACT (11 U.S.C. 205) AND THAT THE PUBLIC INTEREST WOULD BE BETTER SERVED BY CONTINUING THE PRESENT REORGANIZATION PROCEEDINGS THAN BY A REORGANIZATION UNDER THIS ACT. //49 STAT. 911; 76 STAT. 572.// WITHIN 60 DAYS AFTER THE SUBMISSION OF THE REPORT BY THE OFFICE, UNDER SECTION 205 (D) (1) OF THIS TITLE, ON THE SECRETARY'S REPORT ON RAIL SERVICES IN THE REGION, EACH UNITED STATES DISTRICT COURT OR OTHER COURT HAVING JURISDICTION OVER A RAILROAD IN REORGANIZATION SHALL DECIDE WHETHER OR NOT SUCH RAILROAD SHALL BE REORGANIZED BY MEANS OF TRANSFERRING SOME OF ITS RAIL PROPERTIES TO THE CORPORATION PURSUANT TO THE PROVISIONS OF THIS ACT. BECAUSE OF THE STRONG PUBLIC INTEREST IN THE CONTINUANCE OF RAIL TRANSPORTATION IN THE REGION PURSUANT TO A SYSTEM PLAN DEVISED UNDER THE PROVISIONS OF THIS ACT, EACH SUCH COURT SHALL ORDER THAT THE REORGANIZATION BE PROCEEDED WITH PURSUANT TO THIS ACT UNLESS IT (1) HAS FOUND THAT THE RAILROAD IS REORGANIZABLE ON AN INCOME BASIS WITHIN A REASONABLE TIME UNDER SECTION 77 OF THE BANKRUPTCY ACT (11 U.S.C. 205) AND THAT THE PUBLIC INTEREST WOULD BE BETTER SERVED BY SUCH A REORGANIZATION THAN BY A REORGANIZATION UNDER THIS ACT, OR (2) FINDS THAT THIS ACT DOES NOT PROVIDE A PROCESS WHICH WOULD BE FAIR AND EQUITABLE TO THE ESTATE OF THE RAILROAD IN REORGANIZATION IN WHICH CASE IT SHALL DISMISS THE REORGANIZATION PROCEEDING. IF A COURT DOES NOT ENTER AN ORDER OR MAKE A FINDING AS REQUIRED BY THIS SUBSECTION, THE REORGANIZATION SHALL BE PROCEEDED WITH PURSUANT TO THIS ACT. AN APPEAL FROM AN ORDER MADE UNDER THIS SECTION MAY BE MADE ONLY TO THE SPECIAL COURT. APPEAL TO THE SPECIAL COURT SHALL BE TAKEN WITHIN 10 DAYS FOLLOWING ENTRY OF AN ORDER PURSUANT TO THIS SUBSECTION, AND THE SPECIAL COURT SHALL COMPLETE ITS REVIEW AND RENDER ITS DECISION WITHIN 80 DAYS AFTER SUCH APPEAL IS TAKEN. THERE SHALL BE NO REVIEW OF THE DECISION OF THE SPECIAL COURT.

(C) ADOPTION.--WITHIN 420 DAYS AFTER THE DATE OF ENACTMENT OF THIS ACT, THE EXECUTIVE COMMITTEE OF THE ASSOCIATION SHALL PREPARE AND SUBMIT A FINAL SYSTEM PLAN FOR THE APPROVAL OF THE BOARD OF DIRECTORS OF THE ASSOCIATION. A COPY OF SUCH SUBMISSION SHALL BE SIMULTANEOUSLY PRESENTED TO THE COMMISSION. THE SUBMISSION SHALL REFLECT EVALUATION OF ALL RESPONSES AND SUMMARIES OF RESPONSES RECEIVED, TESTIMONY AT ANY PUBLIC HEARINGS, AND THE RESULTS OF ADDITIONAL STUDY AND REVIEW. WITHIN 30 DAYS THEREAFTER, THE BOARD OF DIRECTORS OF THE ASSOCIATION SHALL BY A MAJORITY VOTE OF ALL ITS MEMBERS APPROVE A FINAL SYSTEM PLAN WHICH MEETS ALL OF THE REQUIREMENTS OF SECTION 206 OF THIS TITLE. //ANTE, P. 994.//

(D) REVIEW OF COMMISSION.--WITHIN 30 DAYS FOLLOWING THE ADOPTION OF THE FINAL SYSTEM PLAN BY THE ASSOCIATION UNDER SUBSECTION (C) OF THIS SECTION AND THE SUBMISSION OF SUCH PLAN TO CONGRESS UNDER SECTION 208 (A) OF THIS TITLE, THE COMMISSION SHALL SUBMIT TO THE CONGRESS AN EVALUATION OF THE FINAL SYSTEM PLAN DELIVERED TO BOTH HOUSES OF CONGRESS.

REVIEW BY CONGRESS

SEC. 208. (A) GENERAL.--THE BOARD OF DIRECTORS OF THE ASSOCIATION

SHALL DELIVER THE FINAL SYSTEM PLAN ADOPTED BY THE ASSOCIATION TO BOTH HOUSES OF CONGRESS AND TO THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE OF THE HOUSE OF REPRESENTATIVES AND THE COMMITTEE ON COMMERCE OF THE SENATE. THE FINAL SYSTEM PLAN SHALL BE DEEMED APPROVED AT THE END OF THE FIRST PERIOD OF 60 CALENDAR DAYS OF CONTINUOUS SESSION OF CONGRESS AFTER SUCH DATE OF TRANSMITTAL UNLESS EITHER THE HOUSE OF REPRESENTATIVES OR THE SENATE PASSES A RESOLUTION DURING SUCH PERIOD STATING THAT IT DOES NOT FAVOR THE FINAL SYSTEM PLAN.

(B) REVISED PLAN.--IF EITHER THE HOUSE OR THE SENATE PASSES A RESOLUTION OF DISAPPROVAL UNDER SUBSECTION (A) OF THIS SECTION, THE ASSOCIATION, WITH THE COOPERATION AND ASSISTANCE OF THE SECRETARY AND THE OFFICE, SHALL PREPARE, DETERMINE, AND ADOPT A REVISED FINAL SYSTEM PLAN. EACH SUCH REVISED PLAN SHALL BE SUBMITTED TO CONGRESS FOR REVIEW PURSUANT TO SUBSECTION (A) OF THIS SECTION.

(C) COMPUTATION.--FOR PURPOSES OF THIS SECTION--

(1) CONTINUITY OF SESSION OF CONGRESS IS BROKEN ONLY BY AN ADJOURNMENT SINE DIE; AND

(2) THE DAYS ON WHICH EITHER HOUSE IS NOT IN SESSION BECAUSE OF AN ADJOURNMENT OF MORE THAN 3 DAYS TO A DAY CERTAIN ARE EXCLUDED IN THE COMPUTATION OF THE 60-DAY PERIOD.

JUDICIAL REVIEW

SEC. 209. (A) GENERAL--NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE FINAL SYSTEM PLAN WHICH IS ADOPTED BY THE ASSOCIATION AND WHICH BECOMES EFFECTIVE AFTER REVIEW BY THE CONGRESS IS NOT SUBJECT TO REVIEW BY ANY COURT EXCEPT IN ACCORDANCE WITH THIS SECTION. AFTER THE FINAL SYSTEM PLAN BECOMES EFFECTIVE UNDER SECTION 208 OF THIS TITLE, IT MAY BE REVIEWED WITH RESPECT TO MATTERS CONCERNING THE VALUE OF THE RAIL PROPERTIES TO BE CONVEYED UNDER THE PLAN AND THE VALUE OF THE CONSIDERATION TO BE RECEIVED FOR SUCH PROPERTIES.

(B) SPECIAL COURT.--WITHIN 30 DAYS AFTER THE DATE OF ENACTMENT OF THIS ACT, THE ASSOCIATION SHALL MAKE APPLICATION TO THE JUDICIAL PANEL ON MULTI-DISTRICT LITIGATION AUTHORIZED BY SECTION 1407 OF TITLE 28, UNITED STATES CODE, FOR THE CONSOLIDATION IN A SINGLE, THREE-JUDGE DISTRICT COURT OF THE UNITED STATES OF ALL JUDICIAL PROCEEDINGS WITH RESPECT TO THE FINAL SYSTEM PLAN. //82 STAT. 109.// WITHIN 30 DAYS AFTER SUCH APPLICATION IS RECEIVED, THE PANEL SHALL MAKE THE CONSOLIDATION IN A DISTRICT COURT (CITED HEREIN AS THE "SPECIAL COURT") WHICH THE PANEL DETERMINES TO BE CONVENIENT TO THE PARTIES AND THE ONE MOST LIKELY TO BE ABLE TO CONDUCT ANY PROCEEDINGS UNDER THIS SECTION WITH THE LEAST DELAY AND THE GREATEST POSSIBLE FAIRNESS AND ABILITY. SUCH PROCEEDINGS SHALL BE CONDUCTED BY THE SPECIAL COURT WHICH SHALL BE COMPOSED OF THREE FEDERAL JUDGES WHO SHALL BE SELECTED BY THE PANEL, EXCEPT THAT NONE OF THE JUDGES SELECTED MAY BE A JUDGE ASSIGNED TO A PROCEEDING INVOLVING ANY RAILROAD IN REORGANIZATION IN THE REGION UNDER SECTION 77 OF THE BANKRUPTCY ACT (11 U.S.C. 205). THE SPECIAL COURT IS AUTHORIZED TO EXERCISE THE POWERS OF A DISTRICT JUDGE IN ANY JUDICIAL DISTRICT WITH RESPECT TO SUCH PROCEEDINGS AND SUCH POWERS SHALL INCLUDE THOSE OF A REORGANIZATION COURT. //49 STAT. 911; 575231300 76 STAT. 76 STAT. 572.// THE SPECIAL COURT SHALL HAVE THE POWER TO ORDER

THE CONVEYANCE OF RAIL PROPERTIES OF RAILROADS LEASED, OPERATED, OR CONTROLLED BY A RAILROAD IN REORGANIZATION IN THE REGION. THE PANEL MAY ISSUE RULES FOR THE CONDUCT OF ITS FUNCTIONS UNDER THIS SUBSECTION. NO DETERMINATION BY THE PANEL UNDER THIS SUBSECTION MAY BE REVIEWED IN ANY COURT.

(C) DELIVERY OF PLAN TO SPECIAL COURT.--WITHIN 90 DAYS AFTER ITS EFFECTIVE DATE, THE ASSOCIATION SHALL DELIVER A CERTIFIED COPY OF THE FINAL SYSTEM PLAN TO THE SPECIAL COURT AND SHALL CERTIFY TO THE SPECIAL COURT--

(1) WHICH RAIL PROPERTIES OF THE RESPECTIVE RAILROADS IN REORGANIZATION IN THE REGION AND OF ANY RAILROAD LEASED, OPERATED, OR

CONTROLLED BY SUCH RAILROADS IN REORGANIZATION ARE TO BE TRANSFERRED TO THE CORPORATION, IN ACCORDANCE WITH THE FINAL SYSTEM PLAN;

(2) WHICH RAIL PROPERTIES OF THE RESPECTIVE RAILROADS IN REORGANIZATION IN THE REGION OR RAILROADS LEASED, OPERATED, OR CONTROLLED

BY SUCH RAILROADS IN REORGANIZATION ARE TO BE CONVEYED TO PROFITABLE RAILROADS, IN ACCORDANCE WITH THE FINAL SYSTEM PLAN;

(3) THE AMOUNT, TERMS, AND VALUE OF THE SECURITIES OF THE CORPORATION (INCLUDING ANY OBLIGATIONS OF THE ASSOCIATION) TO BE EXCHANGED FOR THOSE RAIL PROPERTIES TO BE TRANSFERRED TO THE CORPORATION PURSUANT TO THE FINAL SYSTEM PLAN, AND AS INDICATED IN PARAGRAPH (1) OF THIS SUBSECTION; AND

(4) THAT THE TRANSFER OF RAIL PROPERTIES IN EXCHANGE FOR SECURITIES OF THE CORPORATION (INCLUDING ANY OBLIGATIONS OF THE ASSOCIATION) AND

OTHER BENEFITS IS FAIR AND EQUITABLE AND IN THE PUBLIC INTEREST.

(D) BANKRUPTCY COURTS.--WITHIN 90 DAYS AFTER ITS EFFECTIVE DATE, THE ASSOCIATION SHALL DELIVER A CERTIFIED COPY OF THE FINAL SYSTEM PLAN TO EACH DISTRICT COURT OF THE UNITED STATES OR ANY OTHER COURT HAVING JURISDICTION OVER A RAILROAD IN REORGANIZATION IN THE REGION AND SHALL CERTIFY TO EACH SUCH COURT--

(1) WHICH RAIL PROPERTIES OF THAT RAILROAD IN REORGANIZATION ARE TO BE TRANSFERRED TO THE CORPORATION UNDER THE FINAL SYSTEM PLAN;

AND (2) WHICH RAIL PROPERTIES OF THAT RAILROAD IN REORGANIZATION, IF ANY, ARE TO BE CONVEYED TO PROFITABLE RAILROADS OPERATING IN THE REGION,

UNDER THE FINAL SYSTEM PLAN.

OBLIGATIONS OF THE ASSOCIATION

SEC. 210. (A) GENERAL.--TO CARRY OUT THE PURPOSES OF THIS ACT, THE ASSOCIATION IS AUTHORIZED TO ISSUE BONDS, DEBENTURES, TRUST CERTIFICATES, SECURITIES, OR OTHER OBLIGATIONS (HEREIN CITED AS "OBLIGATIONS") IN ACCORDANCE WITH THIS SECTION. SUCH OBLIGATIONS SHALL HAVE SUCH MATURITIES AND BEAR SUCH RATE OR RATES OF INTEREST AS ARE DETERMINED BY THE ASSOCIATION WITH THE APPROVAL OF THE SECRETARY OF THE TREASURY. SUCH OBLIGATIONS SHALL BE REDEEMABLE AT THE OPTION OF THE ASSOCIATION PRIOR TO MATURITY IN THE MANNER STIPULATED IN EACH SUCH OBLIGATION, AND MAY BE

PURCHASED BY THE ASSOCIATION IN THE OPEN MARKET AT A PRICE WHICH IS REASONABLE.

(B) MAXIMUM OBLIGATIONAL AUTHORITY.--EXCEPT AS OTHERWISE PROVIDED IN THE LAST SENTENCE OF THIS SUBSECTION, THE AGGREGATE AMOUNT OF OBLIGATIONS OF THE ASSOCIATION ISSUED UNDER THIS SECTION WHICH MAY BE OUTSTANDING AT ANY ONE TIME SHALL NOT EXCEED \$1,500,000,000 OF WHICH THE AGGREGATE AMOUNT ISSUED TO THE CORPORATION SHALL NOT EXCEED \$1,000,000,000. OF THE AGGREGATE AMOUNT OF OBLIGATIONS ISSUED TO THE CORPORATION BY THE ASSOCIATION, NOT LESS THAN \$500,000,000 SHALL BE AVAILABLE SOLELY FOR THE REHABILITATION AND MODERNIZATION OF PAUL PROPERTIES ACQUIRED BY THE CORPORATION UNDER THIS ACT AND NOT DISPOSED OF BY THE CORPORATION PURSUANT TO SECTION 206 (C) (1) (C) OF THIS ACT. ANY MODIFICATION TO THE LIMITATIONS SET FORTH IN THIS SUBSECTION SHALL BE MADE BY JOINT RESOLUTION ADOPTED BY THE CONGRESS.

(C) GUARANTEES.--THE SECRETARY SHALL GUARANTEE THE PAYMENT OF PRINCIPAL AND INTEREST ON ALL OBLIGATIONS ISSUED BY THE ASSOCIATION IN ACCORDANCE WITH THIS ACT AND WHICH THE ASSOCIATION REQUESTS BE GUARANTEED.

(D) VALIDITY.--NO OBLIGATION ISSUED BY THE ASSOCIATION UNDER THIS SECTION SHALL BE TERMINATED, CANCELED, OR OTHERWISE REVOKED, EXCEPT IN ACCORDANCE WITH LAWFUL TERMS AND CONDITIONS PRESCRIBED BY THE ASSOCIATION. SUCH AN OBLIGATION SHALL BE CONCLUSIVE EVIDENCE THAT IT IS IN COMPLIANCE WITH THIS SECTION, HAS BEEN APPROVED, AND IS LEGAL AS TO PRINCIPAL, INTEREST, AND OTHER TERMS. AN OBLIGATION OF THE ASSOCIATION SHALL BE VALID AND INCONTESTABLE IN THE HANDS OF A HOLDER, EXCEPT AS TO FRAUD, DURESS, MUTUAL MISTAKE OF FACT, OR MATERIAL MISREPRESENTATION BY OR INVOLVING SUCH HOLDER.

(E) THE SECURITY OF THE TREASURY.--IF AT ANY TIME THE MONEYS AVAILABLE TO THE SECRETARY ARE INSUFFICIENT TO ENABLE HIM TO DISCHARGE HIS RESPONSIBILITIES UNDER SUBSECTION (C) OF THIS SECTION, HE SHALL ISSUE NOTES OR OTHER OBLIGATIONS TO THE SECRETARY OF THE TREASURY IN SUCH FORMS AND DENOMINATIONS, BEARING SUCH MATURITIES, AND SUBJECT TO SUCH TERMS AND CONDITIONS AS MAY BE PRESCRIBED BY THE SECRETARY OF THE TREASURY. SUCH OBLIGATIONS SHALL BEAR INTEREST AT A RATE TO BE DETERMINED BY THE SECRETARY OF THE TREASURY TAKING INTO CONSIDERATION THE CURRENT AVERAGE MARKET YIELD ON OUTSTANDING MARKETABLE OBLIGATIONS OF THE UNITED STATES OF COMPARABLE MATURITIES DURING THE MONTH PRECEDING THE ISSUANCE OF SUCH OBLIGATIONS. THE SECRETARY OF THE TREASURY IS AUTHORIZED AND DIRECTED TO PURCHASE ANY SUCH OBLIGATIONS AND FOR SUCH PURPOSE IS AUTHORIZED TO USE AS A PUBLIC DEBT TRANSACTION THE PROCEEDS FROM THE SALE OF ANY SECURITIES ISSUED UNDER THE SECOND LIBERTY BOND ACT, AS AMENDED. THE PURPOSES FOR WHICH SECURITIES MAY BE ISSUED UNDER SUCH ACT ARE EXTENDED TO INCLUDE ANY PURCHASE OF NOTES OR OTHER OBLIGATIONS ISSUED UNDER THIS SUBSECTION. 1/40 STAT. 288. 31 USC 774.// AT ANY TIME, THE SECRETARY OF THE TREASURY MAY SELL ANY SUCH OBLIGATIONS, AND ALL SALES, PURCHASES, AND REDEMPTIONS OF SUCH OBLIGATIONS BY THE SECRETARY OF THE TREASURY SHALL BE TREATED AS PUBLIC DEBT TRANSACTIONS OF THE UNITED STATES.

(F) AUTHORIZATION FOR APPROPRIATIONS.--THERE ARE HEREBY AUTHORIZED TO BE APPROPRIATED TO THE SECRETARY SUCH AMOUNTS AS ARE NECESSARY TO

DISCHARGE THE OBLIGATIONS OF THE UNITED STATES ARISING UNDER THIS SECTION.

(G) LAWFUL INVESTMENTS.--ALL OBLIGATIONS ISSUED BY THE ASSOCIATION SHALL BE LAWFUL INVESTMENTS AND MAY BE ACCEPTED AS SECURITY FOR ALL FIDUCIARY, TRUST, AND PUBLIC FUNDS, THE INVESTMENT OR DEPOSIT OF WHICH SHALL BE UNDER THE AUTHORITY AND CONTROL OF THE UNITED STATES OR ANY OFFICER OR OFFICERS THEREOF. ALL SUCH OBLIGATIONS ISSUED PURSUANT TO THIS SECTION SHALL BE EXEMPT SECURITIES WITHIN THE MEANING OF LAWS ADMINISTERED BY THE SECURITIES AND EXCHANGE COMMISSION.

LOANS

SEC. 211. (A) GENERAL.--THE ASSOCIATION IS AUTHORIZED, IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION AND SUCH RULES AND REGULATIONS AS IT SHALL PRESCRIBE, TO MAKE LOANS TO THE CORPORATION, THE NATIONAL RAILROAD PASSENGER CORPORATION, AND OTHER RAILROADS (INCLUDING A RAILROAD IN REORGANIZATION WHICH HAS BEEN FOUND TO BE REORGANIZABLE UNDER SECTION 77 OF THE BANKRUPTCY ACT PURSUANT TO SECTION 207 (B) OF THIS TITLE) //49 STAT. 911; 76 STAT. 572. 11 USC 205.// IN THE REGION, FOR PURPOSES OF ASSISTING IN THE IMPLEMENTATION OF THE FINAL SYSTEM PLAN; TO A STATE OR LOCAL OR REGIONAL TRANSPORTATION AUTHORITY PURSUANT TO SECTION 403 OF THIS ACT; AND TO PROVIDE ASSISTANCE IN THE FORM OF LOANS TO ANY RAILROAD WHICH (A) CONNECTS WITH A RAILROAD IN REORGANIZATION, AND (B) IS IN NEED OF FINANCIAL ASSISTANCE TO AVOID REORGANIZATION PROCEEDINGS UNDER SECTION 77 OF THE BANKRUPTCY ACT (11 U.S.C. 205). NO SUCH LOAN SHALL BE MADE BY THE ASSOCIATION TO A RAILROAD UNLESS SUCH LOANS SHALL, WHERE APPLICABLE, BE TREATED AS AN EXPENSE OF ADMINISTRATION. THE RIGHTS REFERRED TO IN THE LAST SENTENCE OF SECTION 77 (J) OF THE BANKRUPTCY ACT (11 U.S.C. 205 (J)) SHALL IN NO WAY BE AFFECTED BY THIS ACT.

(B) APPLICATIONS.--EACH APPLICATION FOR SUCH A LOAN SHALL BE MADE IN WRITING TO THE ASSOCIATION IN SUCH FORM AND WITH SUCH CONTENT AND OTHER SUBMISSIONS AS THE ASSOCIATION SHALL PRESCRIBE TO PROTECT REASONABLY THE INTERESTS OF THE UNITED STATES. THE ASSOCIATION SHALL PUBLISH A NOTICE OF THE RECEIPT OF EACH SUCH APPLICATION IN THE FEDERAL REGISTER AND SHALL AFFORD INTERESTED PERSONS AN OPPORTUNITY TO COMMENT THEREON.

(C) TERMS AND CONDITIONS.--EACH LOAN SHALL BE EXTENDED IN SUCH FORM, UNDER SUCH TERMS AND CONDITIONS, AND PURSUANT TO SUCH REGULATIONS AS THE ASSOCIATION DEEMS APPROPRIATE. SUCH LOAN SHALL BEAR INTEREST AT A RATE NOT LESS THAN THE GREATER OF A RATE DETERMINED BY THE SECRETARY OF THE TREASURY TAKING INTO CONSIDERATION (1) THE RATE PREVAILING IN THE PRIVATE MARKET FOR SIMILAR LOANS AS DETERMINED BY THE SECRETARY OF THE TREASURY, OR (2) THE CURRENT AVERAGE YIELD ON OUTSTANDING MARKETABLE OBLIGATIONS OF THE ASSOCIATION WITH REMAINING PERIODS OF MATURITY COMPARABLE TO THE AVERAGE MATURITIES OF SUCH LOANS, PLUS SUCH ADDITIONAL CHARGE, IF ANY, TOWARD COVERING COSTS OF THE ASSOCIATION AS THE ASSOCIATION MAY DETERMINE TO BE CONSISTENT WITH THE PURPOSES OF THIS ACT.

(D) MODIFICATIONS.--THE ASSOCIATION IS AUTHORIZED TO APPROVE ANY MODIFICATION OF ANY PROVISION OF A LOAN UNDER THIS SECTION, INCLUDING THE RATE OF INTEREST, TIME OF PAYMENT OF INTEREST OR PRINCIPAL, SECURITY, OR ANY OTHER TERM OR CONDITION, UPON AGREEMENT OF THE RECIPIENT OF THE LOAN AND UPON A FINDING BY THE ASSOCIATION THAT SUCH MODIFICATION IS EQUITABLE

AND NECESSARY OR APPROPRIATE TO ACHIEVE THE POLICY DECLARED IN SUBSECTION (F) OF THIS SECTION.

(E) PREREQUISITES.--THE ASSOCIATION SHALL MAKE A FINDING IN WRITING, BEFORE MAKING A LOAN TO ANY APPLICANT UNDER THIS SECTION, THAT--

(1) THE LOAN IS NECESSARY TO CARRY OUT THE FINAL SYSTEM PLAN OR TO PREVENT INSOLVENCY;

(2) IT IS SATISFIED THAT THE BUSINESS AFFAIRS OF THE APPLICANT WILL BE CONDUCTED IN A REASONABLE AND PRUDENT MANNER; AND

(3) THE APPLICANT HAS OFFERED SUCH SECURITY AS THE ASSOCIATION DEEMS NECESSARY TO PROTECT REASONABLY THE INTERESTS OF THE UNITED STATES.

(F) POLICY.--IT IS THE INTENT OF CONGRESS THAT LOANS MADE UNDER THIS SECTION SHALL BE MADE ON TERMS AND CONDITIONS WHICH FURNISH REASONABLE ASSURANCE THAT THE CORPORATION OR THE RAILROADS TO WHICH SUCH LOANS ARE GRANTED WILL BE ABLE TO REPAY THEM WITHIN THE TIME FIXED AND THAT THE GOALS OF THE FINAL SYSTEM PLAN ARE REASONABLY LIKELY TO BE ACHIEVED.
RECORDS, AUDIT, AND EXAMINATION

SEC. 212. (A) RECORDS.--EACH RECIPIENT OF FINANCIAL ASSISTANCE UNDER THIS TITLE, WHETHER IN THE FORM OF LOANS, OBLIGATIONS, OR OTHER ARRANGEMENTS, SHALL KEEP SUCH RECORDS AS THE ASSOCIATION OR THE SECRETARY SHALL PRESCRIBE, INCLUDING RECORDS WHICH FULLY DISCLOSE THE AMOUNT AND DISPOSITION BY SUCH RECIPIENT OF THE PROCEEDS OF SUCH ASSISTANCE AND SUCH OTHER RECORDS AS WILL FACILITATE AN EFFECTIVE AUDIT.

(B) AUDIT AND EXAMINATION.--THE ASSOCIATION, THE SECRETARY, AND THE COMPTROLLER GENERAL OF THE UNITED STATES, OR ANY OF THEIR DULY AUTHORIZED REPRESENTATIVES SHALL, UNTIL THE EXPIRATION OF 3 YEARS AFTER THE IMPLEMENTATION OF THE FINAL SYSTEM PLAN, HAVE ACCESS FOR THE PURPOSE OF AUDIT AND EXAMINATION TO ANY BOOKS, DOCUMENTS, PAPERS, AND RECORDS OF SUCH RECIPIENTS WHICH IN THE OPINION OF THE ASSOCIATION, THE SECRETARY, OR THE COMPTROLLER GENERAL MAY BE RELATED OR PERTINENT TO THE LOANS, OBLIGATIONS OR OTHER ARRANGEMENTS REFERRED TO IN SUBSECTION (A) OF THIS SECTION. THE ASSOCIATION OR ANY OF ITS DULY AUTHORIZED REPRESENTATIVES SHALL, UNTIL ANY FINANCIAL ASSISTANCE RECEIVED UNDER THIS TITLE HAS BEEN REPAID TO THE ASSOCIATION, HAVE ACCESS TO ANY SUCH MATERIALS WHICH CONCERN ANY MATTER THAT MAY BEAR UPON--

(1) THE ABILITY OF THE RECIPIENT OF SUCH FINANCIAL ASSISTANCE TO MAKE REPAYMENT WITHIN THE TIME FIXED THEREFOR;

(2) THE EFFECTIVENESS WITH WHICH THE PROCEEDS OF SUCH ASSISTANCE IS USED; AND

(3) THE IMPLEMENTATION OF THE FINAL SYSTEM PLAN AND THE REALIZATION OF THE DECLARATION OF POLICY OF THIS ACT.

EMERGENCY ASSISTANCE PENDING IMPLEMENTATION

SEC. 213. (A) EMERGENCY ASSISTANCE.--THE SECRETARY IS AUTHORIZED, PENDING THE IMPLEMENTATION OF THE FINAL SYSTEM PLAN, TO PAY TO THE TRUSTEES OF RAILROADS IN REORGANIZATION SUCH SUMS AS ARE NECESSARY FOR THE CONTINUED PROVISION OF ESSENTIAL TRANSPORTATION SERVICES BY SUCH RAILROADS. SUCH PAYMENTS SHALL BE MADE BY THE SECRETARY UPON SUCH REASONABLE TERMS AND CONDITIONS AS THE SECRETARY ESTABLISHES, EXCEPT THAT

RECIPIENTS MUST AGREE TO MAINTAIN AND PROVIDE SERVICE AT A LEVEL NO LESS THAN THAT IN EFFECT ON THE DATE OF ENACTMENT OF THIS ACT.

(B) AUTHORIZATION FOR APPROPRIATIONS.--THERE ARE AUTHORIZED TO BE APPROPRIATED TO THE SECRETARY FOR CARRYING OUT THIS SECTION SUCH SUMS AS ARE NECESSARY, NOT TO EXCEED \$85,000,000, TO REMAIN AVAILABLE UNTIL EXPENDED.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 214. (A) SECRETARY.--THERE ARE AUTHORIZED TO BE APPROPRIATED TO THE SECRETARY FOR PURPOSES OF PREPARING THE REPORTS AND EXERCISING OTHER FUNCTIONS TO BE PERFORMED BY HIM UNDER THIS ACT SUCH SUMS AS ARE NECESSARY, NOT TO EXCEED \$12,500,000, TO REMAIN AVAILABLE UNTIL EXPENDED.

(B) OFFICE.--THERE ARE AUTHORIZED TO BE APPROPRIATED TO THE COMMISSION FOR THE USE OF THE OFFICE IN CARRYING OUT ITS FUNCTIONS UNDER THIS ACT SUCH SUMS AS ARE NECESSARY, NOT TO EXCEED \$5,000,000, TO REMAIN AVAILABLE UNTIL EXPENDED. THE BUDGET FOR THE OFFICE SHALL BE SUBMITTED BY THE COMMISSION DIRECTLY TO THE CONGRESS AND SHALL NOT BE SUBJECT TO REVIEW OF ANY KIND BY ANY OTHER AGENCY OR OFFICIAL OF THE UNITED STATES. MONEYS APPROPRIATED FOR THE OFFICE SHALL NOT BE WITHHELD BY ANY AGENCY OR OFFICIAL OF THE UNITED STATES OR USED BY THE COMMISSION FOR ANY PURPOSE OTHER THAN THE USE OF THE OFFICE. NO PART OF ANY OTHER MONEYS APPROPRIATED TO THE COMMISSION SHALL BE WITHHELD BY ANY OTHER AGENCY OR OFFICIAL OF THE UNITED STATES TO OFFSET ANY MONEYS APPROPRIATED PURSUANT TO THIS SUBSECTION.

(C) ASSOCIATION.--THERE ARE AUTHORIZED TO BE APPROPRIATED TO THE ASSOCIATION FOR PURPOSES OF CARRYING OUT ITS ADMINISTRATIVE EXPENSES UNDER THIS ACT SUCH SUMS AS ARE NECESSARY, NOT TO EXCEED \$26,000,000, TO REMAIN AVAILABLE UNTIL EXPENDED.

MAINTENANCE AND IMPROVEMENT OF PLANT

SEC. 215. PRIOR TO THE DATE UPON WHICH RAIL PROPERTIES ARE CONVEYED TO THE CORPORATION UNDER THIS ACT, THE SECRETARY, WITH THE APPROVAL OF THE ASSOCIATION, IS AUTHORIZED TO ENTER INTO AGREEMENTS WITH RAILROADS IN REORGANIZATION IN THE REGION (OR RAILROADS LEASED, OPERATED, OR CONTROLLED BY RAILROADS IN REORGANIZATION) FOR THE ACQUISITION, MAINTENANCE, OR IMPROVEMENT OF RAILROAD FACILITIES AND EQUIPMENT NECESSARY TO IMPROVE PROPERTY THAT WILL BE IN THE FINAL SYSTEM PLAN. AGREEMENTS ENTERED INTO PURSUANT TO THIS SECTION SHALL SPECIFICALLY IDENTIFY THE TYPE AND QUALITY OF IMPROVEMENTS TO BE MADE PURSUANT TO SUCH AGREEMENTS. //ANTE, P. 1000.// NOTWITHSTANDING SECTION 210 (B) OF THIS TITLE, THE ASSOCIATION SHALL ISSUE OBLIGATIONS UNDER SECTION 210 (A) OF THIS TITLE IN AN AMOUNT SUFFICIENT TO FINANCE SUCH AGREEMENTS AND SHALL REQUIRE THE CORPORATION TO ASSUME ANY SUCH OBLIGATIONS. HOWEVER, THE ASSOCIATION MAY NOT ISSUE OBLIGATIONS UNDER THIS SECTION IN AN AGGREGATE AMOUNT IN EXCESS OF \$150,000,000. THE SECRETARY MAY NOT ENTER INTO ANY AGREEMENTS UNDER THIS SECTION UNTIL HE ISSUES REGULATIONS SETTING FORTH PROCEDURES AND GUIDELINES FOR THE ADMINISTRATION OF THIS SECTION. THE CORPORATION SHALL NOT BE REQUIRED UNDER TITLE III OF THIS ACT TO COMPENSATE ANY RAILROAD IN REORGANIZATION FOR THAT PORTION OF THE VALUE OF RAIL PROPERTIES TRANSFERRED TO IT UNDER THIS ACT WHICH IS ATTRIBUTABLE TO THE ACQUISITION, MAINTENANCE, OR IMPROVEMENT OF SUCH PROPERTIES UNDER THIS SECTION.

ITEM 50

00104.87.009851

PUBLIC LAW 93 - 236; 87 STAT. 985 REGIONAL RAIL REORGANIZATION ACT OF 1973 (TITLES III - VI)

93RD CONGRESS, H. R. 9142

JANUARY 2, 1974

TITLE III--CONSOLIDATED RAIL CORPORATION
FORMATION AND STRUCTURE

SEC. 301. (A) ESTABLISHMENT.--THERE SHALL BE ESTABLISHED WITHIN 300 DAYS AFTER THE DATE OF ENACTMENT OF THIS ACT, IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION, A CORPORATION TO BE KNOWN AS THE CONSOLIDATED RAIL CORPORATION.

(B) STATUS.--THE CORPORATION SHALL BE A FOR-PROFIT CORPORATION ESTABLISHED UNDER THE LAWS OF A STATE AND SHALL NOT BE AN AGENCY OR INSTRUMENTALITY OF THE FEDERAL GOVERNMENT. THE CORPORATION SHALL BE DEEMED A COMMON CARRIER BY RAILROAD UNDER SECTION 1 (3) OF THE INTERSTATE COMMERCE ACT (49 U.S.C. 1 (3)), SHALL BE SUBJECT TO THE PROVISIONS OF THIS ACT AND, TO THE EXTENT NOT INCONSISTENT WITH SUCH ACTS, SHALL BE SUBJECT TO APPLICABLE STATE LAW. THE PRINCIPAL OFFICE OF THE CORPORATION SHALL BE LOCATED IN PHILADELPHIA IN THE COMMONWEALTH OF PENNSYLVANIA. //41 STAT. 424.//

(C) INCORPORATORS.--THE MEMBERS OF THE EXECUTIVE COMMITTEE OF THE ASSOCIATION SHALL BE THE INCORPORATORS OF THE CORPORATION AND SHALL TAKE WHATEVER STEPS ARE NECESSARY TO ESTABLISH THE CORPORATION, INCLUDING THE FILING OF ARTICLES OF INCORPORATION. THE INCORPORATORS SHALL ALSO SERVE AS THE BOARD OF DIRECTORS OF THE CORPORATION UNTIL THE STOCK AND OTHER SECURITIES OF THE CORPORATION ARE DISTRIBUTED TO THE ESTATES OF THE RAILROADS IN ACCORDANCE WITH SECTION 303 (C) OF THIS TITLE AND SHALL ADOPT THE INITIAL BYLAWS OF THE CORPORATION.

(D) BOARD OF DIRECTORS.--THE BOARD OF DIRECTORS OF THE CORPORATION SHALL CONSIST OF 15 INDIVIDUALS SELECTED IN ACCORDANCE WITH THE ARTICLES AND BYLAWS OF THE CORPORATION; PROVIDED, THAT SO LONG AS 50 PER CENTUM OR MORE, AS DETERMINED BY THE SECRETARY OF THE TREASURY, OF THE OUTSTANDING INDEBTEDNESS OF THE CORPORATION CONSISTS OF OBLIGATIONS OF THE ASSOCIATION OR OTHER DEBTS OWING TO OR GUARANTEED BY THE UNITED STATES, THREE OF THE MEMBERS OF SUCH BOARD SHALL BE THE SECRETARY, THE CHAIRMAN AND THE PRESIDENT OF THE ASSOCIATION AND FIVE OF THE MEMBERS OF SUCH BOARD SHALL BE INDIVIDUALS APPOINTED AS SUCH BY THE PRESIDENT, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE.

(E) INITIAL CAPITALIZATION.--IN ORDER TO CARRY OUT THE FINAL SYSTEM PLAN THE CORPORATION IS AUTHORIZED TO ISSUE STOCK AND OTHER SECURITIES. COMMON STOCK SHALL BE ISSUED INITIALLY TO THE ESTATES OF RAILROADS IN REORGANIZATION IN THE REGION IN EXCHANGE FOR RAIL PROPERTIES CONVEYED TO THE CORPORATION PURSUANT TO THE FINAL SYSTEM PLAN. NOTHING IN THIS SUBSECTION SHALL PRECLUDE THE CORPORATION FROM REPURCHASING THE COMMON STOCK INITIALLY ISSUED THROUGH PAYMENTS OUT OF PROFITS IN ORDER TO ESTABLISH AN EMPLOYEE STOCK OWNERSHIP PLAN; AND NOTHING IN THIS SUBSECTION SHALL PRECLUDE THE RECIPIENTS OF COMMON STOCK INITIALLY ISSUED

FROM ESTABLISHING AN EMPLOYEE STOCK OWNERSHIP PLAN.

(F) AUDIT AND EXPENDITURES.--SO LONG AS 50 PER CENTUM OR MORE, AS DETERMINED BY THE SECRETARY OF THE TREASURY, OF THE OUTSTANDING INDEBTEDNESS OF THE CORPORATION CONSISTS OF OBLIGATIONS OF THE ASSOCIATION OR OTHER DEBTS OWING TO OR GUARANTEED BY THE UNITED STATES, THE CORPORATION SHALL BE SUBJECT TO THE PROVISIONS OF THE GOVERNMENT CORPORATION CONTROL ACT FOR THE PURPOSES OF A FEDERAL GOVERNMENT AUDIT. SECTION 201 OF THE GOVERNMENT CORPORATION CONTROL ACT (31 U.S.C. 856) IS AMENDED BY INSERTING AT THE END THEREOF THE FOLLOWING: ", AND (9) THE CONSOLIDATED RAIL CORPORATION TO THE EXTENT PROVIDED IN THE REGIONAL RAIL REORGANIZATION ACT OF 1973." //ANTE, P. 992.//

(G) ANNUAL REPORT.--THE CORPORATION SHALL TRANSMIT TO THE CONGRESS AND THE PRESIDENT, NOT LATER THAN 90 DAYS AFTER THE END OF EACH FISCAL YEAR, A COMPREHENSIVE AND DETAILED REPORT ON ALL ACTIVITIES AND ACCOMPLISHMENTS OF THE CORPORATION DURING THE PRECEDING FISCAL YEAR.

POWERS AND DUTIES OF THE CORPORATION

SEC. 302. THE CORPORATION SHALL HAVE ALL OF THE POWERS AND IS SUBJECT TO ALL OF THE DUTIES VESTED IN IT UNDER THIS ACT, IN ADDITION TO THE POWERS CONFERRED UPON IT UNDER THE LAWS OF THE STATE OR STATES IN WHICH IT IS INCORPORATED AND THE POWERS OF A RAILROAD IN ANY STATE IN WHICH IT OPERATES. THE CORPORATION IS AUTHORIZED AND DIRECTED TO--

(A) ACQUIRE RAIL PROPERTIES DESIGNATED IN THE FINAL SYSTEM PLAN TO BE TRANSFERRED OR CONVEYED TO IT;

(B) OPERATE RAIL SERVICE OVER SUCH RAIL PROPERTIES EXCEPT AS PROVIDED UNDER SECTIONS 304 (E) AND 601 (D) (3) OF THIS ACT;

(C) REHABILITATE, IMPROVE, AND MODERNIZE SUCH RAIL PROPERTIES; AND

(D) MAINTAIN ADEQUATE AND EFFICIENT RAIL SERVICES. SO LONG AS 50 PER CENTUM OR MORE, AS DETERMINED BY THE SECRETARY OF THE TREASURY, OF THE OUTSTANDING INDEBTEDNESS OF THE CORPORATION CONSISTS OF OBLIGATIONS OF THE ASSOCIATION OR OTHER DEBTS OWING TO OR GUARANTEED BY THE UNITED STATES, THE CORPORATION SHALL NOT ENGAGE IN ACTIVITIES WHICH ARE NOT RELATED TO TRANSPORTATION.

VALUATION AND CONVEYANCE OF RAIL PROPERTIES

SEC. 303. (A) DEPOSIT WITH COURT.--WITHIN 10 DAYS AFTER DELIVERY OF A CERTIFIED COPY OF A FINAL SYSTEM PLAN PURSUANT TO SECTION 209 (C) OF THIS ACT--

(1) THE CORPORATION, IN EXCHANGE FOR THE RAIL PROPERTIES OF THE RAILROADS IN REORGANIZATION IN THE REGION AND OF RAILROADS LEASED, OPERATED, OR CONTROLLED BY RAILROADS IN REORGANIZATION IN THE REGION TO BE TRANSFERRED TO THE CORPORATION, SHALL DEPOSIT WITH THE SPECIAL COURT ALL OF THE STOCK AND OTHER SECURITIES OF THE CORPORATION AND OBLIGATIONS OF THE ASSOCIATION DESIGNATED IN THE FINAL SYSTEM PLAN TO BE EXCHANGED FOR SUCH RAIL PROPERTIES;

(2) EACH PROFITABLE RAILROAD OPERATING IN THE REGION PURCHASING RAIL PROPERTIES FROM A RAILROAD IN REORGANIZATION IN THE REGION, OR FROM A RAILROAD LEASED, OPERATED, OR CONTROLLED BY A RAILROAD IN REORGANIZATION IN THE REGION, AS PROVIDED IN THE FINAL SYSTEM PLAN

SHALL DEPOSIT WITH THE SPECIAL COURT THE COMPENSATION TO BE PAID FOR SUCH RAIL PROPERTIES.

(B) CONVEYANCE OF RAIL PROPERTIES.--(1) THE SPECIAL COURT SHALL, WITHIN 10 DAYS AFTER DEPOSIT UNDER SUBSECTION (A) OF THIS SECTION OF THE SECURITIES OF THE CORPORATION, OBLIGATIONS OF THE ASSOCIATION, AND COMPENSATION FROM THE PROFITABLE RAILROADS OPERATING IN THE REGION, ORDER THE TRUSTEE OR TRUSTEES OF EACH RAILROAD IN REORGANIZATION IN THE REGION TO CONVEY FORTHWITH TO THE CORPORATION AND THE RESPECTIVE PROFITABLE RAILROADS OPERATING IN THE REGION, ALL RIGHT, TITLE, AND INTEREST IN THE RAIL PROPERTIES OF SUCH RAILROAD IN REORGANIZATION AND SHALL ITSELF ORDER THE CONVEYANCE OF ALL RIGHT, TITLE, AND INTEREST IN THE RAIL PROPERTIES OF ANY RAILROAD LEASED, OPERATED, OR CONTROLLED BY SUCH RAILROAD IN REORGANIZATION THAT ARE TO BE CONVEYED TO THEM UNDER THE FINAL SYSTEM PLAN AS CERTIFIED TO SUCH COURT UNDER SECTION 209 (D) OF THIS ACT.

(2) ALL RAIL PROPERTIES CONVEYED TO THE CORPORATION AND THE RESPECTIVE PROFITABLE RAILROADS OPERATING IN THE REGION UNDER THIS SECTION SHALL BE CONVEYED FREE AND CLEAR OF ANY LIENS OR ENCUMBRANCES, BUT SUBJECT TO SUCH LEASES AND AGREEMENTS AS SHALL HAVE PREVIOUSLY BURDENED SUCH PROPERTIES OR BOUND THE OWNER OR OPERATOR THEREOF IN PURSUANCE OF AN ARRANGEMENT WITH ANY STATE, OR LOCAL OR REGIONAL TRANSPORTATION AUTHORITY UNDER WHICH FINANCIAL SUPPORT FROM SUCH STATE, OR LOCAL OR REGIONAL TRANSPORTATION AUTHORITY WAS BEING PROVIDED AT THE TIME OF ENACTMENT OF THIS ACT FOR THE CONTINUANCE OF RAIL PASSENGER SERVICE OR ANY LIEN OR ENCUMBRANCE OF NO GREATER THAN 5 YEARS' DURATION WHICH IS NECESSARY FOR THE CONTRACTUAL PERFORMANCE BY ANY PERSON OF DUTIES RELATED TO PUBLIC HEALTH OR SANITATION. SUCH CONVEYANCES SHALL NOT BE RESTRAINED OR ENJOINED BY ANY COURT.

(3) NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED IN THIS ACT, IF RAILROAD ROLLING STOCK IS INCLUDED IN THE RAIL PROPERTIES TO BE CONVEYED, SUCH CONVEYANCE MAY ONLY BE EFFECTED IF THE PROFITABLE RAILROAD OPERATING IN THE REGION OR THE CORPORATION TO WHOM THE CONVEYANCE IS MADE ASSUMES ALL OF THE OBLIGATIONS UNDER ANY CONDITIONAL SALE AGREEMENT, EQUIPMENT TRUST AGREEMENT, OR LEASE IN RESPECT TO SUCH ROLLING STOCK AND SUCH CONVEYANCE IS MADE SUBJECT THERETO; AND THE PROVISIONS OF THIS ACT SHALL NOT AFFECT THE TITLE AND INTERESTS OF ANY LESSOR, EQUIPMENT TRUST TRUSTEE, OR CONDITIONAL SALE VENDEE OR ASSIGNEE UNDER SUCH CONDITIONAL SALE AGREEMENT, EQUIPMENT TRUST AGREEMENT OR LEASE UNDER SECTION 77 (J) OF THE BANKRUPTCY ACT (11 U.S.C. 205 (J)). //49 STAT. 911.//

(4) NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED IN THIS ACT, IF A RAILROAD IN REORGANIZATION HAS LEASED RAIL PROPERTIES FROM A LESSOR THAT IS NEITHER A RAILROAD NOR CONTROLLED BY OR AFFILIATED WITH A RAILROAD, AND SUCH LEASE HAS BEEN APPROVED BY THE LESSOR RAILROAD'S REORGANIZATION COURT PRIOR TO THE DATE OF ENACTMENT OF THIS ACT, CONVEYANCE OF SUCH LEASE MAY ONLY BE EFFECTED IF THE CORPORATION OR THE PROFITABLE RAILROAD TO WHOM THE CONVEYANCE IS MADE ASSUMES ALL OF THE TERMS AND CONDITIONS SPECIFIED IN THE LEASE, INCLUDING THE OBLIGATION TO PAY THE SPECIFIED RENT TO THE NON-RAILROAD LESSOR.

(C) FINDINGS AND DISTRIBUTION.--(1) AFTER THE RAIL PROPERTIES HAVE BEEN

CONVEYED TO THE CORPORATION AND PROFITABLE RAILROADS OPERATING IN THE REGION UNDER SUBSECTION (B) OF THIS SECTION, THE SPECIAL COURT, GIVING DUE CONSIDERATION TO THE FINDINGS CONTAINED IN THE FINAL SYSTEM PLAN, SHALL DECIDE--

(A) WHETHER THE TRANSFERS OR CONVEYANCES--

(I) OF RAIL PROPERTIES OF EACH RAILROAD IN REORGANIZATION, OR OF EACH RAILROAD LEASED, OPERATED, OR CONTROLLED BY A RAILROAD IN REORGANIZATION, TO THE CORPORATION IN EXCHANGE FOR THE SECURITIES AND THE OTHER BENEFITS ACCRUING TO SUCH RAILROAD AS A RESULT OF SUCH EXCHANGE, AS PROVIDED IN THE FINAL SYSTEM PLAN AND THIS ACT, AND

(II) OF RAIL PROPERTIES OF EACH RAILROAD IN REORGANIZATION, OR OF EACH RAILROAD LEASED, OPERATED, OR CONTROLLED BY A RAILROAD IN REORGANIZATION, TO A PROFITABLE RAILROAD OPERATING IN THE REGION, IN ACCORDANCE WITH THE FINAL SYSTEM PLAN,

ARE IN THE PUBLIC INTEREST AND ARE FAIR AND EQUITABLE TO THE ESTATE OF EACH RAILROAD IN REORGANIZATION IN ACCORDANCE WITH THE STANDARD OF FAIRNESS AND EQUITY APPLICABLE TO THE APPROVAL OF A PLAN OF REORGANIZATION OR A STEP IN SUCH A PLAN UNDER SECTION 77 OF THE BANKRUPTCY ACT (11 U.S.C. 205), OR FAIR AND EQUITABLE TO A RAILROAD THAT IS NOT ITSELF IN REORGANIZATION BUT WHICH IS LEASED, OPERATED, OR CONTROLLED BY A RAILROAD IN REORGANIZATION; //49 STAT. 911; 76 STAT. 572-// AND

(B) WHETHER THE TRANSFERS OR CONVEYANCES ARE MORE FAIR AND EQUITABLE THAN IS REQUIRED AS A CONSTITUTIONAL MINIMUM.

(2) IF THE SPECIAL COURT FINDS THAT THE TERMS OF ONE OR MORE EXCHANGES FOR SECURITIES AND OTHER BENEFITS ARE NOT FAIR AND EQUITABLE TO AN ESTATE OF A RAILROAD IN REORGANIZATION, OR TO A RAILROAD LEASED, OPERATED, OR CONTROLLED BY A RAILROAD IN REORGANIZATION, WHICH HAS TRANSFERRED RAIL PROPERTIES PURSUANT TO THE FINAL SYSTEM PLAN, IT SHALL--

(A) ENTER A JUDGMENT REALLOCATING THE SECURITIES OF THE CORPORATION IN A FAIR AND EQUITABLE MANNER IF IT HAS NOT BEEN FAIRLY ALLOCATED AMONG THE RAILROADS TRANSFERRING RAIL PROPERTIES TO THE CORPORATION; AND

(B) IF THE LACK OF FAIRNESS AND EQUITY CANNOT BE COMPLETELY CURED BY A REALLOCATION OF THE CORPORATION'S SECURITIES, ORDER THE CORPORATION TO PROVIDE FOR THE TRANSFER TO THE RAILROAD OF OTHER SECURITIES OF THE CORPORATION OR OBLIGATIONS OF THE ASSOCIATION AS

DESIGNATED IN THE FINAL SYSTEM PLAN IN SUCH NATURE AND AMOUNT AS WOULD MAKE THE EXCHANGE OR EXCHANGES FAIR AND EQUITABLE; AND

(C) IF THE LACK OF FAIRNESS AND EQUITY CANNOT BE COMPLETELY CURED BY REALLOCATION OF THE CORPORATION'S SECURITIES OR BY PROVIDING FOR THE TRANSFER OF OTHER SECURITIES OF THE CORPORATION OR OBLIGATIONS OF THE ASSOCIATION AS DESIGNATED IN THE FINAL SYSTEM PLAN, ENTER A JUDGMENT AGAINST THE CORPORATION

(3) IF THE SPECIAL COURT FINDS THAT THE TERMS OF ONE OR MORE CONVEYANCES OF RAIL PROPERTIES TO A PROFITABLE RAILROAD OPERATING IN THE REGION IN ACCORDANCE WITH THE FINAL SYSTEM PLAN ARE NOT FAIR AND

EQUITABLE, IT SHALL ENTER A JUDGMENT AGAINST SUCH PROFITABLE RAILROAD. IF THE SPECIAL COURT FINDS THAT THE TERMS OF ONE OR MORE CONVEYANCES OR EXCHANGES FOR SECURITIES OR OTHER BENEFITS ARE FAIRER AND MORE EQUITABLE THAN IS REQUIRED AS A CONSTITUTIONAL MINIMUM, THEN IT SHALL ORDER THE RETURN OF ANY EXCESS SECURITIES, OBLIGATIONS, OR COMPENSATION TO THE CORPORATION OR A PROFITABLE RAILROAD SO AS NOT TO EXCEED THE CONSTITUTIONAL MINIMUM STANDARD OF FAIRNESS AND EQUITY.

(4) UPON MAKING THE FINDINGS REFERRED TO IN THIS SUBSECTION, THE SPECIAL COURT SHALL ORDER DISTRIBUTION OF THE SECURITIES, OBLIGATIONS, AND COMPENSATION DEPOSITED WITH IT UNDER SUBSECTION (8) OF THIS SECTION TO THE TRUSTEE OR TRUSTEES OF EACH RAILROAD IN REORGANIZATION IN THE REGION WHO CONVEYED RIGHT, TITLE, AND INTEREST IN RAIL PROPERTIES TO THE CORPORATION AND THE RESPECTIVE PROFITABLE RAILROADS UNDER SUCH SUBSECTION.

(D) APPEAL.--A FINDING OR DETERMINATION ENTERED PURSUANT TO SUBSECTION (C) OF THIS SECTION MAY BE APPEALED DIRECTLY TO THE SUPREME COURT OF THE UNITED STATES IN THE SAME MANNER THAT AN INJUNCTION ORDER MAY BE APPEALED UNDER SECTION 1253 OF TITLE 28, UNITED STATES CODE: PROVIDED, THAT SUCH APPEALS IS EXCLUSIVE AND SHALL BE FILED IN THE SUPREME COURT NOT MORE THAN 5 DAYS AFTER SUCH FINDING OR DETERMINATION IS ENTERED BY THE SPECIAL COURT. //62 STAT. 928.// THE SUPREME COURT SHALL DISMISS ANY SUCH APPEAL WITHIN 7 DAYS AFTER THE ENTRY OF SUCH AN APPEAL IF IT DETERMINES THAT SUCH AN APPEAL WOULD NOT BE IN THE INTEREST OF AN EXPEDITIOUS CONCLUSION OF THE PROCEEDINGS AND SHALL GRANT THE HIGHEST PRIORITY TO THE DETERMINATION OF ANY SUCH APPEALS WHICH IT DETERMINES NOT TO DISMISS.

TERMINATION OF RAIL SERVICE

SEC. 304. (A) DISCONTINUANCE.--EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (F) OF THIS SECTION, (1) RAIL SERVICE ON RAIL PROPERTIES OF A RAILROAD IN THE REGION WHICH TRANSFERS TO THE CORPORATION OR TO PROFITABLE RAILROADS OPERATING IN THE REGION ALL OR SUBSTANTIALLY ALL OF ITS RAIL PROPERTIES DESIGNATED FOR SUCH CONVEYANCE IN THE FINAL SYSTEM PLAN, AND (2) RAIL SERVICE ON RAIL PROPERTIES OF A PROFITABLE RAILROAD OPERATING IN THE REGION WHICH TRANSFERS SUBSTANTIALLY ALL OF ITS RAIL PROPERTIES TO THE CORPORATION OR TO OTHER RAILROADS PURSUANT TO THE FINAL SYSTEM PLAN MAY BE DISCONTINUED TO THE EXTENT SUCH DISCONTINUANCE IS NOT PRECLUDED BY THE TERMS OF THE LEASES AND AGREEMENTS REFERRED TO IN SECTION 303 (B) (2) OF THIS TITLE IF--

(A) THE FINAL SYSTEM PLAN DOES NOT DESIGNATE RAIL SERVICE TO BE OPERATED OVER SUCH RAIL PROPERTIES; AND

(B) NOT SOONER THAN 30 DAYS FOLLOWING THE EFFECTIVE DATE OF THE FINAL SYSTEM PLAN THE TRUSTEE OR TRUSTEES OF THE APPLICABLE RAILROAD IN REORGANIZATION OR A PROFITABLE RAILROAD GIVE NOTICE IN WRITING OF INTENT TO DISCONTINUE SUCH RAIL SERVICE ON A DATE CERTAIN WHICH IS NOT LESS THAN 60 DAYS AFTER THE DATE OF SUCH NOTICE; AND

(C) THE NOTICE REQUIRED BY PARAGRAPH (B) OF THIS SUBSECTION IS SENT BY CERTIFIED MAIL TO THE GOVERNOR AND STATE TRANSPORTATION AGENCIES OF EACH STATE AND TO THE GOVERNMENT OF EACH POLITICAL SUBDIVISION OF EACH STATE IN WHICH SUCH RAIL PROPERTIES ARE LOCATED AND TO EACH SHIPPER WHO HAS USED SUCH RAIL SERVICE DURING THE

PREVIOUS 12 MONTHS.

(B) ABANDONMENT.--(1) RAIL PROPERTIES OVER WHICH RAIL SERVICE HAS BEEN DISCONTINUED UNDER SUBSECTION (A) OF THIS SECTION MAY NOT BE ABANDONED SOONER THAN 120 DAYS AFTER THE EFFECTIVE DATE OF SUCH DISCONTINUANCE EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (F) OF THIS SECTION. THEREAFTER, EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, SUCH RAIL PROPERTIES MAY BE ABANDONED UPON 30 DAYS' NOTICE IN WRITING TO ALL THOSE REQUIRED TO RECEIVE NOTICE UNDER PARAGRAPH (2) (C) OF SUBSECTION (A) OF THIS SECTION.

(2) IN ANY CASE IN WHICH RAIL PROPERTIES PROPOSED TO BE ABANDONED UNDER THIS SECTION ARE DESIGNATED BY THE FINAL SYSTEM PLAN AS RAIL PROPERTIES WHICH ARE SUITABLE FOR USE FOR OTHER PUBLIC PURPOSES (INCLUDING ROADS OR HIGHWAYS, OTHER FORMS OF MASS TRANSPORTATION, CONSERVATION, AND RECREATION), SUCH RAIL PROPERTIES SHALL NOT BE SOLD, LEASED, EXCHANGED, OR OTHERWISE DISPOSED OF DURING THE 180 DAY PERIOD BEGINNING ON THE DATE OF NOTICE OF PROPOSED ABANDONMENT UNDER THIS SECTION UNLESS SUCH RAIL PROPERTIES HAVE FIRST BEEN OFFERED UPON REASONABLE TERMS, FOR ACQUISITION FOR PUBLIC PURPOSES.

(C) LIMITATIONS.--RAIL SERVICE MAY BE DISCONTINUED AND RAIL PROPERTIES MAY BE ABANDONED UNDER SUBSECTIONS (A) AND (B) OF THIS SECTION NOTWITHSTANDING ANY PROVISION OF THE INTERSTATE COMMERCE ACT (49 U.S.C. 1 ET SEQ.) OR THE CONSTITUTION OR LAW OF ANY STATE OR THE DECISION OF ANY COURT OR ADMINISTRATIVE AGENCY OF THE UNITED STATES OR OF ANY STATE. //24 STAT. 379.// NO RAIL SERVICE MAY BE DISCONTINUED AND NO RAIL PROPERTIES MAY BE ABANDONED PURSUANT TO THIS SECTION--

(1) AFTER 2 YEARS FROM THE EFFECTIVE DATE OF THE FINAL SYSTEM PLAN OR MORE THAN 2 YEARS AFTER THE FINAL PAYMENT OF ANY RAIL SERVICE CONTINUATION SUBSIDY IS RECEIVED, WHICHEVER IS LATER; OR

(2) IF A SHIPPER, A STATE, THE UNITED STATES, A LOCAL OR REGIONAL TRANSPORTATION AUTHORITY, OR ANY RESPONSIBLE PERSON OFFERS--

(A) A RAIL SERVICE CONTINUATION SUBSIDY WHICH COVERS THE DIFFERENCE BETWEEN THE REVENUE ATTRIBUTABLE TO SUCH RAIL PROPERTIES AND THE AVOIDABLE COSTS OF PROVIDING SERVICE ON SUCH RAIL PROPERTIES PLUS A REASONABLE RETURN ON THE VALUE OF SUCH RAIL PROPERTIES;

(B) A RAIL SERVICE CONTINUATION SUBSIDY WHICH IS PAYABLE PURSUANT TO A LEASE OR AGREEMENT WITH A STATE, OR A LOCAL OR REGIONAL TRANSPORTATION AUTHORITY, UNDER WHICH FINANCIAL SUPPORT WAS BEING PROVIDED AT THE TIME OF THE ENACTMENT OF THIS ACT FOR THE CONTINUANCE OF RAIL PASSENGER SERVICE; OR

(C) TO PURCHASE, PURSUANT TO SUBSECTION (D) OF THIS SECTION, SUCH RAIL PROPERTIES IN ORDER TO OPERATE RAIL SERVICE OVER SUCH PROPERTIES.

IF A RAIL SERVICE CONTINUATION SUBSIDY IS OFFERED, THE GOVERNMENT OR PERSON OFFERING THE SUBSIDY SHALL ENTER INTO AN OPERATING AGREEMENT WITH THE CORPORATION OR ANY RESPONSIBLE PERSON (INCLUDING A GOVERNMENT ENTITY) UNDER WHICH THE CORPORATION OR SUCH PERSON (INCLUDING A GOVERNMENT ENTITY) WILL OPERATE RAIL SERVICE OVER SUCH RAIL PROPERTIES AND RECEIVE THE DIFFERENCE BETWEEN THE REVENUE ATTRIBUTABLE TO SUCH PROPERTIES AND THE

TRUSTEE OF ANY RAILROAD IN REORGANIZATION SHALL RECEIVE A REASONABLE RATE OF RETURN ON THE VALUE OF ANY RAIL PROPERTIES FOR WHICH A RAIL SERVICE IS OPERATED UNDER SUCH SUBSIDY.

(D) PURCHASE.--IF AN OFFER TO PURCHASE IS MADE UNDER SUBSECTION (C) (2) (C) OF THIS SECTION, SUCH OFFER SHALL BE ACCOMPANIED BY AN OFFER OF A RAIL SERVICE CONTINUATION SUBSIDY. SUCH SUBSIDY SHALL CONTINUE UNTIL THE PURCHASE TRANSACTION IS COMPLETED, UNLESS A RAILROAD ASSUMES OPERATIONS OVER SUCH RAIL PROPERTIES ON ITS OWN ACCOUNT PURSUANT TO AN ORDER OR AUTHORIZATION OF THE COMMISSION. WHENEVER A RAILROAD IN REORGANIZATION IN THE REGION OR A PROFITABLE RAILROAD GIVES NOTICE OF INTENT TO DISCONTINUE SERVICE PURSUANT TO SUBSECTION (A) OF THIS SECTION, SUCH RAILROAD SHALL, UPON THE REQUEST OF ANYONE APPARENTLY QUALIFIED TO MAKE A PURCHASE OFFER PROMPTLY MAKE AVAILABLE ITS MOST RECENT REPORTS ON THE PHYSICAL CONDITION OF SUCH PROPERTY TOGETHER WITH SUCH TRAFFIC AND REVENUE DATA AS WOULD BE REQUIRED UNDER SUBPART B OF PART 1121 OF CHAPTER X OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS AND SUCH OTHER DATA NECESSARY TO ASCERTAIN THE AVOIDABLE COSTS OF PROVIDING SERVICE OVER SUCH RAIL PROPERTIES.

(E) ABANDONMENT BY CORPORATION.--AFTER THE RAIL SYSTEM TO BE OPERATED BY THE CORPORATION UNDER THE FINAL SYSTEM PLAN HAS BEEN IN OPERATION FOR 2 YEARS, THE COMMISSION MAY AUTHORIZE THE CORPORATION TO ABANDON ANY RAIL PROPERTIES AS TO WHICH IT DETERMINES THAT RAIL SERVICE OVER SUCH PROPERTIES IS NOT REQUIRED BY THE PUBLIC CONVENIENCE AND NECESSITY. THE COMMISSION MAY, AT ANY TIME AFTER THE EFFECTIVE DATE OF THE FINAL SYSTEM PLAN, AUTHORIZE ADDITIONAL RAIL SERVICE IN THE REGION OR AUTHORIZE THE ABANDONMENT OF RAIL PROPERTIES WHICH ARE NOT BEING OPERATED BY THE CORPORATION OR BY ANY OTHER PERSON. DETERMINATIONS BY THE COMMISSION UNDER THIS SUBSECTION SHALL BE MADE PURSUANT TO APPLICABLE PROVISIONS OF THE INTERSTATE COMMERCE ACT (49 U.S.C. 1). //24 STAT. 379.//

(F) INTERIM ABANDONMENT.--AFTER THE DATE OF ENACTMENT OF THIS ACT, NO RAILROAD IN REORGANIZATION MAY DISCONTINUE SERVICE OR ABANDON ANY LINE OF RAILROAD OTHER THAN IN ACCORDANCE WITH THE PROVISIONS OF THIS ACT, UNLESS IT IS AUTHORIZED TO DO SO BY THE ASSOCIATION AND UNLESS NO AFFECTED STATE OR LOCAL OR REGIONAL TRANSPORTATION AUTHORITY REASONABLY OPPOSES SUCH ACTION, NOTWITHSTANDING ANY PROVISION OF ANY OTHER FEDERAL LAW, THE CONSTITUTION OR LAW OF ANY STATE, OR DECISION OR ORDER OF, OR THE PENDENCY OF ANY PROCEEDING BEFORE ANY FEDERAL OR STATE COURT, AGENCY, OR AUTHORITY.

TITLE IV--LOCAL RAIL SERVICES

FINDINGS AND PURPOSE

SEC. 401. (A) FINDINGS.--THE CONGRESS FINDS AND DECLARES THAT--
(1) THE NATION IS FACING AN ENERGY SHORTAGE OF ACUTE PROPORTIONS IN THE NEXT

DECADE. (2) RAILROADS ARE ONE OF THE MOST ENERGY-EFFICIENT MODES OF TRANSPORTATION FOR THE MOVEMENT OF PASSENGERS AND FREIGHT AND CAUSE THE LEAST AMOUNT OF POLLUTION. (3) ABANDONMENT, TERMINATION, OR SUBSTANTIAL REDUCTION OF RAIL

SERVICE IN ANY LOCALITY WILL ADVERSELY AFFECT THE NATION'S LONG-TERM AND IMMEDIATE GOALS WITH RESPECT TO ENERGY CONSERVATION AND

ENVIRONMENTAL

PROTECTION. (4) UNDER CERTAIN CIRCUMSTANCES THE COST TO THE TAXPAYERS OF

RAIL SERVICE CONTINUATION SUBSIDIES WOULD BE LESS THAN THE COST OF ABANDONMENT OF RAIL SERVICE IN TERMS OF LOST JOBS, ENERGY SHORTAGES, AND DEGRADATION OF THE ENVIRONMENT.

(B) PURPOSE.--THEREFORE, IT IS DECLARED TO BE THE PURPOSE OF THE CONGRESS TO AUTHORIZE THE SECRETARY TO MAINTAIN A PROGRAM OF RAIL SERVICE CONTINUATION SUBSIDIES.

RAIL SERVICE CONTINUATION SUBSIDIES

SEC. 402. (A) GENERAL.--THE SECRETARY SHALL PROVIDE FINANCIAL ASSISTANCE IN ACCORDANCE WITH THIS SECTION FOR THE PURPOSE OF RAIL SERVICE CONTINUATION SUBSIDIES. FOR PURPOSES OF SUBSECTION (B) (1) OF THIS SECTION THE FEDERAL SHARE OF A RAIL SERVICE CONTINUATION SUBSIDY SHALL BE 70 PER CENTUM AND THE STATE SHARE SHALL BE 30 PER CENTUM. FOR PURPOSES OF SUBSECTION (B) (2) OF THIS SECTION A STATE RECEIVING DISCRETIONARY ASSISTANCE SHALL BE REQUIRED TO CONTRIBUTE AT LEAST 30 PER CENTUM OF THE COST OF THE PROGRAM FOR WHICH THE FEDERAL ASSISTANCE IS PROVIDED.

(B) ENTITLEMENT.--(1) EACH STATE IN THE REGION IS ENTITLED TO AN AMOUNT FOR RAIL SERVICE CONTINUATION SUBSIDIES FROM 50 PER CENTUM OF THE SUMS APPROPRIATED EACH FISCAL YEAR FOR SUCH PURPOSE IN THE RATIO WHICH THE TOTAL RAIL MILEAGE IN SUCH STATE, AS DETERMINED BY THE SECRETARY AND MEASURED IN POINT-TO-POINT LENGTH (EXCLUDING YARD TRACKS AND SIDINGS), BEARS TO THE TOTAL RAIL MILEAGE IN ALL THE STATES IN THE REGION, MEASURED IN THE SAME MANNER, EXCEPT THAT THE ENTITLEMENT OF EACH STATE SHALL BE NO LESS THAN 3 PER CENTUM, AND THE ENTITLEMENT OF NO STATE SHALL BE MORE THAN 10 PER CENTUM, OF 50 PER CENTUM OF THE FUNDS APPROPRIATED. IN THE EVENT THAT THE TOTAL AMOUNT ALLOCATED UNDER THIS FORMULA, DUE TO THE APPLICATION OF THE MAXIMUM AND MINIMUM LIMITATIONS WHICH IT ESTABLISHES, IS GREATER OR LESS THAN 50 PER CENTUM OF THE FUNDS APPROPRIATED, THE EXCESS OR DEFICIENCY, AS THE CASE MAY BE, SHALL BE ADDED TO OR DEDUCTED FROM THE SECRETARY'S DISCRETIONARY FUND PROVIDED FOR IN PARAGRAPH (2) OF THIS SUBSECTION. THE ENTITLEMENT OF ANY STATE WHICH IS WITHHELD IN ACCORDANCE WITH THIS SECTION AND ANY SUMS NOT USED OR COMMITTED BY A STATE DURING THE PRECEDING FISCAL YEAR SHALL BE PAID INTO THE DISCRETIONARY FUND PROVIDED FOR IN PARAGRAPH (2) OF THIS SUBSECTION.

(2) THE SECRETARY IS AUTHORIZED TO PROVIDE DISCRETIONARY FINANCIAL ASSISTANCE TO A STATE OR A LOCAL OR REGIONAL TRANSPORTATION AUTHORITY IN THE REGION FOR THE PURPOSE OF CONTINUING LOCAL RAIL SERVICES, INCLUDING ASSISTANCE FOR THE PURPOSES ENUMERATED IN SECTION 403 OF THIS TITLE.

(C) ELIGIBILITY.--A STATE IN THE REGION IS ELIGIBLE TO RECEIVE RAIL SERVICE CONTINUATION SUBSIDIES PURSUANT TO SUBSECTION (B) OF THIS SECTION IN ANY FISCAL YEAR IF--

(1) THE STATE HAS ESTABLISHED A STATE PLAN FOR RAIL TRANSPORTATION AND LOCAL RAIL SERVICES WHICH IS ADMINISTERED OR COORDINATED BY A DESIGNATED STATE AGENCY AND SUCH PLAN PROVIDES FOR THE EQUITABLE DISTRIBUTION OF SUCH SUBSIDIES AMONG STATE, LOCAL, AND REGIONAL TRANSPORTATION AUTHORITIES;

(2) THE STATE AGENCY HAS AUTHORITY AND ADMINISTRATIVE JURISDICTION TO DEVELOP, PROMOTE, SUPERVISE, AND SUPPORT SAFE, ADEQUATE, AND EFFICIENT RAIL SERVICES; EMPLOYS OR WILL EMPLOY, DIRECTLY OR INDIRECTLY, SUFFICIENT TRAINED AND QUALIFIED PERSONNEL; 576238760 AND 576238770

AND MAINTAINS OR WILL MAINTAIN ADEQUATE PROGRAMS OF INVESTIGATION, RESEARCH, PROMOTION, AND DEVELOPMENT WITH PROVISION FOR PUBLIC PARTICIPATION; **

(3) THE STATE PROVIDES SATISFACTORY ASSURANCE THAT SUCH FISCAL CONTROL AND FUND ACCOUNTING PROCEDURES WILL BE ADOPTED AS MAY BE NECESSARY TO ASSURE PROPER DISBURSEMENT OF, AND ACCOUNTING FOR, FEDERAL FUNDS PAID UNDER THIS TITLE TO THE STATE; AND

(4) THE STATE COMPLIES WITH THE REGULATIONS OF THE SECRETARY ISSUED UNDER THIS SECTION.

(D) REGULATIONS.--WITHIN 90 DAYS AFTER THE DATE OF ENACTMENT OF THIS ACT, THE SECRETARY SHALL ISSUE, AND MAY FROM TIME TO TIME AMEND, REGULATIONS WITH RESPECT TO BASIC AND DISCRETIONARY RAIL SERVICE CONTINUATION SUBSIDIES.

(E) PAYMENT.--THE SECRETARY SHALL PAY TO EACH STATE IN THE REGION AN AMOUNT EQUAL TO ITS ENTITLEMENT UNDER SUBSECTION (B) (1) OF THIS SECTION. ANY AMOUNTS WHICH ARE NOT EXPENDED OR COMMITTED BY A STATE PURSUANT TO SUBSECTION (B) DURING THE ENSUING FISCAL YEAR SHALL BE RETURNED BY SUCH STATE TO THE SECRETARY, WHO MAY USE SUCH AMOUNTS IN ACCORDANCE WITH SUBSECTION (B) (2) OF THIS SECTION.

(F) TERM.--A RAIL SERVICE CONTINUATION SUBSIDY BETWEEN A STATE, OR A LOCAL OR REGIONAL AUTHORITY, AND THE CORPORATION OR OTHER RESPONSIBLE PERSON (INCLUDING A GOVERNMENT ENTITY) MAY NOT EXCEED A TERM OF 2 YEARS.

(G) RECORD, AUDIT, AND EXAMINATION.--(1) EACH RECIPIENT OF FINANCIAL ASSISTANCE UNDER THIS SECTION, WHETHER IN THE FORM OF GRANTS, SUBGRANTS, CONTRACTS, SUBCONTRACTS, OR OTHER ARRANGEMENTS, SHALL KEEP SUCH RECORDS AS THE SECRETARY SHALL PRESCRIBE, INCLUDING RECORDS WHICH FULLY DISCLOSE THE AMOUNT AND DISPOSITION BY SUCH RECIPIENT OF THE PROCEEDS OF SUCH ASSISTANCE, THE TOTAL COST OF THE PROJECT OR UNDERTAKING IN CONNECTION WITH WHICH SUCH ASSISTANCE WAS GIVEN OR USED, THE AMOUNT OF THAT PORTION OF THE COST OF THE PROJECT SUPPLIED BY OTHER SOURCES, AND SUCH OTHER RECORDS AS WELL AS WILL FACILITATE AN EFFECTIVE AUDIT.

(2) THE SECRETARY AND THE COMPTROLLER GENERAL OF THE UNITED STATES, OR ANY OF THEIR DULY AUTHORIZED REPRESENTATIVES SHALL, UNTIL THE EXPIRATION OF 3 YEARS AFTER COMPLETION OF THE PROJECT OR UNDERTAKING REFERRED TO IN PARAGRAPH (1) OF THIS SUBSECTION, HAVE ACCESS FOR THE PURPOSE OF AUDIT AND EXAMINATION TO ANY BOOKS, DOCUMENTS, PAPERS, AND RECORDS OF SUCH RECEIPTS WHICH IN THE OPINION OF THE SECRETARY OR THE COMPTROLLER GENERAL MAY BE RELATED OR PERTINENT TO THE GRANTS, CONTRACTS, OR OTHER ARRANGEMENTS REFERRED TO IN SUCH PARAGRAPH.

(H) WITHHOLDING.--IF THE SECRETARY, AFTER REASONABLE NOTICE AND OPPORTUNITY FOR A HEARING TO ANY STATE AGENCY, FINDS THAT A STATE IS NOT ELIGIBLE FOR RAIL SERVICE CONTINUATION SUBSIDIES UNDER SUBSECTIONS (C) AND

(D) OF THIS SECTION, PAYMENT TO SUCH STATE SHALL NOT BE MADE UNTIL THERE IS NO LONGER ANY FAILURE TO COMPLY.

(1) AUTHORIZATION FOR APPROPRIATIONS.--(1) THERE IS AUTHORIZED TO BE APPROPRIATED TO CARRY OUT THE PURPOSES OF THIS SECTION SUCH SUMS AS ARE NECESSARY, NOT TO EXCEED \$90,000,000 FOR EACH OF THE 2 FISCAL YEARS INCLUDING AND FOLLOWING THE EFFECTIVE DATE OF THE FINAL SYSTEM PLAN. SUCH SUMS AS ARE APPROPRIATED SHALL REMAIN AVAILABLE UNTIL EXPENDED.

(2) ONE-HALF OF THE SUMS APPROPRIATED PURSUANT TO THE AUTHORIZATION OF THIS SUBSECTION SHALL BE RESERVED FOR ALLOCATION TO STATES IN THE REGION UNDER SUBSECTION (B) (1) OF THIS SECTION. ONE-HALF OF THE SUMS APPROPRIATED PURSUANT TO THE AUTHORIZATION OF THIS SUBSECTION SHALL BE RESERVED FOR DISTRIBUTION BY THE SECRETARY UNDER SUBSECTION (B) (2) OF THIS SECTION.

(J) DEFINITION.--AS USED IN THIS SECTION, "RAIL SERVICE CONTINUATION SUBSIDIES" MEANS SUBSIDIES CALCULATED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 205 (D) (3) OF THIS ACT TO COVER COSTS OF OPERATING ADEQUATE AND EFFICIENT RAIL SERVICE, INCLUDING WHERE NECESSARY IMPROVEMENT AND MAINTENANCE OF TRACKS AND RELATED FACILITIES.

ACQUISITION AND MODERNIZATION LOANS

SEC. 403. (A) ACQUISITION.--IF A STATE WHICH IS ELIGIBLE FOR ASSISTANCE UNDER SECTION 402 (C) OF THIS TITLE OR A LOCAL OR REGIONAL TRANSPORTATION AUTHORITY HAS MADE AN OFFER TO PURCHASE ANY RAIL PROPERTIES OF A RAILROAD PURSUANT TO SECTION 304 (C) (2) (C) OF THIS ACT OR OTHER LAWFUL AUTHORITY NOT TO EXCEED 70 PER CENTUM OF THE PURCHASE PRICE: PROVIDED, HOWEVER, THAT ANY RECIPIENT OF SUCH LOAN IS NO LONGER ELIGIBLE FOR A RAIL SERVICE CONTINUATION SUBSIDY PURSUANT TO SECTION 402 OF THIS TITLE.

(B) MODERNIZATION.--IN ADDITION TO SUCH ACQUISITION LOANS, THE SECRETARY IS AUTHORIZED TO DIRECT THE ASSOCIATION TO PROVIDE ADDITIONAL ASSISTANCE NOT TO EXCEED 70 PER CENTUM OF THE COST OF RESTORING OR REPAIRING SUCH RAIL PROPERTIES TO SUCH CONDITION AS WILL ENABLE SAFE AND EFFICIENT RAIL TRANSPORTATION OPERATIONS OVER SUCH RAIL PROPERTIES. SUCH FINANCIAL ASSISTANCE MAY BE IN THE FORM OF A LOAN OR THE GUARANTEE OF A LOAN. THE ASSOCIATION SHALL PROVIDE SUCH FINANCIAL ASSISTANCE AS THE SECRETARY MAY DIRECT UNDER THIS SECTION AND SHALL ADOPT REGULATIONS DESCRIBING ITS PROCEDURES FOR SUCH ASSISTANCE. WITH THE APPROVAL OF THE SECRETARY, A STATE MAY EXPEND SUMS RECEIVED BY IT UNDER SECTION 402 OF THIS TITLE FOR ACQUISITION AND MODERNIZATION PURSUANT TO THIS SECTION.

TITLE V--EMPLOYEE PROTECTION DEFINITIONS

SEC. 501. AS USED IN THIS TITLE UNLESS THE CONTEXT OTHERWISE REQUIRES--

(1) "ACQUIRING RAILROAD" MEANS A RAILROAD, EXCEPT THE CORPORATION, WHICH SEEKS TO ACQUIRE OR HAS ACQUIRED, PURSUANT TO THE PROVISIONS OF THIS ACT, ALL OR A PART OF THE RAIL PROPERTIES OF ONE OR MORE OF THE RAILROADS IN REORGANIZATION, THE CORPORATION, OR A PROFITABLE RAILROAD;

(2) "EMPLOYEE OF A RAILROAD IN REORGANIZATION" MEANS A PERSON WHO, ON THE EFFECTIVE DATE OF A CONVEYANCE OF RAIL PROPERTIES OF A RAILROAD IN

REORGANIZATION TO THE CORPORATION OR TO AN ACQUIRING RAILROAD, HAS AN EMPLOYMENT RELATIONSHIP WITH EITHER SAID RAILROAD IN REORGANIZATION OR ANY CARRIER (AS DEFINED IN PARTS I AND II OF THE INTERSTATE COMMERCE ACT) //49 USC 1, 301.// WHICH IS LEASED, CONTROLLED, OR OPERATED BY THE RAILROAD IN REORGANIZATION EXCEPT A PRESIDENT, VICE PRESIDENT, TREASURER, SECRETARY, COMPTROLLER, AND ANY OTHER PERSON WHO PERFORMS FUNCTIONS CORRESPONDING TO THOSE PERFORMED BY THE FOREGOING OFFICERS;

(3) "PROTECTED EMPLOYEE" MEANS ANY EMPLOYEE OF AN ACQUIRING RAILROAD ADVERSELY AFFECTED BY A TRANSACTION AND ANY EMPLOYEE OF A RAILROAD IN REORGANIZATION WHO ON THE EFFECTIVE DATE OF THIS ACT HAVE NOT REACHED AGE 65;

(4) "CLASS OR CRAFT OF EMPLOYEES" MEANS A GROUP OF EMPLOYEES, RECOGNIZED AND TREATED AS A UNIT FOR PURPOSES OF COLLECTIVE BARGAINING, WHICH IS REPRESENTED BY A LABOR ORGANIZATION THAT HAS BEEN DULY AUTHORIZED OR RECOGNIZED PURSUANT TO THE RAILWAY LABOR ACT AS ITS REPRESENTATIVE FOR PURPOSES OF COLLECTIVE BARGAINING; //44 STAT. 577. 45 USC 151.//

(5) "REPRESENTATIVE OF A CLASS OR CRAFT OF EMPLOYEES" MEANS A LABOR ORGANIZATION WHICH HAS BEEN DULY AUTHORIZED OR RECOGNIZED AS THE COLLECTIVE BARGAINING REPRESENTATIVE OF A CLASS OR CRAFT OF EMPLOYEES PURSUANT TO THE RAILWAY LABOR ACT;

(6) "DEPRIVED OF EMPLOYMENT" MEANS THE INABILITY OF A PROTECTED EMPLOYEE TO OBTAIN A POSITION BY THE NORMAL EXERCISE OF HIS SENIORITY RIGHTS WITH THE CORPORATION AFTER PROPERLY ELECTING TO ACCEPT EMPLOYMENT THEREWITH OR, THE SUBSEQUENT LOSS OF A POSITION AND INABILITY, BY THE NORMAL EXERCISE OF HIS SENIORITY RIGHTS UNDER THE APPLICABLE COLLECTIVE BARGAINING AGREEMENTS, TO OBTAIN ANOTHER POSITION WITH THE CORPORATION: PROVIDED, HOWEVER, THAT PROVISIONS IN EXISTING COLLECTIVE BARGAINING AGREEMENTS OF A RAILROAD IN REORGANIZATION, WHICH DO NOT REQUIRE A PROTECTED EMPLOYEE, IN THE NORMAL EXERCISE OF SENIORITY RIGHTS, TO MAKE A CHANGE IN RESIDENCE, IN ORDER TO MAINTAIN HIS PROTECTION, WILL BE PRESERVED AND WILL ALSO BE EXTENDED AND BE APPLICABLE TO ALL OTHER PROTECTED EMPLOYEES OF THAT SAME CRAFT OR CLASS. IT SHALL NOT, HOWEVER, INCLUDE ANY DEPRIVATION OF EMPLOYMENT BY REASON OF DEATH, RETIREMENT, RESIGNATION, DISMISSAL OR DISCIPLINARY SUSPENSION FOR CAUSE, FAILURE TO WORK DUE TO ILLNESS OR DISABILITY, NOR ANY SEVERANCE OF EMPLOYMENT COVERED BY SUBSECTIONS (D) AND (F) OF SECTION 505 OF THIS TITLE:

(7) "EMPLOYEE ADVERSELY AFFECTED WITH RESPECT TO HIS COMPENSATION" MEANS A PROTECTED EMPLOYEE WHO SUFFERS A REDUCTION IN COMPENSATION;

(8) "TRANSACTION" MEANS ACTIONS TAKEN PURSUANT TO THE PROVISIONS OF THIS ACT OR THE RESULTS THEREOF; AND

(9) "CHANGE IN RESIDENCE" MEANS TRANSFER TO A WORK LOCATION WHICH IS LOCATED EITHER (A) OUTSIDE A RADIUS OF 30 MILES OF THE EMPLOYEE'S FORMER WORK LOCATION AND FARTHER FROM HIS RESIDENCE THAN WAS HIS FORMER WORK LOCATION OR (B) IS LOCATED MORE THAN 30 NORMAL HIGHWAY ROUTE MILES FROM HIS RESIDENCE AND ALSO FARTHER FROM HIS RESIDENCE THAN WAS HIS FORMER WORK LOCATION.

EMPLOYMENT OFFERS

SEC. 502. (A) APPLICABLE LAW.--THE CORPORATION AND, WHERE APPLICABLE,

THE ASSOCIATION SHALL BE SUBJECT TO THE PROVISIONS OF THE RAILWAY LABOR ACT AND SHALL BE CONSIDERED EMPLOYERS FOR PURPOSES OF THE RAILROAD RETIREMENT ACT, RAILROAD RETIREMENT TAX ACT, AND THE RAILROAD UNEMPLOYMENT INSURANCE ACT. THE CORPORATION, IN ADDITION, SHALL, EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED BY THIS ACT, BE SUBJECT TO ALL FEDERAL AND STATE LAWS AND REGULATIONS APPLICABLE TO CARRIERS BY RAILROAD. 1148 STAT. 1283. 26 USC 3201. 45 USC 367-11

(B) MANDATORY OFFER.--THE CORPORATION SHALL OFFER EMPLOYMENT, TO BE EFFECTIVE AS OF THE DATE OF A CONVEYANCE OR DISCONTINUANCE OF SERVICE UNDER THE PROVISIONS OF THIS ACT, TO EACH EMPLOYEE OF A RAILROAD IN REORGANIZATION WHO HAS NOT ALREADY ACCEPTED AN OFFER OF EMPLOYMENT BY THE ASSOCIATION, WHERE APPLICABLE, OR AN ACQUIRING RAILROAD. SUCH OFFERS OF EMPLOYMENT TO EMPLOYEES REPRESENTED BY LABOR ORGANIZATIONS WILL BE CONFINED TO THEIR SAME CRAFT OR CLASS. THE CORPORATION SHALL APPLY TO SAID EMPLOYEES THE PROTECTIVE PROVISIONS OF THIS TITLE.

(C) ASSOCIATION.--AFTER THE TRANSFER OF RAIL PROPERTIES PURSUANT TO SECTION 503, THE ASSOCIATION, IN EMPLOYING ANY ADDITIONAL EMPLOYEES, SHALL GIVE PRIORITY CONSIDERATION TO EMPLOYEES OF A RAILROAD IN REORGANIZATION AND THE PROVISIONS OF THIS TITLE SHALL APPLY TO ANY SUCH EMPLOYEES EMPLOYED BY THE ASSOCIATION AS IF THEY WERE EMPLOYEES OF THE CORPORATION.

ASSIGNMENT OF WORK

SEC. 503. THE CORPORATION SHALL HAVE THE RIGHT TO ASSIGN, ALLOCATE, REASSIGN, REALLOCATE, AND CONSOLIDATE WORK FORMERLY PERFORMED ON THE RAIL PROPERTIES ACQUIRED PURSUANT TO THE PROVISIONS OF THIS ACT FROM A RAILROAD IN REORGANIZATION TO ANY LOCATION, FACILITY, OR POSITION ON ITS SYSTEM PROVIDED IT DOES NOT REMOVE SAID WORK FROM COVERAGE OF A COLLECTIVE-BARGAINING AGREEMENT AND DOES NOT INFRINGE UPON THE EXISTING CLASSIFICATION OF WORK RIGHTS OF ANY CRAFT OR CLASS OF EMPLOYEES AT THE LOCATION OR FACILITY TO WHICH SAID WORK IS ASSIGNED, ALLOCATED, REASSIGNED, REALLOCATED, OR CONSOLIDATED AND SHALL HAVE THE RIGHT TO TRANSFER TO AN ACQUIRING RAILROAD THE WORK INCIDENT TO THE RAIL PROPERTIES OR FACILITIES ACQUIRED BY SAID ACQUIRING RAILROAD PURSUANT TO THIS ACT, SUBJECT, HOWEVER, TO THE PROVISIONS OF SECTION 508 OF THIS TITLE.

COLLECTIVE-BARGAINING AGREEMENTS

SEC. 504. (A) INTERIM APPLICATION.--UNTIL COMPLETION OF THE AGREEMENTS PROVIDED FOR UNDER SUBSECTION (D) OF THIS SECTION, THE CORPORATION SHALL, AS THOUGH AN ORIGINAL PARTY THERETO, ASSUME AND APPLY ON THE PARTICULAR LINES, PROPERTIES, OR FACILITIES ACQUIRED ALL OBLIGATIONS UNDER EXISTING COLLECTIVE-BARGAINING AGREEMENTS COVERING ALL CRAFTS AND CLASSES EMPLOYED THEREON, EXCEPT THAT THE AGREEMENT OF MAY 1936, WASHINGTON, D.C. AND PROVISIONS IN OTHER EXISTING JOB STABILIZATION AGREEMENTS SHALL NOT BE APPLICABLE TO TRANSACTIONS EFFECTED PURSUANT TO THIS ACT WITH RESPECT TO WHICH THE PROVISIONS OF SECTION 505 OF THIS TITLE SHALL BE SUPERSEDING AND CONTROLLING.

DURING THIS PERIOD, EMPLOYEES OF A RAILROAD IN REORGANIZATION WHO HAVE SENIORITY ON THE LINES, PROPERTIES, OR FACILITIES ACQUIRED BY THE CORPORATION PURSUANT TO THIS ACT SHALL HAVE PRIOR SENIORITY ROSTER RIGHTS ON SUCH ACQUIRED LINES, PROPERTIES, OR FACILITIES.

(B) SINGLE IMPLEMENTING AGREEMENT.--ON OR BEFORE THE DATE OF THE

ADOPTION OF THE FINAL SYSTEM PLAN BY THE BOARD OF DIRECTORS OF THE ASSOCIATION AS PROVIDED IN SECTION 207 (C) OF THIS ACT, THE REPRESENTATIVES OF THE VARIOUS CLASSES OR CRAFTS OF THE EMPLOYEES OF A RAILROAD IN REORGANIZATION INVOLVED IN A CONVEYANCE PURSUANT TO THIS ACT AND REPRESENTATIVES OF THE CORPORATION SHALL COMMENCE NEGOTIATION OF A SINGLE IMPLEMENTING AGREEMENT FOR EACH CLASS AND CRAFT OF EMPLOYEES AFFECTED PROVIDING (1) THE IDENTIFICATION OF THE SPECIFIC EMPLOYEES OF THE RAILROAD IN REORGANIZATION TO WHOM THE CORPORATION OFFERS EMPLOYMENT; (2) THE PROCEDURE BY WHICH THOSE EMPLOYEES OF THE RAILROAD IN REORGANIZATION MAY ELECT TO ACCEPT EMPLOYMENT WITH THE CORPORATION; (3) THE PROCEDURE FOR ACCEPTANCE OF SUCH EMPLOYEES INTO THE CORPORATION'S EMPLOYMENT AND THEIR ASSIGNMENT TO POSITIONS ON THE CORPORATION'S SYSTEM; (4) THE PROCEDURE FOR DETERMINING THE SENIORITY OF SUCH EMPLOYEES IN THEIR RESPECTIVE CRAFTS OR CLASSES ON THE CORPORATION'S SYSTEM WHICH SHALL, TO THE EXTENT POSSIBLE, PRESERVE THEIR PRIOR SENIORITY RIGHTS; AND (5) THE PROCEDURE FOR DETERMINING EQUITABLE ADJUSTMENT IN RATES OF COMPARABLE POSITIONS. IF NO AGREEMENT WITH RESPECT TO THE MATTERS REFERRED TO IN THIS SUBSECTION IS REACHED BY THE END OF 30 DAYS AFTER THE COMMENCEMENT OF NEGOTIATIONS, THE PARTIES SHALL WITHIN AN ADDITIONAL 10 DAYS SELECT A NEUTRAL REFEREE AND, IN THE EVENT THEY ARE UNABLE TO AGREE UPON THE SELECTION OF SUCH REFEREE, THEN THE NATIONAL MEDIATION BOARD SHALL IMMEDIATELY APPOINT A REFEREE. AFTER A REFEREE HAS BEEN DESIGNATED, A HEARING ON THE DISPUTE SHALL COMMENCE AS SOON AS PRACTICABLE. NOT LESS THAN 10 DAYS PRIOR TO THE EFFECTIVE DATE OF ANY CONVEYANCE PURSUANT TO THE PROVISIONS OF THIS ACT, THE REFEREE SHALL RESOLVE AND DECIDE ALL MATTERS IN DISPUTE WITH RESPECT TO THE NEGOTIATION OF SAID IMPLEMENTING AGREEMENT OR AGREEMENTS AND SHALL RENDER A DECISION WHICH SHALL BE FINAL AND BINDING AND SHALL CONSTITUTE THE IMPLEMENTING AGREEMENT OR AGREEMENTS BETWEEN THE PARTIES WITH RESPECT TO THE TRANSACTION INVOLVED. THE SALARY AND EXPENSES OF THE REFEREE SHALL BE PAID PURSUANT TO THE PROVISIONS OF THE RAILWAY LABOR ACT. //44 STAT. 577. 45 USC 151.//

(C) RELATIONSHIP TO OTHER PROVISIONS.--NOTWITHSTANDING FAILURE FOR ANY REASON TO COMPLETE IMPLEMENTING AGREEMENTS PROVIDED FOR IN SUBSECTION (B) OF THIS SECTION, THE CORPORATION MAY PROCEED WITH A CONVEYANCE OF PROPERTIES, FACILITIES, AND EQUIPMENT PURSUANT TO THE PROVISIONS OF THIS ACT AND EFFECTUATE SAID TRANSACTION: PROVIDED, THAT ALL PROTECTED EMPLOYEES SHALL BE ENTITLED TO ALL OF THE PROVISIONS OF SUCH AGREEMENTS, AS FINALLY DETERMINED, FROM THE TIME THEY ARE ADVERSELY AFFECTED AS A RESULT OF ANY SUCH CONVEYANCE.

(D) NEW COLLECTIVE-BARGAINING AGREEMENTS.--NOT LATER THAN 60 DAYS AFTER THE EFFECTIVE DATE OF ANY CONVEYANCE PURSUANT TO THE PROVISIONS OF THIS ACT, THE REPRESENTATIVES OF THE VARIOUS CLASSES OR CRAFTS OF THE EMPLOYEES OF A RAILROAD IN REORGANIZATION INVOLVED IN A CONVEYANCE AND REPRESENTATIVES OF THE CORPORATION SHALL COMMENCE NEGOTIATIONS OF NEW COLLECTIVE-BARGAINING AGREEMENTS FOR EACH CLASS AND CRAFT OF EMPLOYEES COVERING THE RATES OF PAY, RULES AND WORKING CONDITIONS OF EMPLOYEES WHO ARE EMPLOYEES OF THE CORPORATION, WHICH COLLECTIVE-BARGAINING AGREEMENTS SHALL INCLUDE APPROPRIATE PROVISIONS CONCERNING RATES OF PAY, RULES, AND

WORKING CONDITIONS BUT SHALL NOT INCLUDE ANY PROVISIONS FOR JOB STABILIZATION RESULTING FROM ANY TRANSACTION EFFECTED PURSUANT TO THIS ACT WHICH MAY EXCEED OR CONFLICT WITH THOSE ESTABLISHED OR PRESCRIBED HEREIN.

EMPLOYEE PROTECTION

SEC. 505. (A) EQUIVALENT POSITION.--A PROTECTED EMPLOYEE WHOSE EMPLOYMENT IS GOVERNED BY A COLLECTIVE-BARGAINING AGREEMENT WILL NOT, EXCEPT AS EXPLICITLY PROVIDED IN THIS TITLE, DURING THE PERIOD IN WHICH HE IS ENTITLED TO PROTECTION, BE PLACED IN A WORSE POSITION WITH RESPECT TO COMPENSATION, FRINGE BENEFITS, RULES, WORKING CONDITIONS, AND RIGHTS AND PRIVILEGES PERTAINING THERETO.

(B) MONTHLY DISPLACEMENT ALLOWANCE.--A PROTECTED EMPLOYEE, WHO HAS BEEN DEPRIVED OF EMPLOYMENT OR ADVERSELY AFFECTED WITH RESPECT TO HIS COMPENSATION SHALL BE ENTITLED TO A MONTHLY DISPLACEMENT ALLOWANCE COMPUTED AS FOLLOWS:

(1) SAID ALLOWANCES SHALL BE DETERMINED BY COMPUTING THE TOTAL COMPENSATION RECEIVED BY THE EMPLOYEE, INCLUDING VACATION ALLOWANCES AND MONTHLY COMPENSATION GUARANTEES, AND HIS TOTAL TIME PAID FOR DURING THE LAST 12 MONTHS IMMEDIATELY PRIOR TO HIS BEING ADVERSELY AFFECTED IN WHICH HE PERFORMED COMPENSATED SERVICE MORE THAN 50 PER CENTUM OF EACH OF SUCH MONTHS, BASED UPON HIS NORMAL WORK SCHEDULE, AND BY DIVIDING SEPARATELY THE TOTAL COMPENSATION AND THE TOTAL TIME PAID FOR BY 12, THEREBY PRODUCING THE AVERAGE MONTHLY COMPENSATION AND AVERAGE MONTHLY TIME PAID FOR; AND, IF AN EMPLOYEE'S COMPENSATION IN HIS CURRENT POSITION IS LESS IN ANY MONTH IN WHICH HE PERFORMS WORK THAN THE AFORESAID AVERAGE COMPENSATION, HE SHALL BE PAID THE DIFFERENCE, LESS ANY TIME LOST ON ACCOUNT OF VOLUNTARY ABSENCES OTHER THAN VACATIONS, BUT SAID PROTECTED EMPLOYEE SHALL BE COMPENSATED IN ADDITION THERETO AT THE RATE OF THE POSITION FILLED FOR

ANY TIME WORKED IN EXCESS OF HIS AVERAGE MONTHLY TIME, PROVIDED, HOWEVER, THAT--

(A) IN DETERMINING COMPENSATION IN HIS CURRENT EMPLOYMENT THE PROTECTED EMPLOYEE SHALL BE TREATED AS OCCUPYING THE POSITION, PRODUCING THE HIGHEST RATE OF PAY TO WHICH HIS QUALIFICATIONS AND SENIORITY ENTITLE HIM UNDER THE APPLICABLE COLLECTIVE BARGAINING AGREEMENT AND WHICH DOES NOT REQUIRE A CHANGE IN RESIDENCE;

(B) THE SAID MONTHLY DISPLACEMENT ALLOWANCES SHALL BE REDUCED BY THE FULL AMOUNT OF ANY UNEMPLOYMENT COMPENSATION BENEFITS RECEIVED BY THE PROTECTED EMPLOYEE AND SHALL BE REDUCED BY AN AMOUNT EQUIVALENT TO ANY EARNINGS OF SAID PROTECTED EMPLOYEE IN ANY EMPLOYMENT SUBJECT TO THE RAILROAD RETIREMENT ACT AND 50 PER CENTUM OF ANY EARNINGS IN ANY EMPLOYMENT NOT SUBJECT TO THE RAILROAD RETIREMENT ACT; //48 STAT. 1283.//

(C) A PROTECTED EMPLOYEE'S AVERAGE MONTHLY COMPENSATION SHALL BE ADJUSTED FROM TIME TO TIME THEREAFTER TO REFLECT SUBSEQUENT GENERAL WAGE INCREASES;

(D) SHOULD A PROTECTED EMPLOYEE'S SERVICE TOTAL LESS THAN 12

MONTHS IN WHICH HE PERFORMS MORE THAN 50 PER CENTUM COMPENSATED SERVICE BASED UPON HIS NORMAL WORK SCHEDULE IN EACH OF SAID MONTHS, HIS AVERAGE MONTHLY COMPENSATION SHALL BE DETERMINED BY DIVIDING SEPARATELY THE TOTAL COMPENSATION RECEIVED BY THE EMPLOYEE AND THE TOTAL TIME FOR WHICH HE WAS PAID BY THE NUMBER OF MONTHS IN WHICH HE PERFORMED MORE THAN 50 PER CENTUM COMPENSATED SERVICE BASED UPON HIS NORMAL WORK SCHEDULE; AND

(E) THE MONTHLY DISPLACEMENT ALLOWANCE PROVIDED BY THIS SECTION SHALL IN NO EVENT EXCEED THE SUM OF \$2,500 IN ANY MONTH EXCEPT THAT SUCH AMOUNT SHALL BE ADJUSTED TO REFLECT SUBSEQUENT GENERAL WAGE INCREASES. (2) A PROTECTED EMPLOYEE'S AVERAGE MONTHLY COMPENSATION UNDER THIS SECTION SHALL BE BASED UPON THE RATE OF PAY APPLICABLE TO HIS EMPLOYMENT AND SHALL INCLUDE INCREASES IN RATES OF PAY NOT IN FACT PAID BUT WHICH WERE PROVIDED FOR IN NATIONAL RAILROAD LABOR AGREEMENTS GENERALLY APPLICABLE DURING THE PERIOD

INVOLVED. (3) IF A PROTECTED EMPLOYEE WHO IS ENTITLED TO A MONTHLY DISPLACEMENT ALLOWANCE SERVED AS AN AGENT OR A REPRESENTATIVE OF A CLASS OR CRAFT OF EMPLOYEES ON EITHER A FULL- OR PART-TIME BASIS IN THE

12 MONTHS IMMEDIATELY PRECEDING HIS BEING ADVERSELY AFFECTED, HIS MONTHLY DISPLACEMENT ALLOWANCE SHALL BE COMPUTED BY TAKING THE AVERAGE OF THE AVERAGE MONTHLY COMPENSATION AND AVERAGE MONTHLY TIME PAID FOR OF THE PROTECTED EMPLOYEES IMMEDIATELY ABOVE AND BELOW HIM ON THE SAME SENIORITY ROSTER OR HIS OWN MONTHLY DISPLACEMENT ALLOWANCE, WHICHEVER IS

GREATER. (4) AN EMPLOYEE AND HIS REPRESENTATIVE SHALL BE FURNISHED WITH

A PROTECTED EMPLOYEE'S AVERAGE MONTHLY COMPENSATION AND AVERAGE MONTHLY TIME PAID FOR, COMPUTED IN ACCORDANCE WITH THE TERMS OF HIS SUBSECTION, TOGETHER WITH THE DATA UPON WHICH SUCH COMPUTATIONS ARE BASED, WITHIN 30 DAYS AFTER THE PROTECTED EMPLOYEE NOTIFIES THE CORPORATION IN WRITING THAT HE HAS BEEN DEPRIVED OF EMPLOYMENT OR ADVERSELY AFFECTED WITH RESPECT TO HIS COMPENSATION.

(C) DURATION OF DISPLACEMENT ALLOWANCE.--THE MONTHLY DISPLACEMENT ALLOWANCE PROVIDED FOR IN SUBSECTION (B) OF THIS SECTION SHALL CONTINUE UNTIL THE ATTAINMENT OF AGE 65 BY A PROTECTED EMPLOYEE WITH 5 OR MORE YEARS OF SERVICE ON THE EFFECTIVE DATE OF THIS ACT AND, IN THE CASE OF A PROTECTED EMPLOYEE WHO HAS LESS THAN 5 YEARS SERVICE ON SUCH DATE, SHALL CONTINUE FOR A PERIOD EQUAL TO HIS TOTAL PRIOR YEARS OF SERVICE: PROVIDED, THAT SUCH MONTHLY DISPLACEMENT ALLOWANCE SHALL TERMINATE UPON THE PROTECTED EMPLOYEE'S DEATH, RETIREMENT, RESIGNATION, OR DISMISSAL FOR CAUSE; AND SHALL BE SUSPENDED FOR THE PERIOD OF DISCIPLINARY SUSPENSION FOR CAUSE, FAILURE TO WORK DUE TO ILLNESS OR DISABILITY, VOLUNTARY FURLOUGH, OR FAILURE TO RETAIN OR OBTAIN A POSITION AVAILABLE TO HIM BY THE EXERCISE OF HIS SENIORITY RIGHTS IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

(D) TRANSFER.--(1) A PROTECTED EMPLOYEE WHO HAS BEEN DEPRIVED OF EMPLOYMENT MAY BE REQUIRED BY THE CORPORATION, IN INVERSE SENIORITY ORDER

AND UPON REASONABLE NOTICE, TO TRANSFER TO ANY BONA FIDE VACANCY FOR WHICH HE IS QUALIFIED IN HIS SAME CLASS OR CRAFT OF EMPLOYEE ON ANY PART OF THE CORPORATION'S SYSTEM AND SHALL THEN BE GOVERNED BY THE

COLLECTIVE-BARGAINING AGREEMENT APPLICABLE ON THE SENIORITY DISTRICT TO WHICH TRANSFERRED. IF SUCH TRANSFER REQUIRES A CHANGE IN RESIDENCE, ANY SUCH PROTECTED EMPLOYEE MAY CHOOSE (A) TO VOLUNTARILY FURLOUGH HIMSELF AT HIS HOME LOCATION AND HAVE HIS MONTHLY DISPLACEMENT ALLOWANCE SUSPENDED DURING THE PERIOD OF VOLUNTARY FURLOUGH, OR (B) TO BE SEVERED FROM EMPLOYMENT UPON PAYMENT TO HIM OF A SEPARATION ALLOWANCE COMPUTED AS PROVIDED IN SUBSECTIONS (E) AND (F) OF THIS SECTION, WHICH SEPARATION ALLOWANCE SHALL BE IN LIEU OF ALL OTHER BENEFITS PROVIDED BY THIS TITLE.

(2) SUCH PROTECTED EMPLOYEE SHALL NOT BE REQUIRED TO TRANSFER TO A LOCATION REQUIRING A CHANGE IN RESIDENCE UNLESS THERE IS A BONA FIDE NEED FOR HIS SERVICES AT SUCH LOCATION. SUCH BONA FIDE NEED FOR SERVICES CONTEMPLATES THAT THE TRANSFER BE TO A POSITION WHICH HAS NOT AND CANNOT BE FILLED BY EMPLOYEES WHO ARE NOT REQUIRED TO MAKE A CHANGE IN RESIDENCE IN THE SENIORITY DISTRICT INVOLVED AND WHICH, IN THE ABSENCE OF THIS SECTION, WOULD HAVE REQUIRED THE EMPLOYMENT OF A NEW EMPLOYEE.

(3) SUCH PROTECTED EMPLOYEE WHO, AT THE REQUEST OF THE CORPORATION, HAS ONCE ACCEPTED AND MADE A TRANSFER TO A LOCATION REQUIRING A CHANGE IN RESIDENCE SHALL NOT BE REQUIRED AGAIN TO SO TRANSFER FOR A PERIOD OF 3 YEARS.

(4) TRANSFERS TO VACANCIES REQUIRING A CHANGE IN RESIDENCE SHALL BE SUBJECT TO THE FOLLOWING:

(A) THE VACANCY SHALL BE FIRST OFFERED TO THE JUNIOR QUALIFIED PROTECTED EMPLOYEE DEPRIVED OF EMPLOYMENT IN THE SENIORITY DISTRICT WHERE THE VACANCY EXISTS, AND EACH SUCH EMPLOYEE SHALL HAVE 20 DAYS TO ELECT ONE OF THE OPTIONS SET FORTH IN PARAGRAPH (1) OF THIS SUBSECTION. IF THAT EMPLOYEE ELECTS NOT TO ACCEPT THE TRANSFER IT WILL THEN BE OFFERED IN INVERSE SENIORITY ORDER TO THE REMAINING QUALIFIED, PROTECTED EMPLOYEES DEPRIVED OF EMPLOYMENT ON THE SENIORITY DISTRICT, WHO WILL EACH HAVE 20 DAYS TO ELECT ONE OF THE OPTIONS SET FORTH IN PARAGRAPH (1) OF THIS

SUBSECTION. (B) IF THE VACANCY IS NOT FILLED BY THE PROCEDURE IN PARAGRAPH

(4) (A) OF THIS SUBSECTION, THE VACANCY WILL THEN BE OFFERED IN THE DEPRIVED OF EMPLOYMENT ON THE SYSTEM AND EACH OF SUCH EMPLOYEES WILL BE AFFORDED 30 DAYS TO ELECT ONE OF THE OPTIONS SET FORTH IN PARAGRAPH (1) OF THIS

SUBSECTION. (C) THE PROVISIONS OF THIS PARAGRAPH SHALL NOT PREVENT THE

ADOPTION OF OTHER PROCEDURES PURSUANT TO AN AGREEMENT MADE BY THE CORPORATION AND REPRESENTATIVE OF THE CLASS OR CRAFT OF EMPLOYEES INVOLVED.

(F) SEPARATION ALLOWANCE.--A PROTECTED EMPLOYEE WHO IS TENDERED AND ACCEPTS AN OFFER BY THE CORPORATION TO RESIGN AND SEVER HIS EMPLOYMENT RELATIONSHIP IN CONSIDERATION OF PAYMENT TO HIM OF A SEPARATION ALLOWANCE, AND ANY PROTECTED EMPLOYEE WHOSE EMPLOYMENT RELATIONSHIP IS SEVERED IN

ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION, SHALL BE ENTITLED TO RECEIVE A LUMP-SUM SEPARATION ALLOWANCE NOT TO EXCEED \$20,000 IN LIEU OF ALL OTHER BENEFITS PROVIDED BY THIS TITLE. SAID LUMP-SUM SEPARATION ALLOWANCE, IN THE CASE OF A PROTECTED EMPLOYEE WHO HAD NOT LESS THAN 3 NOR MORE THAN 5 YEARS OF SERVICE AS OF THE DATE OF THIS ACT, SHALL AMOUNT TO 270 DAYS' PAY AT THE RATE OF THE POSITION LAST HELD AND IN THE CASE OF A PROTECTED EMPLOYEE HAVING HAD 5 OR MORE YEARS SERVICE, SHALL AMOUNT TO THE NUMBER OF DAYS' PAY INDICATED BELOW AT THE RATE OF THE POSITION LAST HELD DEPENDENT UPON THE AGE OF THE PROTECTED EMPLOYEE AT THE TIME OF SUCH TERMINATION OF EMPLOYMENT: TABLE OMITTED

(F) TERMINATION ALLOWANCE.--THE CORPORATION MAY TERMINATE THE EMPLOYMENT OF AN EMPLOYEE OF A RAILROAD IN REORGANIZATION, WHO HAS LESS THAN 3 YEARS' SERVICE AS OF THE EFFECTIVE DATE OF THIS ACT: PROVIDED, HOWEVER, THAT IN SUCH EVENT THE TERMINATED EMPLOYEE SHALL BE ENTITLED TO RECEIVE A LUMP SUM SEPARATION ALLOWANCE IN AN AMOUNT DETERMINED AS FOLLOWS: TABLE OMITTED

(G) MOVING EXPENSE BENEFITS.--ANY PROTECTED EMPLOYEE WHO IS REQUIRED TO MAKE A CHANGE OF RESIDENCE AS THE RESULT OF A TRANSACTION SHALL BE ENTITLED TO THE FOLLOWING BENEFITS--

(1) REIMBURSEMENT FOR ALL EXPENSES OF MOVING HIS HOUSEHOLD AND OTHER PERSONAL EFFECTS, FOR THE TRAVELING EXPENSE OF HIMSELF AND MEMBERS OF HIS FAMILY, INCLUDING LIVING EXPENSES FOR HIMSELF AND HIS FAMILY, AND FOR HIS OWN ACTUAL WAGE LOSS, NOT TO EXCEED 10 WORKING DAYS. PROVIDED, THAT THE CORPORATION OR ACQUIRING RAILROAD SHALL, TO THE SAME EXTENT PROVIDED ABOVE, ASSUME SAID EXPENSES FOR ANY EMPLOYEE FURLOUGHED WITHIN 3 YEARS AFTER CHANGING HIS POINT OF EMPLOYMENT AS A RESULT OF A TRANSACTION, WHO ELECTS TO MOVE HIS PLACE OF RESIDENCE BACK TO HIS ORIGINAL POINT OF EMPLOYMENT. NO CLAIM FOR REIMBURSEMENT SHALL BE PAID UNDER THE PROVISIONS OF THIS SECTION UNLESS SUCH CLAIM IS PRESENTED TO THE CORPORATION OR ACQUIRING RAILROAD WITHIN 90 DAYS AFTER THE DATE ON WHICH THE EXPENSES WERE

INCURRED. (2) (A) (I) IF THE PROTECTED EMPLOYEE OWNS, OR IS UNDER A CONTRACT

TO PURCHASE, HIS OWN HOME IN THE LOCALITY FROM WHICH HE IS REQUIRED TO MOVE AND ELECTS TO SELL SAID HOME, HE SHALL BE REIMBURSED FOR ANY LOSS SUFFERED IN THE SALE OF HIS HOME FOR LESS THAN

ITS FAIR MARKET VALUE. IN EACH CASE THE FAIR MARKET VALUE OF THE HOME IN QUESTION SHALL BE DETERMINED AS OF A DATE SUFFICIENTLY PRIOR TO THE DATE OF THE TRANSACTION SO AS TO BE UNAFFECTED THEREBY. THE CORPORATION OR AN ACQUIRING RAILROAD SHALL IN EACH INSTANCE BE

AFFORDED AN OPPORTUNITY TO PURCHASE THE HOME AT SUCH FAIR MARKET VALUE BEFORE IT IS SOLD BY THE EMPLOYEE TO ANY OTHER PERSON. (II) A

PROTECTED EMPLOYEE MAY ELECT TO WAIVE THE PROVISIONS OF PARAGRAPH (2) (A) (I) OF THIS SUBSECTION AND TO RECEIVE, IN LIEU THEREOF, AN AMOUNT EQUAL TO HIS CLOSING COSTS WHICH ARE ORDINARILY PAID FOR AND ASSUMED BY A SELLER OF REAL ESTATE IN THE JURISDICTION

IN WHICH THE RESIDENCE IS LOCATED. SUCH COSTS SHALL INCLUDE A REAL ESTATE COMMISSION PAID TO A LICENSED REALTOR (NOT TO EXCEED \$3,000 OR 6 PER CENTUM OF SALE PRICE, WHICHEVER IS LESS), AND ANY PREPAYMENT

PENALTY REQUIRED BY THE INSTITUTION HOLDING THE MORTGAGE; SUCH COSTS SHALL NOT INCLUDE THE PAYMENT OF ANY "POINTS" BY THE SELLER. (B) IF THE PROTECTED EMPLOYEE HOLDS AN UNEXPIRED LEASE ON A DWELLING OCCUPIED BY HIM AS HIS HOME, HE SHALL BE PROTECTED FROM ALL LOSS AND COST IN SECURING THE CANCELLATION OF SAID LEASE. (C) NO CLAIM FOR COSTS OR LOSS SHALL BE PAID UNDER THE PROVISIONS OF

THIS PARAGRAPH UNLESS THE CLAIM IS PRESENTED TO THE CORPORATION OR AN ACQUIRING RAILROAD WITHIN 90 DAYS AFTER SUCH COSTS OR LOSS ARE INCURRED. (D) SHOULD A CONTROVERSY ARISE WITH RESPECT TO THE VALUE OF

THE HOME, THE COSTS OR LOSS SUSTAINED IN ITS SALE, THE COSTS OR LOSS UNDER A CONTRACT FOR PURCHASE, LOSS OR COST IN SECURING TERMINATION OF A LEASE, OR ANY OTHER QUESTION IN CONNECTION WITH THESE MATTERS, IT SHALL BE DECIDED THROUGH JOINT CONFERENCE BETWEEN THE EMPLOYEE, OR HIS REPRESENTATIVE, AND THE CORPORATION OR AN ACQUIRING RAILROAD. IN THE EVENT THEY ARE UNABLE TO AGREE, THE DISPUTE OR CONTROVERSY MAY BE REFERRED BY EITHER PARTY TO A BOARD OF COMPETENT REAL ESTATE APPRAISERS, SELECTED IN THE FOLLOWING MANNER: ONE TO BE SELECTED BY THE EMPLOYEE OR HIS REPRESENTATIVE AND ONE BY THE CORPORATION OR ACQUIRING RAILROAD AND THESE TWO, IF UNABLE TO AGREE UPON A VALUATION WITHIN 30 DAYS, SHALL ENDEAVOR BY AGREEMENT WITHIN 10 DAYS THEREAFTER TO SELECT A THIRD APPRAISER, OR TO AGREE TO A METHOD BY WHICH A THIRD APPRAISER SHALL BE SELECTED, AND, FAILING SUCH AGREEMENT, EITHER PARTY MAY REQUEST THE NATIONAL MEDIATION BOARD TO DESIGNATE WITHIN 10 DAYS A THIRD QUALIFIED REAL ESTATE APPRAISER WHOSE DESIGNATION WILL BE BINDING UPON THE PARTIES. A DECISION OF A MAJORITY OF THE APPRAISERS SHALL BE REQUIRED AND SAID DECISION SHALL BE FINAL AND CONCLUSIVE. THE SALARY

AND EXPENSES OF THE THIRD OR NEUTRAL APPRAISER, INCLUDING THE EXPENSES OF THE APPRAISAL BOARD, SHALL BE BORNE EQUALLY BY THE PARTIES TO THE PROCEEDINGS. ALL OTHER EXPENSES SHALL BE PAID BY THE PARTY INCURRING THEM, INCLUDING THE COMPENSATION OF THE APPRAISER SELECTED BY SUCH PARTY.

(H) APPLICATION OF TITLE.--SHOULD A RAILROAD REARRANGE OR ADJUST ITS FORCES IN ANTICIPATION OF A TRANSACTION WITH THE PURPOSE OR EFFECT OF DEPRIVING A PROTECTED EMPLOYEE OF BENEFITS TO WHICH HE OTHERWISE WOULD HAVE BECOME ENTITLED UNDER THIS TITLE, THE PROVISIONS OF THIS TITLE WILL APPLY TO SUCH EMPLOYEE.

CONTRACTING OUT

SEC. 506. ALL WORK IN CONNECTION WITH THE OPERATION OR SERVICES PROVIDED BY THE CORPORATION ON THE RAIL LINES, PROPERTIES, EQUIPMENT, OR FACILITIES ACQUIRED PURSUANT TO THE PROVISIONS OF THIS ACT AND THE

MAINTENANCE, REPAIR, REHABILITATION, OR MODERNIZATION OF SUCH LINES, PROPERTIES, EQUIPMENT, OR FACILITIES WHICH HAS BEEN PERFORMED BY PRACTICE OR AGREEMENT IN ACCORDANCE WITH PROVISIONS OF THE EXISTING CONTRACTS IN EFFECT WITH THE REPRESENTATIVES OF THE EMPLOYEES OF THE CLASSES OF CRAFTS INVOLVED SHALL CONTINUE TO BE PERFORMED BY SAID CORPORATION'S EMPLOYEES, INCLUDING EMPLOYEES ON FURLOUGH. SHOULD THE CORPORATION LACK A SUFFICIENT NUMBER OF EMPLOYEES, INCLUDING EMPLOYEES ON FURLOUGH, AND BE UNABLE TO HIRE ADDITIONAL EMPLOYEES, TO PERFORM THE WORK REQUIRED, IT SHALL BE PERMITTED TO SUBCONTRACT THAT PART OF SUCH WORK WHICH CANNOT BE PERFORMED BY ITS EMPLOYEES, INCLUDING THOSE ON FURLOUGH, EXCEPT WHERE AGREEMENT BY THE REPRESENTATIVES OF THE EMPLOYEES OF THE CLASSES OR CRAFTS INVOLVED IS REQUIRED BY APPLICABLE COLLECTIVE-BARGAINING AGREEMENTS. THE TERM "UNABLE TO HIRE ADDITIONAL EMPLOYEES" AS USED IN THIS SECTION CONTEMPLATES ESTABLISHMENT AND MAINTENANCE BY THE CORPORATION OF AN APPRENTICESHIP, TRAINING, OR RECRUITMENT PROGRAM TO PROVIDE AN ADEQUATE NUMBER OF SKILLED EMPLOYEES TO PERFORM THE WORK.

ARBITRATION

SEC. 507. ANY DISPUTE OR CONTROVERSY WITH RESPECT TO THE INTERPRETATION, APPLICATION, OR ENFORCEMENT OF THE PROVISIONS OF THIS TITLE, EXCEPT SECTION 504 (C) AND THOSE DISPUTES OR CONTROVERSIES PROVIDED FOR IN SUBSECTION (G) (2) (D) OF SECTION 505 AND SUBSECTION (B) OF SECTION 504 WHICH HAVE NOT BEEN RESOLVED WITHIN 90 DAYS, MAY BE SUBMITTED BY EITHER PARTY TO AN ADJUSTMENT BOARD FOR A FINAL AND BINDING DECISION THEREON AS PROVIDED IN SECTION 3 SECOND, OF THE RAILWAY LABOR ACT, IN WHICH EVENT THE BURDEN OF PROOF ON ALL ISSUES SO PRESENTED SHALL BE UPON THE CORPORATION OR, WHERE APPLICABLE, THE ASSOCIATION. //44 STAT. 578; 80 STAT. 238. 45 USC 153.//

ACQUIRING RAILROADS

SEC. 508. AN ACQUIRING RAILROAD SHALL OFFER SUCH EMPLOYMENT AND AFFORD SUCH EMPLOYMENT PROTECTION TO EMPLOYEES OF A RAILROAD FROM WHICH IT ACQUIRES PROPERTIES OR FACILITIES PURSUANT TO THIS ACT, AND SHALL FURTHER PROTECT ITS OWN EMPLOYEES WHO ARE ADVERSELY AFFECTED BY SUCH ACQUISITION, AS SHALL BE AGREED UPON BETWEEN THE SAID ACQUIRING RAILROAD AND THE REPRESENTATIVES OF SUCH EMPLOYEES PRIOR TO SAID ACQUISITION: PROVIDED, HOWEVER, THAT THE PROTECTION AND BENEFITS PROVIDED FOR PROTECTED EMPLOYEES IN SUCH AGREEMENTS SHALL BE THE SAME AS THOSE SPECIFIED IN SECTION 505 OF THIS TITLE: AND PROVIDED FURTHER, HOWEVER, THAT UNLESS AND UNTIL SUCH AGREEMENTS ARE REACHED, THE ACQUIRING RAILROAD SHALL NOT ENTER INTO PURCHASE AGREEMENTS PURSUANT TO SECTION 303 OF THIS ACT.

PAYMENTS OF BENEFITS

SEC. 509. THE CORPORATION, THE ASSOCIATION (WHERE APPLICABLE), AND ACQUIRING RAILROADS, AS THE CASE MAY BE, SHALL BE RESPONSIBLE FOR THE ACTUAL PAYMENT OF ALL ALLOWANCES, EXPENSES, AND COSTS PROVIDED PROTECTED EMPLOYEES PURSUANT TO THE PROVISIONS OF THIS TITLE. THE CORPORATION, THE ASSOCIATION (WHERE APPLICABLE), AND ACQUIRING RAILROADS SHALL THEN BE REIMBURSED FOR SUCH ACTUAL AMOUNTS PAID PROTECTED EMPLOYEES, NOT TO EXCEED THE AGGREGATE SUM OF \$250,000,000, PURSUANT TO THE PROVISIONS OF THIS TITLE BY THE RAILROAD RETIREMENT BOARD UPON CERTIFICATION TO SAID BOARD BY

THE CORPORATION, THE ASSOCIATION (WHERE APPLICABLE), AND ACQUIRING RAILROADS OF THE AMOUNTS PAID SUCH EMPLOYEES. SUCH REIMBURSEMENT SHALL BE MADE FROM A SEPARATE ACCOUNT MAINTAINED IN THE TREASURY OF THE UNITED STATES TO BE KNOWN AS THE REGIONAL RAIL TRANSPORTATION PROTECTIVE ACCOUNT. THERE IS HEREBY AUTHORIZED TO BE APPROPRIATED TO SUCH PROTECTIVE ACCOUNT ANNUALLY SUCH SUMS AS MAY BE REQUIRED TO MEET THE OBLIGATIONS PAYABLE HEREUNDER, NOT TO EXCEED IN THE AGGREGATE, HOWEVER, THE SUM OF \$250,000,000. THERE IS FURTHER AUTHORIZED TO BE APPROPRIATED TO THE RAILROAD RETIREMENT BOARD ANNUALLY SUCH SUMS AS MAY BE NECESSARY TO PROVIDE FOR ADDITIONAL ADMINISTRATIVE EXPENSES TO BE INCURRED BY THE BOARD IN THE PERFORMANCE OF ITS FUNCTIONS UNDER THIS SECTION.

TITLE VI--MISCELLANEOUS PROVISIONS
RELATIONSHIP TO OTHER LAWS

SEC. 601. (A) ANTITRUST.--(1) EXCEPT AS SPECIFICALLY PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, NO PROVISION OF THIS ACT SHALL BE DEEMED TO CONVEY TO ANY RAILROAD OR EMPLOYEE OR DIRECTOR THEREOF ANY IMMUNITY FROM CIVIL OR CRIMINAL LIABILITY, OR TO CREATE DEFENSES TO ACTIONS, UNDER THE ANTITRUST LAWS.

(2) THE ANTITRUST LAWS ARE INAPPLICABLE WITH RESPECT TO ANY ACTION TAKEN TO FORMULATE OR IMPLEMENT THE FINAL SYSTEM PLAN WHERE SUCH ACTION WAS IN COMPLIANCE WITH THE REQUIREMENTS OF SUCH PLAN.

(3) AS USED IN THIS SUBSECTION, "ANTITRUST LAWS" INCLUDES THE ACT OF JULY 2, 1890 (CH. 647, 26 STAT. 209), AS AMENDED; THE ACT OF OCTOBER 15, 1914 (CH. 323, 38 STAT. 730), AS AMENDED; THE FEDERAL TRADE COMMISSION ACT (38 STAT. 717), AS AMENDED; SECTIONS 73 AND 74 OF THE ACT OF AUGUST 27, 1894 (28 STAT. 570), AS AMENDED; THE ACT OF JUNE 19, 1936 (CH. 592, 49 STAT. 1526), AS AMENDED; AND THE ANTITRUST LAWS OF ANY STATE OR SUBDIVISION THEREOF. //15 USC 2. 15 USC 12. 15 USC 58. 15 USC 8, 9. 15 USC 13.//

(B) COMMERCE AND BANKRUPTCY.--THE PROVISIONS OF THE INTERSTATE COMMERCE ACT (49 U.S.C. 1 ET SEQ.) AND THE BANKRUPTCY ACT (11 U.S.C. ET SEQ.) ARE INAPPLICABLE TO TRANSACTIONS UNDER THIS ACT TO THE EXTENT NECESSARY TO FORMULATE AND IMPLEMENT THE FINAL SYSTEM PLAN WHENEVER A PROVISION OF ANY SUCH ACT IS INCONSISTENT WITH THIS ACT. //24 STAT. 379. 30 STAT. 544.//

(C) ENVIRONMENT.--(1) THE PROVISIONS OF SECTION 102 (2) (C) OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (42 U.S.C. 4332 (2) (C)) SHALL NOT APPLY WITH RESPECT TO ANY ACTION TAKEN UNDER AUTHORITY OF THIS ACT BEFORE THE EFFECTIVE DATE OF THE FINAL SYSTEM PLAN. //83 STAT. 853.//

(D) NORTHEAST CORRIDOR.--(1) RAIL PROPERTIES DESIGNATED IN ACCORDANCE WITH SECTION 206 (C) (1) (C) OF THIS ACT SHALL BE LEASED OR MAY (AT ITS OPTION) BE PURCHASED OR OTHERWISE ACQUIRED BY THE NATIONAL RAILROAD PASSENGER CORPORATION. THE CORPORATION SHALL NEGOTIATE AN APPROPRIATE SALE OR LEASE AGREEMENT WITH THE NATIONAL RAILROAD PASSENGER CORPORATION AS PROVIDED IN THE FINAL SYSTEM PLAN.

(2) PROPERTIES ACQUIRED BY PURCHASE, LEASE, OR OTHERWISE PURSUANT TO THIS SUBSECTION SHALL BE IMPROVED IN ORDER TO MEET THE GOAL SET FORTH IN SECTION 206 (A) (3) OF THIS ACT, RELATING TO IMPROVED HIGH-SPEED PASSENGER SERVICE, BY THE EARLIEST PRACTICABLE DATE AFTER THE DATE OF ENACTMENT OF

THIS ACT.

(3) THE SECRETARY SHALL BEGIN THE NECESSARY ENGINEERING STUDIES AND IMPROVEMENTS UPON ENACTMENT.

(4) THE FINAL SYSTEM PLAN SHALL PROVIDE FOR ANY NECESSARY COORDINATION WITH FREIGHT OR COMMUTER SERVICES OF USE OF THE FACILITIES DESIGNATED IN SECTION 206 (C) (1) (C) OF THIS ACT. SUCH COORDINATION MAY BE EFFECTUATED THROUGH A SINGLE OPERATING ENTITY, DESIGNATED IN THE FINAL SYSTEM PLAN, OR AS MUTUALLY AGREED UPON BY THE INTERESTED PARTIES.

(5) CONSTRUCTION OR IMPROVEMENTS MADE PURSUANT TO THIS SUBSECTION MAY BE MADE IN CONSULTATION WITH THE CORPS OF ENGINEERS.

(E) EMERGENCY SERVICE.--SECTION 1 (16) OF THE INTERSTATE COMMERCE ACT (49 U.S.C. 1 (16)) IS AMENDED BY INSERTING "(A)" BEFORE THE WORD "WHENEVER" IN THE FIRST SENTENCE AND ADDING THE FOLLOWING NEW PARAGRAPH: //41 STAT. 477.//

"(B) WHENEVER ANY CARRIER BY RAILROAD IS UNABLE TO TRANSPORT THE TRAFFIC OFFERED IT BECAUSE--

"(1) ITS CASH POSITION MAKES ITS CONTINUING OPERATION IMPOSSIBLE;

(2) IT HAS BEEN ORDERED TO DISCONTINUE ANY SERVICE BY A COURT; OR

"(3) IT HAS ABANDONED SERVICE WITHOUT OBTAINING A CERTIFICATE FROM THE COMMISSION PURSUANT TO THIS SECTION; THE COMMISSION MAY, UPON THE SAME PROCEDURE AS PROVIDED IN PARAGRAPH (15) OF THIS SECTION, MAKE SUCH JUST AND REASONABLE DIRECTIONS WITH RESPECT TO THE HANDLING, ROUTING, AND MOVEMENT OF THE TRAFFIC AVAILABLE TO SUCH CARRIER AND ITS DISTRIBUTION OVER SUCH CARRIER'S LINES, AS IN THE OPINION OF THE COMMISSION WILL BEST PROMOTE THE SERVICE IN THE INTEREST OF THE PUBLIC AND THE COMMERCE OF THE PEOPLE SUBJECT TO THE FOLLOWING CONDITIONS:

"(A) SUCH DIRECTION SHALL BE EFFECTIVE FOR NO LONGER THAN 60 DAYS UNLESS EXTENDED BY THE COMMISSION FOR CAUSE SHOWN FOR AN ADDITIONAL DESIGNATED PERIOD NOT TO EXCEED 180 DAYS.

"(B) NO SUCH DIRECTIONS SHALL BE ISSUED THAT WOULD CAUSE A CARRIER TO OPERATE IN VIOLATION OF THE FEDERAL RAILROAD SAFETY ACT OF 1970 (45 U.S.C. 421) OR THAT WOULD SUBSTANTIALLY IMPAIR THE ABILITY OF THE CARRIER SO DIRECTED TO SERVE ADEQUATELY ITS OWN PATRONS OR TO MEET ITS OUTSTANDING COMMON CARRIER OBLIGATIONS. //84 STAT. 971.//

"(C) THE DIRECTED CARRIER SHALL NOT, BY REASON OF SUCH COMMISSION DIRECTION, BE DEEMED TO HAVE ASSUMED OR TO BECOME RESPONSIBLE FOR THE DEBTS OF THE OTHER CARRIER.

"(D) THE DIRECTED CARRIER SHALL HIRE EMPLOYEES OF THE OTHER CARRIER TO THE EXTENT SUCH EMPLOYEES HAD PREVIOUSLY PERFORMED THE DIRECTED SERVICE FOR THE OTHER CARRIER, AND, AS TO SUCH EMPLOYEES AS SHALL BE SO HIRED, THE DIRECTED CARRIER SHALL BE DEEMED TO HAVE ASSUMED ALL EXISTING EMPLOYMENT OBLIGATIONS AND PRACTICES OF THE OTHER CARRIER RELATING THERETO, INCLUDING, BUT NOT LIMITED TO, AGREEMENTS GOVERNING RATE OF PAY, RULES AND WORKING CONDITIONS, AND ALL EMPLOYEE PROTECTIVE CONDITIONS COMMENCING WITH AND FOR THE DURATION OF THE DIRECTION.

"(E) ANY ORDER OF THE COMMISSION ENTERED PURSUANT TO THIS PARAGRAPH

SHALL PROVIDE THAT IF, FOR THE PERIOD OF ITS EFFECTIVENESS, THE COST, AS HEREINAFTER DEFINED, OF HANDLING, ROUTING, AND MOVING THE TRAFFIC OF ANOTHER CARRIER OVER THE OTHER CARRIER'S LINES OF ROAD SHALL EXCEED THE DIRECT REVENUES THEREFOR, THEN UPON REQUEST, PAYMENT SHALL BE MADE TO THE DIRECTED CARRIER, IN THE MANNER HEREINAFTER PROVIDED AND WITHIN 90 DAYS AFTER EXPIRATION OF SUCH ORDER, OF A SUM EQUAL TO THE AMOUNT BY WHICH SUCH COST HAS EXCEEDED SAID REVENUES. THE TERM 'COST' SHALL MEAN THOSE EXPENDITURES MADE OR INCURRED IN OR ATTRIBUTABLE TO THE OPERATIONS AS DIRECTED, INCLUDING THE RENTAL OR LEASE OF NECESSARY EQUIPMENT, PLUS AN APPROPRIATE ALLOCATION OF COMMON EXPENSES, OVERHEADS, AND A REASONABLE PROFIT. SUCH COST SHALL BE THEN CURRENTLY RECORDED BY THE CARRIER OR CARRIERS IN SUCH MANNER AND ON SUCH FORMS AS BY GENERAL ORDER MAY BE PRESCRIBED BY THE COMMISSION AND SHALL BE SUBMITTED TO AND SUBJECT TO AUDIT BY THE COMMISSION. THE COMMISSION SHALL CERTIFY PROMPTLY TO THE SECRETARY OF THE TREASURY THE AMOUNT OF PAYMENT TO BE MADE TO SAID CARRIER OR CARRIERS UNDER THE PROVISIONS OF THIS PARAGRAPH. PAYMENTS REQUIRED TO BE MADE TO A CARRIER UNDER THE PROVISIONS OF THIS PARAGRAPH SHALL BE MADE BY THE SECRETARY OF THE TREASURY FROM FUNDS HEREBY AUTHORIZED TO BE APPROPRIATED IN SUCH AMOUNTS AS MAY BE NECESSARY FOR THE PURPOSE OF CARRYING OUT THE PROVISIONS HEREOF."

ANNUAL EVALUATION BY THE SECRETARY

SEC. 602. AS PART OF HIS ANNUAL REPORT EACH YEAR, THE SECRETARY SHALL TRANSMIT TO CONGRESS EACH YEAR A COMPREHENSIVE REPORT ON THE EFFECTIVENESS OF THE ASSOCIATION AND THE CORPORATION IN IMPLEMENTING THE PURPOSES OF THIS ACT, TOGETHER WITH ANY RECOMMENDATIONS FOR ADDITIONAL LEGISLATIVE OR OTHER ACTION.

FREIGHT RATES FOR RECYCLABLES

SEC. 603. THE COMMISSION SHALL, BY EXPEDITED PROCEEDINGS, ADOPT APPROPRIATE RULES UNDER THE INTERSTATE COMMERCE ACT (49 U.S.C. 1 ET SEQ.) WHICH WILL ELIMINATE DISCRIMINATION AGAINST THE SHIPMENT OF RECYCLABLE MATERIALS IN RATE STRUCTURES AND IN OTHER COMMISSION PRACTICES WHERE SUCH DISCRIMINATION EXISTS. //24 STAT. 379.//

SEPARABILITY

SEC. 604. IF ANY PROVISION OF THIS ACT OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCES IS HELD INVALID, THE REMAINDER OF THIS ACT AND THE APPLICATION OF SUCH PROVISION TO OTHER PERSONS OR CIRCUMSTANCES SHALL NOT BE AFFECTED THEREBY.

LEGISLATIVE HISTORY:

HOUSE REPORTS: NO. 93 - 620 (COMM. ON INTERSTATE AND FOREIGN COMMERCE) AND NO. 93 - 744 (COMM. OF CONFERENCE).

CONGRESSIONAL RECORD, VOL. 119 (1973):

NOV. 8, CONSIDERED AND PASSED HOUSE. DEC. 11, CONSIDERED AND PASSED SENATE, AMENDED DEC. 13, PROCEEDING VACATED; RECONSIDERED AND PASSED SENATE, DEC. 20, HOUSE AGREED TO CONFERENCE REPORT. DEC. 21, SENATE AGREED TO CONFERENCE REPORT.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, VOL. 10, NO. 1 (1974): JAN. 2, PRESIDENTIAL STATEMENT.

93RD CONGRESS, 2ND SESSION



Public Law 93-247
93rd Congress, S. 1191
January 31, 1974

An Act

To provide financial assistance for a demonstration program for the prevention, identification, and treatment of child abuse and neglect, to establish a National Center on Child Abuse and Neglect, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Child Abuse Prevention and Treatment Act".

THE NATIONAL CENTER ON CHILD ABUSE AND NEGLECT

SEC. 2. (a) The Secretary of Health, Education, and Welfare (hereinafter referred to in this Act as the "Secretary") shall establish an office to be known as the National Center on Child Abuse and Neglect (hereinafter referred to in this Act as the "Center").

(b) The Secretary, through the Center, shall—

(1) compile, analyze, and publish a summary annually of recently conducted and currently conducted research on child abuse and neglect;

(2) develop and maintain an information clearinghouse on all programs, including private programs, showing promise of success, for the prevention, identification, and treatment of child abuse and neglect;

(3) compile and publish training materials for personnel who are engaged or intend to engage in the prevention, identification, and treatment of child abuse and neglect;

(4) provide technical assistance (directly or through grant or contract) to public and nonprofit private agencies and organizations to assist them in planning, improving, developing, and carrying out programs and activities relating to the prevention, identification, and treatment of child abuse and neglect;

(5) conduct research into the causes of child abuse and neglect, and into the prevention, identification, and treatment thereof; and

(6) make a complete and full study and investigation of the national incidence of child abuse and neglect, including a determination of the extent to which incidents of child abuse and neglect are increasing in number or severity.

DEFINITION

SEC. 3. For purposes of this Act the term "child abuse and neglect" means the physical or mental injury, sexual abuse, negligent treatment, or maltreatment of a child under the age of eighteen by a person who is responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Secretary.

DEMONSTRATION PROGRAMS AND PROJECTS

SEC. 4. (a) The Secretary, through the Center, is authorized to make grants to, and enter into contracts with, public agencies or nonprofit private organizations (or combinations thereof) for demonstration programs and projects designed to prevent, identify, and treat child abuse and neglect. Grants or contracts under this subsection may be—

(1) for the development and establishment of training programs for professional and paraprofessional personnel in the fields of medicine, law, education, social work, and other relevant

Child Abuse
Prevention and
Treatment Act.

88 STAT. 4
88 STAT. 5
Establishment.

Annual research
summary.

Information
clearinghouse.

Study.

Grants and
contracts.

fields who are engaged in, or intend to work in, the field of the prevention, identification, and treatment of child abuse and neglect; and training programs for children, and for persons responsible for the welfare of children, in methods of protecting children from child abuse and neglect;

(2) for the establishment and maintenance of centers, serving defined geographic areas, staffed by multidisciplinary teams of personnel trained in the prevention, identification, and treatment of child abuse and neglect cases, to provide a broad range of services related to child abuse and neglect, including direct support and supervision of satellite centers and attention homes, as well as providing advice and consultation to individuals, agencies, and organizations which request such services;

(3) for furnishing services of teams of professional and paraprofessional personnel who are trained in the prevention, identification, and treatment of child abuse and neglect cases, on a consulting basis to small communities where such services are not available; and

(4) for such other innovative programs and projects, including programs and projects for parent self-help, and for prevention and treatment of drug-related child abuse and neglect, that show promise of successfully preventing or treating cases of child abuse and neglect as the Secretary may approve.

Not less than 50 per centum of the funds appropriated under this Act for any fiscal year shall be used only for carrying out the provisions of this subsection.

Grants to
States.

(b)(1) Of the sums appropriated under this Act for any fiscal year, not less than 5 per centum and not more than 20 per centum may be used by the Secretary for making grants to the States for the payment of reasonable and necessary expenses for the purpose of assisting the States in developing, strengthening, and carrying out child abuse and neglect prevention and treatment programs.

(2) In order for a State to qualify for assistance under this subsection, such State shall—

(A) have in effect a State child abuse and neglect law which shall include provisions for immunity for persons reporting instances of child abuse and neglect from prosecution, under any State or local law, arising out of such reporting;

(B) provide for the reporting of known and suspected instances of child abuse and neglect;

(C) provide that upon receipt of a report of known or suspected instances of child abuse or neglect an investigation shall be initiated promptly to substantiate the accuracy of the report, and, upon a finding of abuse or neglect, immediate steps shall be taken to protect the health and welfare of the abused or neglected child, as well as that of any other child under the same care who may be in danger of abuse or neglect;

(D) demonstrate that there are in effect throughout the State, in connection with the enforcement of child abuse and neglect laws and with the reporting of suspected instances of child abuse and neglect, such administrative procedures, such personnel trained in child abuse and neglect prevention and treatment, such training procedures, such institutional and other facilities (public and private), and such related multidisciplinary programs and services as may be necessary or appropriate to assure that the State will deal effectively with child abuse and neglect cases in the State;

January 31, 1974

- 3 -

Pub. Law 93-247

88 STAT. 7

(E) provide for methods to preserve the confidentiality of all records in order to protect the rights of the child, his parents or guardians;

(F) provide for the cooperation of law enforcement officials, courts of competent jurisdiction, and appropriate State agencies providing human services;

(G) provide that in every case involving an abused or neglected child which results in a judicial proceeding a guardian ad litem shall be appointed to represent the child in such proceedings;

(H) provide that the aggregate of support for programs or projects related to child abuse and neglect assisted by State funds shall not be reduced below the level provided during fiscal year 1973, and set forth policies and procedures designed to assure that Federal funds made available under this Act for any fiscal year will be so used as to supplement and, to the extent practicable, increase the level of State funds which would, in the absence of Federal funds, be available for such programs and projects;

(I) provide for dissemination of information to the general public with respect to the problem of child abuse and neglect and the facilities and prevention and treatment methods available to combat instances of child abuse and neglect; and

(J) to the extent feasible, insure that parental organizations combating child abuse and neglect receive preferential treatment.

(3) Programs or projects related to child abuse and neglect assisted under part A or B of title IV of the Social Security Act shall comply with the requirements set forth in clauses (B), (C), (E), and (F) of paragraph (2).

49 Stat. 627;
81 Stat. 911.
42 USC 601, 620.

(c) Assistance provided pursuant to this section shall not be available for construction of facilities; however, the Secretary is authorized to supply such assistance for the lease or rental of facilities where adequate facilities are not otherwise available, and for repair or minor remodeling or alteration of existing facilities.

(d) The Secretary shall establish criteria designed to achieve equitable distribution of assistance under this section among the States, among geographic areas of the Nation, and among rural and urban areas. To the extent possible, citizens of each State shall receive assistance from at least one project under this section.

AUTHORIZATIONS

SEC. 5. There are hereby authorized to be appropriated for the purposes of this Act \$15,000,000 for the fiscal year ending June 30, 1974, \$20,000,000 for the fiscal year ending June 30, 1975, and \$25,000,000 for the fiscal year ending June 30, 1976, and for the succeeding fiscal year.

ADVISORY BOARD ON CHILD ABUSE AND NEGLECT

SEC. 6. (a) The Secretary shall, within sixty days after the date of enactment of this Act, appoint an Advisory Board on Child Abuse and Neglect (hereinafter referred to as the "Advisory Board"), which shall be composed of representatives from Federal agencies with responsibility for programs and activities related to child abuse and neglect, including the Office of Child Development, the Office of Education, the National Institute of Education, the National Institute of Mental Health, the National Institute of Child Health and Human Development, the Social and Rehabilitation Service, and the Health Services Administration. The Advisory Board shall assist the Secretary in coordinating programs and activities related to child abuse

Membership.

Functions.

Report to
President and
Congress.

and neglect administered or assisted under this Act with such programs and activities administered or assisted by the Federal agencies whose representatives are members of the Advisory Board. The Advisory Board shall also assist the Secretary in the development of Federal standards for child abuse and neglect prevention and treatment programs and projects.

(b) The Advisory Board shall prepare and submit, within eighteen months after the date of enactment of this Act, to the President and to the Congress a report on the programs assisted under this Act and the programs, projects, and activities related to child abuse and neglect administered or assisted by the Federal agencies whose representatives are members of the Advisory Board. Such report shall include a study of the relationship between drug addiction and child abuse and neglect.

(c) Of the funds appropriated under section 5, one-half of 1 per centum, or \$1,000,000, whichever is the lesser, may be used by the Secretary only for purposes of the report under subsection (b).

COORDINATION

SEC. 7. The Secretary shall promulgate regulations and make such arrangements as may be necessary or appropriate to ensure that there is effective coordination between programs related to child abuse and neglect under this Act and other such programs which are assisted by Federal funds.

Approved January 31, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-685 (Comm. on Education and Labor).
SENATE REPORT No. 93-308 (Comm. on Labor and Public Welfare).
CONGRESSIONAL RECORD, Vol. 119 (1973):

July 14, considered and passed Senate.
Dec. 3, considered and passed House, amended.
Dec. 20, Senate agreed to House amendments with amendments.
Dec. 21, House concurred in Senate amendments.



Public Law 93-270
93rd Congress, S. 1745
April 22, 1974

An Act

88 STAT. 90

To provide financial assistance for research activities for the study of sudden infant death syndrome, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Sudden Infant Death Syndrome Act of 1974".

Sudden Infant
Death Syndrome
Act of 1974.

42 USC 300c-11
note.

SUDDEN INFANT DEATH SYNDROME RESEARCH

SEC. 2. (a) Section 441 of the Public Health Service Act is amended by striking out "an institute" and inserting in lieu thereof "the National Institute of Child Health and Human Development".

76 Stat. 1072.
42 USC 289d.

(b) (1) Such section 441 is further amended by inserting "(a)" after "SEC. 441." and by adding at the end thereof the following:

"(b) The Secretary shall carry out through the National Institute of Child Health and Human Development the purposes of section 301 with respect to the conduct and support of research which specifically relates to sudden infant death syndrome."

42 USC 241.

(2) Section 444 of such Act is amended (1) by striking out "The Surgeon General" each place it occurs and inserting in lieu thereof "The Secretary", and (2) by striking out "the Surgeon General shall, with the approval of the Secretary" in the first sentence and inserting in lieu thereof "the Secretary shall, in accordance with section 441(b)."

76 STAT. 1073.
42 USC 289g.

(c) (1) Within ninety days following the close of the fiscal year ending June 30, 1975, and the close of each of the next two fiscal years, the Secretary shall report to the Committees on Appropriations of the Senate and the House of Representatives and to the Committee on Labor and Public Welfare of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives the following information for such fiscal year:

Reports to con-
gressional
committees.
42 USC 289g
note.

(A) The (i) number of applications approved by the Secretary in the fiscal year reported on for grants and contracts under the Public Health Service Act for research which relates specifically to sudden infant death syndrome, (ii) total amount requested under such applications, (iii) number of such applications for which funds were provided in such fiscal year, and (iv) total amount of such funds.

58 Stat. 682.
42 USC 201
note.

(B) The (i) number of applications approved by the Secretary in such fiscal year for grants and contracts under the Public Health Service Act for research which relates generally to sudden infant death syndrome, (ii) total amount requested under such applications, (iii) number of such applications for which funds were provided in such fiscal year, and (iv) total amount of such funds.

Each such report shall contain an estimate of the need for additional funds for grants or contracts under the Public Health Service Act for research which relates specifically to sudden infant death syndrome.

(2) Within five days after the Budget is transmitted by the President to the Congress for the fiscal year ending June 30, 1976, and for each of the next two fiscal years, the Secretary shall transmit to the Committees on Appropriations of the House of Representatives and

Funds, esti-
mate, trans-
mittal to
congressional
committees.

98 STAT., 91

the Senate, the Committee on Labor and Public Welfare of the Senate, and the Committee on Interstate and Foreign Commerce of the House of Representatives an estimate of the amount requested for the National Institutes of Health for research relating to sudden infant death syndrome and a comparison of that amount with the amount requested for the preceding fiscal year.

COUNSELING, INFORMATION, EDUCATIONAL AND STATISTICAL PROGRAMS

86 Stat. 137,
650.
42 USC 300b.

SEC. 3. (a) Title XI of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART C—SUDDEN INFANT DEATH SYNDROME

"SUDDEN INFANT DEATH SYNDROME COUNSELING, INFORMATION, EDUCATIONAL, AND STATISTICAL PROGRAMS

42 USC 300c-11. "SEC. 1121. (a) The Secretary, through the Assistant Secretary for Health, shall carry out a program to develop public information and professional educational materials relating to sudden infant death syndrome and to disseminate such information and materials to persons providing health care, to public safety officials, and to the public generally.

Grants.

"(b)(1) The Secretary may make grants to public and nonprofit private entities, and enter into contracts with public and private entities, for projects which include both—

"(A) the collection, analysis, and furnishing of information (derived from post mortem examinations and other means) relating to the causes of sudden infant death syndrome; and

"(B) the provision of information and counseling to families affected by sudden infant death syndrome.

Applications.

"(2) No grant may be made or contract entered into under this subsection unless an application therefor has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner, and contain such information as the Secretary shall by regulation prescribe. Each application shall—

"(A) provide that the project for which assistance under this subsection is sought will be administered by or under supervision of the applicant;

"(B) provide for appropriate community representation in the development and operation of such project;

"(C) set forth such fiscal controls and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this subsection; and

"(D) provide for making such reports in such form and containing such information as the Secretary may reasonably require.

Payments.

"(3) Payments under grants under this subsection may be made in advance or by way of reimbursement, and at such intervals and on such conditions, as the Secretary finds necessary.

"(4) Contracts under this subsection may be entered into without regard to sections 3645 through 3709 of the Revised Statutes (31 U.S.C. 529; 44 U.S.C. 5).

41 USC 5,

Appropriation.

"(5) For the purpose of making payments pursuant to grants and contracts under this subsection, there are authorized to be appropriated \$2,000,000 for the fiscal year ending June 30, 1975, \$3,000,000 for the fiscal year ending June 30, 1976, and \$4,000,000 for the fiscal year ending June 30, 1977.

April 22, 1974

- 3 -

Pub. Law 93-270

88 STAT. 92

"(c) The Secretary shall submit, not later than January 1, 1976, a comprehensive report to the Committee on Labor and Public Welfare of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives respecting the administration of this section and the results obtained from the programs authorized by it."

(b) The title of such title XI is amended by adding at the end thereof "AND SUDDEN INFANT DEATH SYNDROME".

Approved April 22, 1974.

Reports to congressional committees.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-758 accompanying H.R. 11386 (Comm. on Interstate and Foreign Commerce).

SENATE REPORT No. 93-606 (Comm. on Labor and Public Welfare).

CONGRESSIONAL RECORD:

Vol. 119 (1973): Dec. 11, considered and passed Senate.

Vol. 120 (1974): Jan. 21, considered and passed House, amended, in lieu of H.R. 11386.

Mar. 6, Senate concurred in House amendments with an amendment.

Apr. 10, House concurred in Senate amendment.



Public Law 93-275
93rd Congress, H. R. 11793
May 7, 1974

An Act

To reorganize and consolidate certain functions of the Federal Government in a new Federal Energy Administration in order to promote more efficient management of such functions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Federal Energy
Administration
Act of 1974.

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Energy Administration Act of 1974".

15 USC 761
note.

88 STAT. 96
88 STAT. 97

DECLARATION OF PURPOSE

SEC. 2. (a) The Congress hereby declares that the general welfare and the common defense and security require positive and effective action to conserve scarce energy supplies, to insure fair and efficient distribution of, and the maintenance of fair and reasonable consumer prices for, such supplies, to promote the expansion of readily usable energy sources, and to assist in developing policies and plans to meet the energy needs of the Nation.

15 USC 761.

(b) The Congress finds that to help achieve these objectives, and to assure a coordinated and effective approach to overcoming energy shortages, it is necessary to reorganize certain agencies and functions of the executive branch and to establish a Federal Energy Administration.

(c) The sole purpose of this Act is to create an administration in the executive branch, called the Federal Energy Administration, to vest in the Administration certain functions as provided in this Act, and to transfer to such Administration certain executive branch functions authorized by other laws, where such transfer is necessary on an interim basis to deal with the Nation's energy shortages.

ESTABLISHMENT

SEC. 3. There is hereby established an independent agency in the executive branch to be known as the Federal Energy Administration (hereinafter in this Act referred to as the "Administration").

15 USC 762.

OFFICERS

SEC. 4. (a) There shall be at the head of the Administration an Administrator (hereinafter in this Act referred to as the "Administrator"), who shall be appointed by the President, by and with the advice and consent of the Senate. The Administrator shall receive compensation at the rate prescribed for offices and positions at level II of the Executive Schedule (5 U.S.C. 5313). The Administration shall be administered under the supervision and direction of the Administrator.

15 USC 763.

Compensation.

80 Stat. 460;
83 Stat. 864.

(b) (1) The functions and powers of the Administration shall be vested in and exercised by the Administrator.

Functions.

(2) The Administrator may, from time to time and to the extent permitted by law, consistent with the purposes of this Act, delegate such of his functions as he deems appropriate.

Delegation.

Pub. Law 93-275

- 2 -

May 7, 1974

Deputy Admin-
istrators.

80 Stat. 460;

83 Stat. 864.

Assistant Admin-
istrators.

88 STAT. 97

88 STAT. 98

General Counsel.

(c) There shall be in the Administration two Deputy Administrators, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate prescribed for offices and positions at level III of the Executive Schedule (5 U.S.C. 5314).

(d) There are authorized to be in the Administration six Assistant Administrators, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate prescribed for offices and positions at level IV of the Executive Schedule (5 U.S.C. 5315).

(e) There shall be in the Administration a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate prescribed for offices and positions at level IV of the Executive Schedule (5 U.S.C. 5315).

(f) (1) There are authorized to be in the Administration not more than nine additional officers who shall be appointed by the Administrator and shall receive compensation at the rate prescribed for offices and positions at level V of the Executive Schedule (5 U.S.C. 5316).

(2) If any person, other than an officer within subsections (c), (d), or (e) of this section, is to be assigned principal responsibility for any program that shall be instituted in the Administration for either (i) allocation, (ii) pricing, (iii) rationing (if effected), or (iv) Federal and State coordination, he shall be one of the officers authorized by paragraph (1) of this subsection except that he shall be appointed by the President by and with the advice and consent of the Senate.

(3) Appointments to the positions described in this subsection may be made without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service.

(g) Subject to subsection (f) of this section, officers appointed pursuant to this section shall perform such functions as the Administrator shall specify from time to time.

(h) The Administrator shall designate the order in which the Deputy Administrators and other officials shall act for and perform the functions of the Administrator during his absence or disability or in the event of a vacancy in his office.

(i) (1) For the purposes of this Act, section 208(b) of title 18, United States Code, relating to conflicts of interest, can be invoked and implemented only by the Administrator personally. Such subsection shall not be invoked as to any person unless and until—

(A) the Congress has received, ten days prior thereto, a written report containing notice of the Administrator's intention so to invoke such subsection, a detailed statement of the subject matter concerning which a conflict exists; and in the case of an exemption set forth in clause (1) of such subsection, the nature of an officer's or employee's financial interest; or in the case of an exemption set forth in clause (2) of such subsection, the name and statement of financial interest of each person who will come within such exemption; and

(B) such written report is published in the Federal Register.

(2) Nothing contained in this subsection shall affect in any way the applicability or operation of other laws relating to officers and employees of the United States Government.

(j) No individual holding any of the positions described in subsections (a), (c), (d), and (e) of this section may also hold any other position in the executive branch during the same period.

5 USC 101
at seq.Conflict of
interest.
76 Stat. 1124.Report to
Congress.Publication in
Federal Reg-
ister.

May 7, 1974

- 3 -

Pub. Law 93-275

FUNCTIONS AND PURPOSES OF THE FEDERAL ENERGY ADMINISTRATION

SEC. 5. (a) Subject to the provisions and procedures set forth in this Act, the Administrator shall be responsible for such actions as are taken to assure that adequate provision is made to meet the energy needs of the Nation. To that end, he shall make such plans and direct and conduct such programs related to the production, conservation, use, control, distribution, rationing, and allocation of all forms of energy as are appropriate in connection with only those authorities or functions—

(1) specifically transferred to or vested in him by or pursuant to this Act;

(2) delegated to him by the President pursuant to specific authority vested in the President by law; and

(3) otherwise specifically vested in the Administrator by the Congress.

(b) To the extent authorized by subsection (a) of this section, the Administrator shall—

(1) advise the President and the Congress with respect to the establishment of a comprehensive national energy policy in relation to the energy matters for which the Administration has responsibility, and, in coordination with the Secretary of State, the integration of domestic and foreign policies relating to energy resource management;

(2) assess the adequacy of energy resources to meet demands in the immediate and longer range future for all sectors of the economy and for the general public;

(3) develop effective arrangements for the participation of State and local governments in the resolution of energy problems;

(4) develop plans and programs for dealing with energy production shortages;

(5) promote stability in energy prices to the consumer, promote free and open competition in all aspects of the energy field, prevent unreasonable profits within the various segments of the energy industry, and promote free enterprise;

(6) assure that energy programs are designed and implemented in a fair and efficient manner so as to minimize hardship and inequity while assuring that the priority needs of the Nation are met;

(7) develop and oversee the implementation of equitable voluntary and mandatory energy conservation programs and promote efficiencies in the use of energy resources;

(8) develop and recommend policies on the import and export of energy resources;

(9) collect, evaluate, assemble, and analyze energy information on reserves, production, demand, and related economic data;

(10) work with business, labor, consumer and other interests and obtain their cooperation;

(11) in administering any pricing authority, provide by rule, for equitable allocation of all component costs of producing propane gas. Such rules may require that (a) only those costs directly related to the production of propane may be allocated by any producer to such gas for purposes of establishing any price for propane, and (b) prices for propane shall be based on the prices for propane in effect on May 15, 1973. The Administrator shall not allow costs attributable to changes in ownership and

15 USC 764.

88 STAT. 98

88 STAT. 99

Propane gas prices.

movement of propane gas where, in the opinion of the Administrator, such changes in ownership and movement occur primarily for the purpose of establishing a higher price; and

(12) perform such other functions as may be prescribed by law.

TRANSFERS

Transfer of
functions.
15 USC 765.

SEC. 6. (a) There are hereby transferred to and vested in the Administrator all functions of the Secretary of the Interior, the Department of the Interior, and officers and components of that Department—

(1) as relate to or are utilized by the Office of Petroleum Allocation;

(2) as relate to or are utilized by the Office of Energy Conservation;

(3) as relate to or are utilized by the Office of Energy Data and Analysis; and

(4) as relate to or are utilized by the Office of Oil and Gas.

(b) There are hereby transferred to and vested in the Administrator all functions of the Chairman of the Cost of Living Council, the Executive Director of the Cost of Living Council, and the Cost of Living Council, and officers and components thereof, as relate to or are utilized by the Energy Division of the Cost of Living Council.

ADMINISTRATIVE PROVISIONS

Attorneys.
15 USC 766.

SEC. 7. (a) (1) The Administrator may appoint, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him, and prescribe their authority and duties. In addition to the number of positions which may be placed in GS-16, 17, and 18 under existing law, not to exceed 91 positions may be placed in GS-16, 17, and 18 to carry out the functions under this Act: *Provided*, That the total number of positions within the Administration in GS-16, 17, 18 shall not exceed 105: *And provided further*, That, except as provided in paragraph (2) of this subsection, the authority under this subsection shall be subject to the standards and procedures prescribed under Chapter 51 of title 5, United States Code, and shall continue only for the duration of the exercise of functions under this Act.

30 Stat. 452.
5 USC 5101.

(2) Twenty-five of the GS-16, 17, and 18 positions authorized by paragraph (1) of this subsection may be filled without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service.

5 USC 101 et
seq.

Experts and
consultants.
30 Stat. 416.

5 USC 5332
etc.

Rules and
regulations.

Cost of Living
Council, noti-
fication.

(b) The Administrator may employ experts, expert witnesses, and consultants in accordance with section 3109 of title 5 of the United States Code, and compensate such persons at rates not in excess of the maximum daily rate prescribed for GS-18 under section 5332 of title 5 of the United States Code for persons in Government service employed intermittently.

(c) The Administrator may promulgate such rules, regulations, and procedures as may be necessary to carry out the functions vested in him: *Provided*, That:

(1) The Administrator shall, before promulgating proposed rules, regulations, or policies relating to the cost or price of energy, transmit notice of such proposed action to the Cost of Living Council and provide a period, which shall not be less than five days from the receipt of such notice, for the Cost of Living Council to approve or disapprove such proposed action. If during the period provided, the Cost of Living Council—

May 7, 1974

- 5 -

Pub. Law 93-275

88 STAT. 101

(A) approves such proposed action, it may take effect;

(B) disapproves such proposed action, it shall not take effect; or

(C) fails to either approve or disapprove such proposed action, it may take effect in the same manner as if the Cost of Living Council had given its approval.

(2) The Administrator shall, before promulgating proposed rules, regulations, or policies affecting the quality of the environment, provide a period of not less than five days from receipt of notice of the proposed action during which the Administrator of the Environmental Protection Agency may provide written comments concerning the impact of such rules, regulations, or policies on the quality of the environment. Such comments shall be published along with public notice of the proposed action.

Comments.

Publication.

The review required by paragraphs (1) and (2) of this subsection may be waived for a period of fourteen days if there is an emergency situation which, in the judgment of the Administrator, requires immediate action.

Review, waiver.

(d) The Administrator may utilize, with their consent, the services, personnel, equipment, and facilities of Federal, State, regional, and local public agencies and instrumentalities, with or without reimbursement therefor, and may transfer funds made available pursuant to this Act, to Federal, State, regional, and local public agencies and instrumentalities, as reimbursement for utilization of such services, personnel, equipment, and facilities.

Interagency cooperation.

(e) The Administrator shall cause a seal of office to be made for the Administration of such design as he shall approve, and judicial notice shall be taken of such seal.

Seal.

(f) The Administrator may accept unconditional gifts or donations of money or property, real, personal, or mixed, tangible or intangible.

Gifts, acceptance.

(g) The Administrator may enter into and perform contracts, leases, cooperative agreements, or other similar transactions with any public agency or instrumentality or with any person, firm, association, corporation, or institution.

Contract authority.

(h) The Administrator may perform such other activities as may be necessary for the effective fulfillment of his administrative duties and functions.

(i) (1) (A) Subject to paragraphs (B), (C), and (D) of this subsection, the provisions of subchapter II of chapter 5 of title 5, United States Code, shall apply to any rule or regulation, or any order having the applicability and effect of a rule as defined in section 551(4) of title 5, United States Code, issued pursuant to this Act, including any such rule, regulation, or order of a State or local government agency, or officer thereof, issued pursuant to authority delegated by the Administrator.

80 Stat. 381.
5 USC 551.

(B) Notice of any proposed rule, regulation, or order described in paragraph (A) shall be given by publication of such proposed rule, regulation, or order in the Federal Register. In each case, a minimum of ten days following such publication shall be provided for opportunity to comment; except that the requirements of this paragraph as to time of notice and opportunity to comment may be waived where strict compliance is found to cause serious harm or injury to the public health, safety, or welfare, and such finding is set out in detail in such rule, regulation, or order. In addition, public notice of all rules, regulations, or orders described in paragraph (A) which are promulgated

Publication in Federal Register.
Comments.

Public notice, publication.

by officers of a State or local government agency shall to the maximum extent practicable be achieved by publication of such rules, regulations, or orders in a sufficient number of newspapers of statewide circulation calculated to receive widest possible notice.

Views, oral
presentation.

(C) In addition to the requirements of paragraph (B), if any rule, regulation, or order described in paragraph (A) is likely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses, an opportunity for oral presentation of views, data, and arguments shall be afforded. To the maximum extent practicable, such opportunity shall be afforded prior to the issuance of such rule, regulation, or order, but in all cases such opportunity shall be afforded no later than forty-five days after the issuance of any such rule, regulation, or order. A transcript shall be kept of any oral presentation.

Review.

Hearing.

(D) Any officer or agency authorized to issue the rules, regulations, or orders described in paragraph (A) shall provide for the making of such adjustments, consistent with the other purposes of this Act, as may be necessary to prevent special hardship, inequity, or unfair distribution of burdens and shall, by rule, establish procedures which are available to any person for the purpose of seeking an interpretation, modification, rescission of, exception to, or exemption from, such rules, regulations, and orders. If such person is aggrieved or adversely affected by the denial of a request for such action under the preceding sentence, he may request a review of such denial by the officer or agency and may obtain judicial review in accordance with paragraph (2) of this subsection when such denial becomes final. The officer or agency shall, by rule, establish appropriate procedures, including a hearing where deemed advisable by the officer or agency, for considering such requests for action under this paragraph.

Public infor-
mation.
31 Stat. 54.

(E) In addition to the requirements of section 552 of title 5, United States Code, any agency authorized to issue the rules, regulations, or orders described in paragraph (A) shall make available to the public all internal rules and guidelines which may form the basis, in whole or in part, for any such rule, regulation, or order with such modifications as are necessary to insure confidentiality protected under such section 552. Such agency shall, upon written request of a petitioner filed after any grant or denial of a request for exception or exemption from rules or orders, furnish the petitioner with a written opinion setting forth applicable facts and the legal basis in support of such grant or denial. Such opinions shall be made available to the petitioner and the public within thirty days of such request, with such modifications as are necessary to insure confidentiality of information protected under such section 552.

Judicial review.

7 Stat. 627.
5 USC 751
etc.

(2) (A) Judicial review of administrative rulemaking of general and national applicability done under this Act, except that done pursuant to the Emergency Petroleum Allocation Act of 1973, may be obtained only by filing a petition for review in the United States Court of Appeals for the District of Columbia within thirty days from the date of promulgation of any such rule, regulation, or order, and judicial review of administrative rulemaking of general, but less than national, applicability done under this Act, except that done pursuant to the Emergency Petroleum Allocation Act of 1973, may be obtained only by filing a petition for review in the United States Court of Appeals for the appropriate circuit within thirty days from the date of promulgation of any such rule, regulation, or order, the appropriate circuit being defined as the circuit which contains the area or the greater part of the area within which the rule, regulation, or order is to have effect.

May 7, 1974

- 7 -

Pub. Law 93-275

88 STAT. 103

(B) Notwithstanding the amount in controversy, the district courts of the United States shall have exclusive original jurisdiction of all other cases or controversies arising under this Act, or under rules, regulations, or orders issued thereunder, except any actions taken to implement or enforce any rule, regulation, or order by any officer of a State or local government agency under this Act: *Provided*, That nothing in this section affects the power of any court of competent jurisdiction to consider, hear, and determine in any proceeding before it any issue raised by way of defense (other than a defense based on the unconstitutionality of this Act or the validity of action taken by any agency under this Act). If in any such proceeding an issue by way of defense is raised based on the unconstitutionality of this Act or the validity of agency action under this Act, the case shall be subject to removal by either party to a district court of the United States in accordance with the applicable provisions of chapter 89 of title 28, United States Code. Cases or controversies arising under any rule, regulation, or order of any officer of a State or local government agency may be heard in either (1) any appropriate State court, or (2) without regard to the amount in controversy, the district courts of the United States.

Jurisdiction.

62 Stat. 937.
28 USC 1441.

(3) The Administrator may by rule prescribe procedures for State or local government agencies authorized by the Administrator to carry out functions under this Act. Such procedures shall apply to such agencies in lieu of paragraph (1) of this subsection, and shall require that prior to taking any action, such agencies shall take steps reasonably calculated to provide notice to persons who may be affected by the action, and shall afford an opportunity for presentation of views (including oral presentation of views where practicable) at least ten days before taking the action.

(j) The Administration, in connection with the exercise of the authority under this Act, shall be considered an independent Federal regulatory agency for the purposes of sections 3502 and 3512 of title 44 of the United States Code.

82 Stat. 1302.
87 Stat. 576.

TRANSITIONAL AND SAVINGS PROVISIONS

SEC. 8. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges— 15 USC 767.

(1) which have been issued, made, granted, or allowed to become effective by the President, by any Federal department or agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this Act, and

(2) which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President, the Administrator, other authorized officials, a court of competent jurisdiction, or by operation of law.

(b) This Act shall not affect any proceeding pending, at the time this Act takes effect, before any department or agency (or component thereof) regarding functions which are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals (except as provided in section 7(i)(2) of this Act) shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall

be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions, and to the same extent, that such proceeding could have been discontinued if this Act had not been enacted.

(c) Except as provided in subsection (e)—

(1) the provisions of this Act shall not affect suits commenced prior to the date this Act takes effect, and

(2) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

litigation.

(d) No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, actions, or other proceedings may be asserted by or against the United States or such official as may be appropriate and, in any litigation pending when this Act takes effect, the court may at any time, on its own motion or that of any party, enter any order which will give effect to the provisions of this section.

(e) If, before the date on which this Act takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit, and under this Act any function of such department, agency, or officer is transferred to the Administrator, or any other official, then such suit shall be continued as if this Act had not been enacted, with the Administrator, or other official as the case may be, substituted.

judicial review.

(f) Final orders and actions of any official or component in the performance of functions transferred by this Act shall be subject to judicial review to the same extent and in the same manner as if such orders or actions had been made or taken by the officer, department, agency, or instrumentality in the performance of such functions immediately preceding the effective date of this Act. Any statutory requirements relating to notices, hearings, action upon the record, or administrative review that apply to any function transferred or delegated by this Act shall apply to the performance of those functions by the Administrator, or any officer or component of the Administration. In the event of any inconsistency between the provisions of this subsection and section 7, the provisions of section 7 shall govern.

(g) With respect to any function transferred by this Act and performed after the effective date of this Act, reference in any other law to any department or agency, or any officer or office, the functions of which are so transferred, shall be deemed to refer to the Administration, Administrator, or other office or officers in which this Act vests such functions.

(h) Nothing contained in this Act shall be construed to limit, curtail, abolish, or terminate any function of the President which he had immediately before the effective date of this Act; or to limit, curtail, abolish, or terminate his authority to perform such function; or to limit, curtail, abolish, or terminate his authority to delegate, redelegate, or terminate any delegations of functions.

(i) Any reference in this Act to any provision of law shall be deemed to include, as appropriate, references thereto as now or hereafter amended or supplemented.

May 7, 1974

- 9 -

Pub. Law 93-275

88 STAT. 105

INCIDENTAL TRANSFERS

SEC. 9. The Director of the Office of Management and Budget is authorized and directed to make such additional incidental dispositions of personnel, personnel positions, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with functions which are transferred by or which revert under this Act, as the Director deems necessary and appropriate to accomplish the intent and purpose of this Act. 15 USC 768.

DEFINITIONS

SEC. 10. As used in this Act—

15 USC 769.

(1) any reference to "function" or "functions" shall be deemed to include references to duty, obligation, power, authority, responsibility, right, privilege, and activity, or the plural thereof, as the case may be; and

(2) any reference to "perform" or "performance", when used in relation to functions, shall be deemed to include the exercise of power, authority, rights, and privileges.

APPOINTMENTS

SEC. 11 (a) Funds available to any department or agency (or any official or component thereof), and lawfully authorized for any of the specific functions which are transferred to the Administrator by this Act, may, with the approval of the President, be used to pay the compensation and expenses of any officer appointed pursuant to this Act until such times as funds for that purpose are otherwise available. 15 USC 770.

(b) In the event that any officer required by this Act to be appointed by and with the advice and consent of the Senate shall not have entered upon office on the effective date of this Act, the President may designate any officer, whose appointment was required to be made by and with the advice and consent of the Senate and who was such an officer immediately prior to the effective date of this Act, or any officer who was performing essentially the same functions immediately prior to the effective date of this Act, to act in such office until the office is filled as provided in this Act: *Provided*, That any officer acting pursuant to the provisions of this subsection may act no longer than a period of thirty days unless during such period his appointment as such an officer is submitted to the Senate for its advice and consent.

(c) Transfer of nontemporary personnel pursuant to this Act shall not cause any such employee to be separated or reduced in grade or compensation, except for cause, for one year after such transfer.

(d) Any person who, on the effective date of this Act, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5 of the United States Code, and who, without a break in service, is appointed in the Administration to a position having duties comparable to those performed immediately preceding his appointment, shall continue to be compensated in his new position at not less than the rate provided for his previous position.

80 Stat. 458;
84 Stat. 1945
5 USC 5301.

ities.
15 USC 771.

report to
Congress.

SEC. 12. (a) For the duration of this Act, the Comptroller General of the United States shall monitor and evaluate the operations of the Administration including its reporting activities. The Comptroller General shall (1) conduct studies of existing statutes and regulations governing the Administration's programs; (2) review the policies and practices of the Administration; (3) review and evaluate the procedures followed by the Administrator in gathering, analyzing, and interpreting energy statistics, data, and information related to the management and conservation of energy, including but not limited to data related to energy costs, supply, demand, industry structure, and environmental impacts; and (4) evaluate particular projects or programs. The Comptroller General shall have access to such data within the possession or control of the Administration from any public or private source whatever, notwithstanding the provisions of any other law, as are necessary to carry out his responsibilities under this Act and shall report to the Congress at such times as he deems appropriate with respect to the Administration's programs, including his recommendations for modifications in existing laws, regulations, procedures, and practices.

(b) The Comptroller General or any of his authorized representatives in carrying out his responsibilities under this section may request access to any books, documents, papers, statistics, data, records, and information of any person owning or operating facilities or business premises who is engaged in any phase of energy supply or major energy consumption, where such material relates to the purposes of this Act, including but not limited to energy costs, demand, supply, industry structure, and environmental impacts. The Comptroller General may request such person to submit in writing such energy information as the Comptroller General may prescribe.

(c) The Comptroller General of the United States, or any of his duly authorized representatives, shall have access to and the right to examine any books, documents, papers, records, or other recorded information of any recipients of Federal funds or assistance under contracts, leases, cooperative agreements, or other transactions entered into pursuant to subsection (d) or (g) of section 7 of this Act which in the opinion of the Comptroller General may be related or pertinent to such contracts, leases, cooperative agreements, or similar transactions.

(d) To assist in carrying out his responsibilities under this section, the Comptroller General may, with the concurrence of a duly established committee of Congress having legislative or investigative jurisdiction over the subject matter and upon the adoption of a resolution by such a committee which sets forth specifically the scope and necessity therefor, and the specific identity of those persons from whom information is sought, sign and issue subpoenas requiring the production of the books, documents, papers, statistics, data, records, and information referred to in subsection (b) of this section.

(e) In case of disobedience to a subpoena issued under subsection (d) of this section, the Comptroller General may invoke the aid of any district court of the United States in requiring the production of the books, documents, papers, statistics, data, records, and information referred to in subsection (b) of this section. Any district court of the United States within the jurisdiction where such person is found or transacts business may, in case of contumacy or refusal to obey a

May 7, 1974

- 11 -

Pub. Law 93-275

88 STAT. 107

subpena issued by the Comptroller General, issue an order requiring such person to produce the books, documents, papers, statistics, data, records, or information; and any failure to obey such order of the court shall be punished by the court as a contempt thereof.

(f) Reports submitted by the Comptroller General to the Congress pursuant to this section shall be available to the public at reasonable cost and upon identifiable request. The Comptroller General may not disclose to the public any information which concerns or relates to a trade secret or other matter referred to in section 1905 of title 18, United States Code, except that such information shall be disclosed by the Comptroller General or the Administrator, in a manner designed to preserve its confidentiality—

Reports, availability.

62 Stat. 791.

- (1) to other Federal Government departments, agencies, and officials for official use upon request;
- (2) to committees of Congress upon request; and
- (3) to a court in any judicial proceeding under court order.

INFORMATION-GATHERING POWER

SEC. 13. (a) The Administrator shall collect, assemble, evaluate, and analyze energy information by categorical groupings, established by the Administrator, of sufficient comprehensiveness and particularity to permit fully informed monitoring and policy guidance with respect to the exercise of his functions under this Act.

15 USC 772.

(b) All persons owning or operating facilities or business premises who are engaged in any phase of energy supply or major energy consumption shall make available to the Administrator such information and periodic reports, records, documents, and other data, relating to the purposes of this Act, including full identification of all data and projections as to source, time, and methodology of development, as the Administrator may prescribe by regulation or order as necessary or appropriate for the proper exercise of functions under this Act.

(c) The Administrator may require, by general or special orders, any person engaged in any phase of energy supply or major energy consumption to file with the Administrator in such form as he may prescribe, reports or answers in writing to such specific questions, surveys, or questionnaires as may be necessary to enable the Administrator to carry out his functions under this Act. Such reports and answers shall be made under oath, or otherwise, as the Administrator may prescribe, and shall be filed with the Administrator within such reasonable period as he may prescribe.

(d) The Administrator, to verify the accuracy of information he has received or otherwise to obtain information necessary to perform his functions under this Act, is authorized to conduct investigations, and in connection therewith, to conduct, at reasonable times and in a reasonable manner, physical inspections at energy facilities and business premises, to inventory and sample any stock of fuels or energy sources therein, to inspect and copy records, reports, and documents from which energy information has been or is being compiled, and to question such persons as he may deem necessary.

Investigations.

(e) (1) The Administrator, or any of his duly authorized agents, shall have the power to require by subpena the attendance and testimony of witnesses, and the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence which the Administrator is authorized to obtain pursuant to this section.

Subpena.

STAT. 108

(2) Any appropriate United States district court may, in case of contumacy or refusal to obey a subpoena issued pursuant to this section, issue an order requiring the party to whom such subpoena is directed to appear before the Administration and to give testimony touching on the matter in question, or to produce any matter described in paragraph (1) of this subsection, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

S. Govern-
ment-owned
lands.

(f) The Administrator shall collect from departments, agencies and instrumentalities of the executive branch of the Government (including independent agencies), and each such department, agency, and instrumentality is authorized and directed to furnish, upon his request, information concerning energy resources on lands owned by the Government of the United States. Such information shall include, but not be limited to, quantities of reserves, current or proposed leasing agreements, environmental considerations, and economic impact analyses.

PUBLIC DISCLOSURE OF INFORMATION

USC 773.

SEC. 14. (a) The Administrator shall make public, on a continuing basis, any statistical and economic analyses, data, information, and whatever reports and summaries are necessary to keep the public fully and currently informed as to the nature, extent, and projected duration of shortages of energy supplies, the impact of such shortages, and the steps being taken to minimize such impacts.

Stat. 54.

Stat. 791.

(b) Subject to the provisions of this Act, section 552 of title 5, United States Code, shall apply to public disclosure of information by the Administrator: *Provided*, That notwithstanding said section, the provisions of section 1905 of title 18, United States Code, or any other provision of law, (1) all matters reported to, or otherwise obtained by, any person exercising authority under this Act containing trade secrets or other matter referred to in section 1905 of title 18, United States Code, may be disclosed to other persons authorized to perform functions under this Act solely to carry out the purposes of the Act, or when relevant in any proceeding under this Act; and (2) the Administrator shall disclose to the public, at a reasonable cost, and upon a request which reasonably describes the matter sought, any matter of the type which could not be excluded from public annual reports to the Securities and Exchange Commission pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934 by a business enterprise exclusively engaged in the manufacture or sale of a single product, unless such matter concerns or relates to the trade secrets, processes, operations, style of work, or apparatus of a business enterprise.

Stat. 894.

Stat. 574.

SC 78m,

elines.

(c) To protect and assure privacy of individuals and confidentiality of personal information, the Administrator is directed to establish guidelines and procedures for handling any information which the Administration obtains pertaining to individuals. He shall provide, to the extent practicable, in such guidelines and procedures a method for allowing any such individual to gain access to such information pertaining to himself.

REPORTS AND RECOMMENDATIONS

t to

ress.

SC 774.

SEC. 15. (a) Six months before the expiration of this Act, the President shall transmit to Congress a full report together with his recommendations for—

May 7, 1974

- 13 -

Pub. Law 93-275

88 STAT. 109

(1) disposition of the functions of the Administration upon its termination;

(2) continuation of the Administration with its present functions; or

(3) reorganization of the Administration; and

(4) organization of the Federal Government for the management of energy and natural resources policies and programs.

(b) Not later than one year after the effective date of this Act, the Administrator shall submit a report to the President and Congress which will provide a complete and independent analysis of actual oil and gas reserves and resources in the United States and its Outer Continental Shelf, as well as of the existing productive capacity and the extent to which such capacity could be increased for crude oil and each major petroleum product each year for the next ten years through full utilization of available technology and capacity. The report shall also contain the Administration's recommendations for improving the utilization and effectiveness of Federal energy data and its manner of collection. The data collection and analysis portion of this report shall be prepared by the Federal Trade Commission for the Administration. Unless specifically prohibited by law, all Federal agencies shall make available estimates, statistics, data and other information in their files which, in the judgment of the Commission or Administration, are necessary for the purposes of this subsection.

Report to President and Congress.

(c) The Administrator shall prepare and submit directly to the Congress and the President every year after the date of enactment of this Act a report which shall include—

Report to President and Congress.

(1) a review and analysis of the major actions taken by the Administrator;

(2) an analysis of the impact these actions have had on the Nation's civilian requirements for energy supplies for materials and commodities;

(3) a projection of the energy supply for the midterm and long term for each of the major types of fuel and the potential size and impact of any anticipated shortages, including recommendations for measures to—

(A) minimize deficiencies of energy supplies in relation to needs;

(B) maintain the health and safety of citizens;

(C) maintain production and employment at the highest feasible level;

(D) equitably share the burden of shortages among individuals and business firms; and

(E) minimize any distortion of voluntary choices of individuals and firms;

(4) a summary listing of all recipients of funds and the amount thereof within the preceding period; and

(5) a summary listing of information-gathering activities conducted under section 13 of this Act.

(d) Not later than thirty days after the effective date of this Act, the Administrator shall issue preliminary summer guidelines for citizen fuel use, summer guidelines.

(e) The Administrator shall provide interim reports to the Congress from time to time and when requested by committees of Congress. Interim reports to Congress.

SEX DISCRIMINATION

Sec. 16. No individual shall on the grounds of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity carried on or receiving Federal 15 USC 775.

96 STAT. 110

3 Stat. 252.
2 USC 2000d.

assistance under this Act. This provision will be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under title VI of the Civil Rights Act of 1964. However, this remedy is not exclusive and will not prejudice or remove any other legal remedies available to any individual alleging discrimination.

ADVISORY COMMITTEES

5 USC 776.

SEC. 17. (a) Whenever the Administrator shall establish or utilize any board, task force, commission, committee, or similar group, not composed entirely of full-time Government employees, to advise with respect to, or to formulate or carry out, any agreement or plan of action affecting any industry or segment thereof, the Administrator shall endeavor to insure that each such group is reasonably representative of the various points of view and functions of the industry and users affected, including those of residential, commercial, and industrial consumers, and shall include, where appropriate, representation from both State and local governments, and from representatives of State regulatory utility commissions, selected after consultation with the respective national associations.

meetings.

(b) Each meeting of such board, task force, commission, committee, or similar group, shall be open to the public, and interested persons shall be permitted to attend, appear before, and file statements with, such group, except that the Administrator may determine that such meeting shall be closed in the interest of national security. Such determination shall be in writing, shall contain a detailed explanation of reasons in justification of the determination, and shall be made available to the public.

ports, avail-
ability.

(c) All records, reports, transcripts, memoranda, and other documents, which were prepared for or by such group, shall be available for public inspection and copying at a single location in the offices of the Administration.

USC app. I.

(d) Advisory committees established or utilized pursuant to this Act shall be governed in full by the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), except as inconsistent with this section.

ECONOMIC ANALYSIS OF PROPOSED ACTIONS

USC 777.

SEC. 18. (a) In carrying out the provisions of this Act, the Administrator shall, to the greatest extent practicable, insure that the potential economic impacts of proposed regulatory and other actions are evaluated and considered, including but not limited to an analysis of the effect of such actions on—

- (1) the fiscal integrity of State and local governments;
- (2) vital industrial sectors of the economy;
- (3) employment, by industrial and trade sectors, as well as on a national, regional, State, and local basis;
- (4) the economic vitality of regional, State, and local areas;
- (5) the availability and price of consumer goods and services;
- (6) the gross national product;
- (7) low and middle income families as defined by the Bureau of Labor Statistics;
- (8) competition in all sectors of industry; and
- (9) small business.

(b) The Administrator shall develop analyses of the economic impact of various conservation measures on States or significant sectors

May 7, 1974

- 15 -

Pub. Law 93-275

88 STAT. 111

thereof, considering the impact on both energy for fuel and energy as feed stock for industry.

(c) Such analyses shall, wherever possible, be made explicit, and to the extent possible, other Federal agencies and agencies of State and local governments which have special knowledge and expertise relevant to the impact of proposed regulatory or other actions shall be consulted in making the analyses, and all Federal agencies are authorized and directed to cooperate with the Administrator in preparing such analyses: *Provided*, That the Administrator's actions pursuant to this section shall not create any right of review or cause of action except as would otherwise exist under other provisions of law.

(d) The Administrator, together with the Secretaries of Labor and Commerce, shall monitor the economic impact of any energy actions taken by the Administrator, and shall provide the Congress with a report every six months on the impact of the energy shortage and the Administrator's actions on employment and the economy. Such report shall contain recommendations as to whether additional Federal programs of employment and economic assistance should be put into effect to minimize the impact of the energy shortage and any actions taken.

Energy actions,
economic impact
monitors.
Report to
Congress.

(e) The Administrator shall formulate and implement regulatory and other actions in a manner (1) which does not unduly discriminate against any industry or any region of the United States; and (2) designed to insure that, to the greatest extent possible, the costs and burdens of meeting energy shortages shall be borne equally by every sector and segment of the country and of the economy.

MANAGEMENT OVERSIGHT REVIEW

SEC. 19. The Administrator may, for a period not to exceed thirty days in any one calendar year, provide for the exercise or performance of a management oversight review with respect to the conduct of any Federal or State (with consent of the Governor) energy program conducted pursuant to this Act. Such review may be conducted by contract or by any Federal department or agency. A written report shall be submitted to the Administrator concerning the findings of the review.

Report to
Administrator.

COORDINATION WITH, AND TECHNICAL ASSISTANCE TO, STATE GOVERNMENTS

SEC. 20. (a) The Administrator shall—

15 USC 779.

(1) coordinate Federal energy programs and policies with such programs and policies of State governments by providing—

(A) within sixty days of the effective date of this Act, the Congress and State governments with a report on the manner in which he has organized the Administration based upon the functions delegated by the President or assigned to the Administrator by this Act or under the authority of other Acts; and

Report to
Congress and
State govern-
ments.

(B) within one hundred and twenty days of the effective date of this Act, the public, State governments, and all Members of the Congress with a report in nontechnical language which—

Report to the
public, State
governments and
Congress.

(i) describes the functions performed by the Administration;

(ii) sets forth in detail the organization of the Administration, the location of its offices (including regional, State, and local offices), the names and phone numbers of Administration officials, and other appropriate information concerning the operation of the Administration;

STAT. 112

(iii) delineates the role that State, and Federal governments will or may perform in achieving the purposes of this Act; and

(iv) provides the public with a clear understanding of their duties and obligations, rights, and responsibilities under any of the programs or functions of the Administration;

omments.

(2) before promulgating any rules, regulations, or policies, and before establishing any programs under the authority of this Act, provide, where practicable, a reasonable period in which State governments may provide written comments if such rules, regulations, policies, or programs substantially affect the authority or responsibility of such State governments;

energy short-
ages, status
reports.

(3) provide, in accordance with the provisions of this Act, upon request, to State governments all relevant information he possesses concerning the status and impact of energy shortages, the extent and location of available supplies and shortages of crude oil, petroleum products, natural gas, and coal, within the distribution area serving that particular State government; and

nformation
clearinghouse.

(4) provide for a central clearinghouse for Federal agencies and State governments seeking energy information and assistance from the Federal Government.

(b) Pursuant to his responsibility under this section, the Administrator shall—

technical
assistance.

(1) provide technical assistance—including advice and consultation relating to State programs, and, where necessary, the use of task forces of public officials and private persons assigned to work with State governments—to assist State governments in dealing with energy problems and shortages and their impact and in the development of plans, programs, and policies to meet the problems and shortages so identified;

onferences.

(2) convene conferences of State and Federal officials, and such other persons as the Administrator designates, to promote the purposes of this Act, and the Administrator is authorized to pay reasonable expenses incurred in the participation of individuals in such conferences;

odel legis-
lation.
grant criteria.

(3) draft and make available to State governments model legislation with respect to State energy programs and policies; and

(4) promote the promulgation of uniform criteria, procedures, and forms for grant or contract applications for energy proposals submitted by State governments.

OFFICE OF PRIVATE GRIEVANCES AND REDRESS

establishment.
5 USC 780.

SEC. 21. (a) The Administrator shall establish and maintain an Office of Private Grievances and Redress, headed by a director, to receive and evaluate petitions filed in accordance with subsection (b) of this section, and to make recommendations to the Administrator for appropriate action.

petition.

(b) Any person, adversely affected by any order, rule, or regulation issued by the Administrator in carrying out the functions assigned to him under this Act, may petition the Administrator for special redress, relief, or other extraordinary assistance, apart from, or in addition to, any right or privilege to seek redress of grievances provided in section 7.

report to
Congress.

(c) The Administrator shall report quarterly to the Congress on the nature and number of the grievances which have been filed, and the

May 7, 1974

- 17 -

Pub. Law 93-275

action taken and relief provided, pursuant to this section; and he shall make recommendations to the Congress from time to time concerning legislative or administrative actions which may be taken to better assist persons adversely affected by the energy shortages and to distribute more equitably the burdens resulting from any measures adopted, or actions taken, by him.

88 STAT. 113
Recommendations
to Congress.

COMPREHENSIVE ENERGY PLAN

SEC. 22. (a) Pursuant to the provisions and procedures set forth in this Act, the Administrator shall, within six months from the date of the enactment of this Act, develop and report to the Congress and the President a comprehensive plan designed to alleviate the energy shortage, for the time period covered by this Act. Such plan shall be accompanied by full analytical justification for the actions proposed therein. Such analysis shall include, but not be limited to—

Report to
President and
Congress.
15 USC 781.

- (1) estimates of the energy savings of each action and of the program as a whole;
- (2) estimates of any windfall losses and gains to be experienced by corporations, industries, and citizens grouped by socioeconomic class;
- (3) estimates of the impact on supplies and consumption of energy forms consequent to such price changes as are or may be proposed; and
- (4) a description of alternative actions which the Administrator has considered together with a rationale in explanation of the rejection of any such alternatives in preference to the measures actually proposed.

(b) The Administrator may, from time to time, modify or otherwise alter any such plan, except that, upon request of an appropriate committee of the Congress, the Administrator shall supply analytical justifications for any such alterations.

(c) The Administrator shall be responsible for monitoring any such plans as are implemented with respect to their effectiveness in achieving the anticipated benefits.

PETROCHEMICAL REPORT

SEC. 23. (a) Within ninety days after he has entered upon the office of Administrator or has been designated by the President to act in such office, the Administrator, or acting Administrator, as the case may be, with the assistance of the Department of Commerce, the Cost of Living Council, and the United States Tariff Commission shall, by written report, inform the Congress as to the—

Report to
Congress.
15 USC 782.

- (1) effect of current petrochemical prices upon the current level of petrochemical exports, and export levels expected for 1975;
- (2) effect of current and expected 1975 petrochemical export levels upon domestic petrochemical raw materials and products available to petrochemical producers, converters, and fabricators currently and in 1975;
- (3) current contribution of petrochemical imports to domestic supplies and the expected contribution in 1975;
- (4) anticipated economic effects of current and expected 1975 levels of domestic supplies of petrochemicals upon domestic producers, converters, and fabricators of petrochemical raw materials and products; and
- (5) exact nature, extent, and sources of data and other information available to the Federal Government regarding the matters

18 STAT. 114

set forth in paragraphs (1) through (4) of this subsection, including the exact nature, extent, and sources of such data and information utilized in connection with the report required by this subsection.

Petrochemical." (b) As used in this section, the term "petrochemical" includes organic chemicals, cyclic intermediates, plastics and resins, synthetic fibers, elastomers, organic dyes, organic pigments, detergents, surface active agents, carbon black and ammonia.

HYDROELECTRIC GENERATING FACILITIES

5 USC 783.

SEC. 24. Within ninety days of the effective date of this Act, the Administrator of the Federal Energy Administration, in consultation with the Secretary of the Interior and the Secretary of the Army, shall—

(1) transmit to the Congress—

(A) a list of hydroelectric generating facilities and electric power transmission facilities which have been authorized for construction by the Congress and which are not yet completed, and

(B) a list of opportunities to increase the capacity of existing hydroelectric generating facilities, and

(2) provide, for each such facility which is listed—

(A) a construction schedule and cost estimates for an expedited construction program which would make the facility available for service at the earliest practicable date, and

(B) a statement of the accomplishments which could be provided by the expedited completion of each facility and a statement of any funds which have been appropriated but not yet obligated.

INFORMATION CONCERNING TRANSACTION, SALE, EXCHANGE OR SHIPMENT INVOLVING THE EXPORT FROM THE UNITED STATES TO A FOREIGN NATION OF COAL AND ANY REFINED PETROLEUM PRODUCT

file main-
tenance.

5 USC 784.

SEC. 25. (a) The Administrator is authorized and directed to establish and maintain a file which shall contain information concerning every transaction, sale, exchange or shipment involving the export from the United States to a foreign nation of coal, crude oil, residual oil or any refined petroleum product. Information to be included in the file shall be current and shall include, but shall not be limited to, the name of the exporter (including the name or names of the holders of any beneficial interests), the volume and type of product involved in the export transaction, the manner of shipment and identification of the vessel or carrier, the destination, the name of the purchaser if a sale, exchange or other transaction is involved, and a statement of reasons justifying the export.

(b) Upon request of any committee of Congress or the head of any Federal agency, the Administrator shall promptly provide any information maintained in the file and a report thereon to such committee, or agency head, except where the President finds such disclosure to be detrimental to national security.

(c) Notwithstanding any other provision of law, any Federal agency which collects or has information relevant to the functions required by this section shall make such information available to the Administrator.

May 7, 1974

- 19 -

Pub. Law 93-275

88 STAT. 115.

FOREIGN OWNERSHIP

SEC. 26. The Administrator shall conduct a comprehensive review of foreign ownership of, influence on, and control of domestic energy sources and supplies. Such review shall draw upon existing information, where available, and any independent investigation necessary by the Administration. The Administrator shall, on or before the expiration of the one hundred and eighty day period following the effective date of this Act, report to the Congress in sufficient detail so as to apprise the Congress as to the extent and forms of such foreign ownership of, influence on, and control of domestic energy sources and supplies, and shall thereafter continue to monitor such ownership, influence and control. Review.
15 USC 785.
Report to
Congress.

SEPARABILITY

SEC. 27. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby. 15 USC 761
note.

REVERSION

SEC. 28. Upon the termination of this Act, any functions or personnel transferred by this Act shall revert to the department, agency, or office from which they were transferred. An officer or employee of the Federal Government who is appointed, without break in service of one or more workdays, to any position for carrying out functions under this Act is entitled, upon separation from such position other than for cause, to reemployment in the position occupied at the time of appointment, or in a position of comparable grade and salary. 15 USC 786.

AUTHORIZATION OF APPROPRIATIONS

SEC. 29. There are hereby authorized to be appropriated to the Administrator, to remain available until expended, \$75,000,000 for fiscal year 1974, and \$200,000,000 annually for each of fiscal years 1975 and 1976 to carry out the purposes of this Act. 15 USC 761
note.

EFFECTIVE DATE; TERMINATION DATE

SEC. 30. This Act shall become effective sixty days after the date of enactment or sooner if the President publishes notice in the Federal Register. This Act shall terminate June 30, 1976. 15 USC 761
note.

Approved May 7, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-748 (Comm. on Government Operations) and No. 93-999 (Comm. of Conference).

SENATE REPORTS: No. 93-634 accompanying S. 2776 (Comm. on Government Operations) and No. 93-788 (Comm. of Conference).

CONGRESSIONAL RECORD:

Vol. 119 (1973): Dec. 19, S. 2776 considered and passed Senate.
Vol. 120 (1974): Jan. 29, Mar. 5-7, considered and passed House.
Mar. 13, considered and passed Senate, amended.
Apr. 29, House agreed to conference report.
May 2, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 10, No. 19:
May 7, Presidential statement.



Public Law 93-282
93rd Congress, S. 1125
May 14, 1974

An Act

To extend through fiscal year 1974 certain expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—FEDERAL ASSISTANCE FOR STATE AND LOCAL ALCOHOLISM AND ALCOHOL ABUSE PROGRAMS

PART A—SHORT TITLE; FINDINGS AND PURPOSE

SHORT TITLE

SEC. 101. This title may be cited as the "Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1974".

Alcoholism and alcohol abuse programs. Appropriations authorizations, extension.

88 STAT. 125
88 STAT. 126

42 USC 4541
note.

FINDINGS AND PURPOSE

SEC. 102. (a) The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 is amended by adding after section 1 the following new section:

84 Stat. 1848.
42 USC 4551
note.

"FINDINGS AND PURPOSE

"SEC. 2. (a) The Congress finds that—

42 USC 4541.

"(1) alcohol is one of the most dangerous drugs and the drug most frequently abused in the United States;

"(2) of the Nation's estimated ninety-five million drinkers, at least nine million, or 7 per centum of the adult population, are alcohol abusers and alcoholics;

"(3) problem drinking costs the national economy at least \$15,000,000,000 annually in lost working time, medical and public assistance expenditures, and police and court costs;

"(4) alcohol abuse is found with increasing frequency among persons who are multiple-drug abusers and among former heroin users who are being treated in methadone maintenance programs;

"(5) alcohol abuse is being discovered among growing numbers of youth; and

"(6) alcoholism is an illness requiring treatment and rehabilitation through the assistance of a broad range of community health and social services, and with the cooperation of law enforcement agencies.

"(b) It is the policy of the United States and the purpose of this Act to (1) approach alcohol abuse and alcoholism from a comprehensive community care standpoint, and (2) meet the problems of alcohol abuse and alcoholism not only through Federal assistance to the States but also through direct Federal assistance to community-based programs meeting the urgent needs of special populations and developing methods for diverting problem drinkers from criminal justice systems into prevention and treatment programs."

(b) The Congress declares that, in addition to the programs under the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, programs under other Federal laws which provide Federal or federally assisted research, prevention,

42 USC 4542.

treatment, or rehabilitation in the fields of health and social services should be appropriately utilized to help eradicate alcohol abuse and alcoholism as a major problem.

88 STAT. 126

88 STAT. 127

PART B—GRANTS TO STATES

PROGRAM EXTENSION

84 Stat. 1849; 86 Stat. 1167. 42 USC 4571. SEC. 105. (a) Section 301 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 is amended by inserting immediately after "for each of the next two fiscal years" the following: ", \$80,000,000 for the fiscal year ending June 30, 1975, and \$80,000,000 for the fiscal year ending June 30, 1976."

(b) The section heading for such section is amended to read as follows:

"AUTHORIZATION FOR FORMULA GRANTS".

PROGRAM IMPROVEMENTS

42 USC 4572.

SEC. 106. (a) (1) Section 302 of such Act is amended by adding at the end thereof the following new subsection:

"(d) On the request of any State, the Secretary is authorized to arrange for the assignment of officers and employees of the Department or provide equipment or supplies in lieu of a portion of the allotment of such State. The allotment may be reduced by the fair market value of any equipment or supplies furnished to such State and by the amount of the pay, allowances, traveling expenses, and any other costs in connection with the detail of an officer or employee to the State. The amount by which such payments are so reduced shall be available for payment of such costs (including the costs of such equipment and supplies) by the Secretary, but shall for purposes of determining the allotment under section 302(a), be deemed to have been paid to the State."

(2) Section 302(b) of such Act is amended (A) by striking out in the first sentence "so allotted to a State" and inserting in lieu thereof "allotted to a State in a fiscal year"; and (B) by striking out in the second sentence "for a fiscal year" and inserting in lieu thereof "in a fiscal year".

42 USC 4573.

(b) Section 303(a) of such Act is amended—

(1) by striking out in paragraph (3) "or groups" and inserting in lieu thereof ", of groups to be served with attention to assuring representation of minority and poverty groups";

(2) by striking out "and" at the end of paragraph (9);

(3) by redesignating paragraph (10) as paragraph (11); and

(4) by adding after paragraph (9) the following new paragraph:

"(10) set forth, in accordance with criteria to be set by the Secretary, standards (including enforcement procedures and penalties) for (A) construction and licensing of public and private treatment facilities, and (B) for other community services or resources available to assist individuals to meet problems resulting from alcohol abuse; and".

UNIFORM ALCOHOLISM AND INTOXICATION TREATMENT ACT

84 Stat. 1849. 42 USC 4571.

SEC. 107. Part A of title III of such Act is amended by adding at the end thereof the following new section:

May 14, 1974

- 3 -

Pub. Law 93-282

86 STAT. 128

SPECIAL GRANTS FOR IMPLEMENTATION OF THE UNIFORM ALCOHOLISM
AND INTOXICATION TREATMENT ACT

"SEC. 304. (a) To assist States which have adopted the basic provisions of the Uniform Alcoholism and Intoxication Treatment Act hereinafter in this section referred to as the 'Uniform Act') to utilize fully the protections of the Uniform Act in their efforts to approach alcohol abuse and alcoholism from a community care standpoint, the Secretary, acting through the Institute, shall, during the period beginning July 1, 1974, and ending June 30, 1977, make grants to such States for the implementation of the Uniform Act. A grant under this section to any State may only be made for that State's costs (as determined in accordance with regulations which the Secretary shall promulgate not later than July 1, 1974) in implementing the Uniform Act for a period which does not exceed one year from the first day of the first month for which the grant is made. No State may receive more than three grants under this section.

42 USC 4574.

"(b) No grant may be made under this section unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information as the Secretary shall by regulation prescribe. The Secretary may not approve an application of a State under this section unless he determines the following:

Applications.

"(1) The State and each of its political subdivisions are committed to the concept of care for alcoholism and alcohol abuse through community health and social service agencies, and, in accordance with the purposes of sections 1 and 19 of the Uniform Act, have repealed those portions of their criminal statutes and ordinances under which drunkenness is the gravamen of a petty criminal offense, such as loitering, vagrancy, or disturbing the peace.

"(2) The laws of the State respecting acceptance of individuals into alcoholism and intoxication treatment programs are in accordance with the following standards of acceptance of individuals for such treatment (contained in section 10 of the Uniform Act):

Treatment programs, acceptance standards.

"(A) A patient shall, if possible, be treated on a voluntary rather than an involuntary basis.

"(B) A patient shall be initially assigned or transferred to outpatient or intermediate treatment, unless he is found to require inpatient treatment.

"(C) A person shall not be denied treatment solely because he has withdrawn from treatment against medical advice on a prior occasion or because he has relapsed after earlier treatment.

"(D) An individualized treatment plan shall be prepared and maintained on a current basis for each patient.

"(E) Provision shall be made for a continuum of coordinated treatment services so that a person who leaves a facility or a form of treatment will have available and utilize other appropriate treatment.

"(3) The laws of the State respecting involuntary commitment of alcoholics are consistent with the provisions of section 14 of the Uniform Act which protect individual rights.

"(4) The application of the State contains such assurances as the Secretary may require to carry out the purposes of this section. For purposes of subsection (a), the term 'basic provisions of the Uniform Alcoholism and Intoxication Treatment Act' shall not in the

84 Stat. 1850. case of a State which has a State plan approved under section 302
42 USC 4573. include any provision of the Uniform Act respecting the organization of such State's treatment programs (as defined in the Uniform Act) which are inconsistent with the requirements of such State plan.

"(c) The amount of any grant under this section to any State for any fiscal year may not exceed the sum of \$100,000 and an amount equal to 10 per centum of the allotment of such State for such fiscal year under section 302 of this Act. Payments under grants under this section may be made in advance or by way of reimbursement, and at such intervals and on such conditions, as the Secretary finds necessary.

Appropriation. "(d) For the purpose of making payments under grants under this section, there are authorized to be appropriated \$13,000,000 for the fiscal year ending June 30, 1975, and for each of the next two fiscal years."

CONFORMING AMENDMENT

SEC. 108. The heading for part A of title III of such Act is amended by striking out "FORMULA GRANTS" and inserting in lieu thereof "GRANTS TO STATES".

PART C—PROJECT GRANTS AND CONTRACTS

GRANTS AND CONTRACTS FOR PREVENTION AND TREATMENT PROJECTS

84 Stat. 1851; SEC. 111. Section 311 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 amended to read as follows:
87 Stat. 94.
42 USC 4577.

"GRANTS AND CONTRACTS FOR THE PREVENTION AND TREATMENT OF ALCOHOL ABUSE AND ALCOHOLISM

"SEC. 311. (a) The Secretary, acting through the Institute, may make grants to public and nonprofit private entities and may enter into contracts with public and private entities and with individuals—

"(1) to conduct demonstration, service, and evaluation projects

"(2) to provide education and training,

"(3) to provide programs and services in cooperation with schools, courts, penal institutions, and other public agencies, and

"(4) to provide counseling and education activities on an individual or community basis,

for the prevention and treatment of alcohol abuse and alcoholism and for the rehabilitation of alcohol abusers and alcoholics.

"(b) Projects and programs for which grants and contracts are made under this section shall (1) whenever possible, be community based, seek to insure care of good quality in general community care facilities and under health insurance plans, and be integrated with and provide for the active participation of, a wide range of public and nongovernmental agencies, organizations, institutions, and individuals; and (2) where appropriate utilize existing community resources (including community mental health centers).

"(c) (1) In administering this section, the Secretary shall require coordination of all applications for projects and programs in a State.

"(2) Each applicant from within a State, upon filing its application with the Secretary for a grant or contract under this section, shall submit a copy of its application for review by the State agency designated under section 303 of this Act, if such designation has been made. Such State agency shall be given not more than thirty days from the date of receipt of the application to submit to the Secretary, in writing, an evaluation of the project or program set forth in the application.

May 14, 1974

- 5 -

Pub. Law 93-282 88 STAT. 130

on. Such evaluation shall include comments on the relationship of the project to other projects and programs pending and approved and to the State comprehensive plan for treatment and prevention of alcohol abuse and alcoholism under section 303. The State shall furnish the applicant a copy of any such evaluation.

84 Stat. 1850.
42 USC 4573.

"(3) Approval of any application for a grant or contract by the Secretary, including the earmarking of financial assistance for a program or project, may be granted only if the application substantially meets a set of criteria established by the Secretary that—

"(A) provides that the projects and programs for which assistance under this section is sought will be substantially administered by or under the supervision of the applicant;

"(B) provides for such methods of administration as are necessary for the proper and efficient operation of such programs and projects;

"(C) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant; and

"(D) provides reasonable assurance that Federal funds made available under this section for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the projects and programs described in this section, and will in no event supplant such State, local, and other non-Federal funds.

"(d) To make payments under grants and contracts under this section, there are authorized to be appropriated \$80,000,000 for the fiscal year ending June 30, 1975, and \$95,000,000 for the fiscal year ending June 30, 1976." Appropriation.

PART D—ADMISSION TO HOSPITALS; CONFIDENTIALITY OF RECORDS

HOSPITAL ADMISSIONS

SEC. 121. (a) Section 321 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 is amended to read as follows:

84 Stat. 1852.
42 USC 4581.

ADMISSION OF ALCOHOL ABUSERS AND ALCOHOLICS TO PRIVATE AND PUBLIC HOSPITALS

"SEC. 321. (a) Alcohol abusers and alcoholics who are suffering from medical conditions shall not be discriminated against in admission or treatment, solely because of their alcohol abuse or alcoholism, by any private or public general hospital which receives support in any form from any program supported in whole or in part by funds appropriated to any Federal department or agency.

"(b)(1) The Secretary is authorized to make regulations for the enforcement of the policy of subsection (a) with respect to the admission and treatment of alcohol abusers and alcoholics in hospitals which receive support of any kind from any program administered by the Secretary. Such regulations shall include procedures for determining after opportunity for a hearing if requested) if a violation of subsection (a) has occurred, notification of failure to comply with such subsection, and opportunity for a violator to comply with such subsection. If the Secretary determines that a hospital subject to such regulations has violated subsection (a) and such violation continues after an opportunity has been afforded for compliance, the Secretary Regulations.

may suspend or revoke, after opportunity for a hearing, all or part of any support of any kind received by such hospital from any program administered by the Secretary. The Secretary may consult with the officials responsible for the administration of any other Federal program from which such hospital receives support of any kind, with respect to the suspension or revocation of such other Federal support for such hospital.

Regulations.

72 Stat. 1106.
38 USC 101 et.
seq.

"(2) The Administrator of Veterans' Affairs, through the Chief Medical Director, shall, to the maximum feasible extent consistent with their responsibilities under title 38, United States Code, prescribe regulations making applicable the regulations prescribed by the Secretary under paragraph (1) of this subsection to the provision of hospital care, nursing home care, domiciliary care, and medical services under such title 38 to veterans suffering from alcohol abuse or alcoholism. In prescribing and implementing regulations pursuant to this paragraph, the Administrator shall, from time to time, consult with the Secretary in order to achieve the maximum possible coordination of the regulations, and the implementation thereof, which they each prescribe."

Report, sub-
mittal to
congressional
committees.
42 USC 4581
note.
Ante, p. 130.

(b) The Administrator of Veterans' Affairs shall submit to the appropriate committees of the House of Representatives and the Senate a full report (1) on the regulations (including guidelines, policies, and procedures thereunder) he has prescribed pursuant to section 321(b)(2) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, (2) explaining the bases for any inconsistency between such regulations and regulations of the Secretary under section 321(b)(1) of such Act, (3) on the extent, substance, and results of his consultations with the Secretary respecting the prescribing and implementation of the Administrator's regulations, and (4) containing such recommendations for legislation and administrative actions as he determines are necessary and desirable. The Administrator shall submit such report not later than sixty days after the effective date of the regulations prescribed by the Secretary under such section 321(b)(1), and shall timely publish such report in the Federal Register.

Publication
in Federal
Register.

CONFIDENTIALITY

84 Stat. 1853.
42 USC 4582.

SEC. 122. (a) Section 333 of such Act is amended to read as follows:

"CONFIDENTIALITY OF RECORDS

"SEC. 333. (a) Records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any program or activity relating to alcoholism or alcohol abuse education, training, treatment, rehabilitation, or research, which is conducted, regulated, or directly or indirectly assisted by any department or agency of the United States shall, except as provided in subsection (e), be confidential and be disclosed only for the purposes and under the circumstances expressly authorized under subsection (b) of this section.

Disclosure.

"(b)(1) The content of any record referred to in subsection (a) may be disclosed in accordance with the prior written consent of the patient with respect to whom such record is maintained, but only to such extent, under such circumstances, and for such purposes as may be allowed under regulations prescribed pursuant to subsection (g).

"(2) Whether or not the patient, with respect to whom any given record referred to in subsection (a) of this section is maintained, gives

May 14, 1974

- 7 -

Pub. Law 93-282

88 STAT. 132

his written consent, the content of such record may be disclosed as follows:

"(A) To medical personnel to the extent necessary to meet a bona fide medical emergency.

"(B) To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit, or evaluation, or otherwise disclose patient identities in any manner.

"(C) If authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefor. In assessing good cause the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

"(c) Except as authorized by a court order granted under subsection (b) (2) (C) of this section, no record referred to in subsection (a) may be used to initiate or substantiate any criminal charges against a patient or to conduct any investigation of a patient.

"(d) The prohibitions of this section continue to apply to records concerning any individual who has been a patient, irrespective of whether or when he ceases to be a patient.

"(e) The prohibitions of this section do not apply to any interchange of records—

"(1) within the Armed Forces or within those components of the Veterans' Administration furnishing health care to veterans, or

"(2) between such components and the Armed Forces.

"(f) Any person who violates any provision of this section or any regulation issued pursuant to this section shall be fined not more than \$500 in the case of a first offense, and not more than \$5,000 in the case of each subsequent offense.

Penalty.

"(g) Except as provided in subsection (h) of this section, the Secretary shall prescribe regulations to carry out the purposes of this section. These regulations may contain such definitions, and may provide for such safeguards and procedures, including procedures and criteria for the issuance and scope of orders under subsection (b) (2) (C), as in the judgment of the Secretary are necessary or proper to effectuate the purposes of this section, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.

Regulations.

"(h) The Administrator of Veterans' Affairs, through the Chief Medical Director, shall, to the maximum feasible extent consistent with their responsibilities under title 38, United States Code, prescribe regulations making applicable the regulations prescribed by the Secretary under subsection (g) of this section to records maintained in connection with the provision of hospital care, nursing home care, domiciliary care, and medical services under such title 38 to veterans suffering from alcohol abuse or alcoholism. In prescribing and implementing regulations pursuant to this subsection, the Administrator shall, from time to time, consult with the Secretary in order to achieve the maximum possible coordination of the regulations, and the implementation thereof, which they each prescribe."

72 Stat. 1106.
38 USC 101
et seq.

(b) Section 303(a) of the Public Health Service Act (42 U.S.C. 242a(a)) is amended by striking out "the use and effect of drugs" and

70 Stat. 929;
84 Stat. 1241.

88 STAT. 133

Report to
congressional
committees.
42 USC 4582
note.

Ante, p. 132.

Publication in
Federal Reg-
ister.

inserting in lieu thereof "mental health, including research on the use and effect of alcohol and other psychoactive drugs,".

(c) The Administrator of Veterans' Affairs shall submit to the appropriate committees of the House of Representatives and the Senate a full report (1) on the regulations (including guidelines, policies, and procedures thereunder) he has prescribed pursuant to section 333(h) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, (2) explaining the basis for any inconsistency between such regulations and regulations of the Secretary under section 333(g) of such Act, (3) on the extent, substance, and results of his consultations with the Secretary respecting the prescribing and implementation of the Administrator's regulations, and (4) containing such recommendations for legislation and administrative actions as he determines are necessary and desirable. The Administrator shall submit such report not later than sixty days after the effective date of the regulations prescribed by the Secretary under such section 333(g), and shall timely publish such report in the Federal Register.

PART E—INTERAGENCY COMMITTEE

INTERAGENCY COMMITTEE

84 Stat. 1848. SEC. 131. Title I of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 is amended by adding at the end the following:

42 USC 4551.

"INTERAGENCY COMMITTEE ON FEDERAL ACTIVITIES FOR ALCOHOL ABUSE AND ALCOHOLISM

Establishment.
42 USC 4553.

"SEC. 103. (a) The Secretary shall establish an Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism (hereinafter in this section referred to as the 'Committee'). The Committee shall (1) evaluate the adequacy and technical soundness of all Federal programs and activities which relate to alcoholism and alcohol abuse and provide for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities, and (2) seek to coordinate efforts undertaken to deal with alcohol abuse and alcoholism in carrying out Federal health, welfare, rehabilitation, highway safety, law enforcement, and economic opportunity laws.

Membership.

"(b) The Secretary or the Director of the National Institute on Alcohol Abuse and Alcoholism (or the Director's designee) shall serve as Chairman of the Committee, the membership of which shall include (1) appropriate scientific, medical, or technical representation from the Department of Transportation, the Department of Justice, the Department of Defense, the Veterans' Administration, and such other Federal agencies and offices (including appropriate agencies and offices of the Department of Health, Education, and Welfare) as the Secretary determines administer programs directly affecting alcoholism and alcohol abuse, and (2) five individuals from the general public appointed by the Secretary from individuals who by virtue of their training or experience are particularly qualified to participate in the performance of the Committee's functions. The Committee shall meet at the call of the Chairman, but not less often than four times a year.

"(c) Each appointed member of the Committee shall be appointed for a term of four years, except that—

"(1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and

May 14, 1974

- 9 -

Pub. Law 93-282

88 STAT. 134

"(2) of the members first appointed, two shall be appointed for a term of four years, two shall be appointed for a term of three years, and one shall be appointed for a term of one year, as designated by the Secretary at the time of appointment.

Appointed members may serve after the expiration of their terms until their successors have taken office.

"(d) Appointed members of the Committee shall receive for each day they are engaged in the performance of the functions of the Committee compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule, including traveltime; and all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

5 USC 5332
note.

80 Stat. 499;
83 Stat. 190.

"(e) The Secretary shall make available to the Committee such staff, information, and other assistance as it may require to carry out its activities effectively."

TITLE II—ADMINISTRATION AND COORDINATION OF THE NATIONAL INSTITUTE OF MENTAL HEALTH, THE NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM, AND THE NATIONAL INSTITUTE ON DRUG ABUSE

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

SEC. 201. (a) The Secretary of Health, Education, and Welfare shall establish, in the Department of Health, Education, and Welfare, the Alcohol, Drug Abuse, and Mental Health Administration (hereinafter in this section referred to as the "Administration"). The Administration shall be headed by an Administrator appointed by the President, by and with the advice and consent of the Senate. The Administrator, with the approval of the Secretary, may appoint a Deputy Administrator and may employ and prescribe the functions of such officers and employees, including attorneys, as are necessary to administer the activities to be carried out through the Administration.

Establishment.
42 USC 3511.

(b) The Secretary, acting through the Administration, shall supervise the functions of the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse in order to assure that (1) the programs carried out through each such Institute receive appropriate and equitable support, and (2) there is cooperation among the Institutes in the implementation of such programs.

(c) The Secretary of Health, Education, and Welfare shall establish a National Panel on Alcohol, Drug Abuse, and Mental Health (hereinafter in this subsection referred to as the "panel") to advise, consult with, and make recommendations to the Secretary concerning the activities to be carried out through the Administration. The panel shall consist of three members appointed by the Secretary as follows: One member shall be appointed from the public members of the National Advisory Mental Health Council established under section 217 of the Public Health Service Act, one member shall be appointed from the public members of the National Advisory Council on Alcohol Abuse and Alcoholism established under such section, and one member shall be appointed from the public members of the National Advisory Council on Drug Abuse established under such section.

Panel, establishment.

56 Stat. 891;
56 Stat. 77.
42 USC 218.

NATIONAL INSTITUTE OF MENTAL HEALTH

SEC. 202. Title IV of the Public Health Service Act is amended by redesignating part G as part H, by redesignating section 454 as section 461, and by inserting after part F the following new part:

85 Stat. 785.
42 USC 2891.
82 Stat. 751.
42 USC 2891.

"PART G—NATIONAL INSTITUTE OF MENTAL HEALTH

"ESTABLISHMENT OF INSTITUTE

42 USC 289k-1.

"SEC. 455. (a) There is established the National Institute of Mental Health (hereinafter in this part referred to as the 'Institute') to administer the programs and authorities of the Secretary with respect to mental health. The Secretary, acting through the Institute, shall, in carrying out the purposes of sections 301 and 303 of this Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (other than part C of title II) with respect to mental illness, develop and conduct comprehensive health, education, training, research, and planning programs for the prevention and treatment of mental illness and for the rehabilitation of the mentally ill. The Secretary shall carry out through the Institute the administrative and financial management, policy development and planning, evaluation, and public information functions which are required for the implementation of such programs and authorities.

58 Stat. 691.
42 USC 241.
70 Stat. 929.
42 USC 242a.
77 Stat. 282;
84 Stat. 1325.
42 USC 2661
note.

"(b)(1) The Institute shall be under the direction of a Director who shall be appointed by the Secretary.

"(2) The Director, with the approval of the Secretary, may employ and prescribe the functions of such officers and employees, including attorneys, as are necessary to administer the programs and authorities to be carried out through the Institute.

"(c) The programs to be carried out through the Institute shall be administered so as to encourage the broadest possible participation of professionals and paraprofessionals in the fields of medicine, science, the social sciences, and other related disciplines."

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

84 Stat. 1848.
42 USC 4551.

SEC. 203. (a) Section 101 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 is amended to read as follows:

"ESTABLISHMENT OF THE INSTITUTE

82 Stat. 1006.
42 USC 2688e.

"SEC. 101. (a) There is established the National Institute on Alcohol Abuse and Alcoholism (hereafter in this Act referred to as the 'Institute') to administer the programs and authorities assigned to the Secretary of Health, Education, and Welfare (hereafter in this Act referred to as the 'Secretary') by this Act and part C of the Community Mental Health Centers Act. The Secretary, acting through the Institute, shall, in carrying out the purposes of sections 301 and 303 of the Public Health Service Act with respect to alcohol abuse and alcoholism, develop and conduct comprehensive health, education, training, research, and planning programs for the prevention and treatment of alcohol abuse and alcoholism and for the rehabilitation of alcohol abusers and alcoholics. The Secretary shall carry out through the Institute the administrative and financial management, policy development and planning, evaluation, and public information functions which are required for the implementation of such programs and authorities.

May 14, 1974

- 11 -

Pub. Law 93-282

99 STAT. 136

"(b) (1) The Institute shall be under the direction of a Director who shall be appointed by the Secretary.

"(2) The Director, with the approval of the Secretary, may employ and prescribe the functions of such officers and employees, including attorneys, as are necessary to administer the programs to be carried out through the Institute.

"(c) The programs to be carried out through the Institute shall be administered so as to encourage the broadest possible participation of professionals and paraprofessionals in the fields of medicine, science, the social sciences, and other related disciplines."

(b) (1) Section 102(2) of such Act is amended by inserting "and every three years thereafter" after "Act". 84 Stat. 1848.
42 USC 4552.

(2) (A) Section 102 of such Act is amended by striking out "and" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting in lieu thereof "; and", and by adding after paragraph (4) the following:

"(5) submit to Congress on or before the end of each calendar year a report on the extent to which other Federal programs and departments are concerned and dealing effectively with the problems of alcohol abuse and alcoholism. Report to Congress.

Before submitting a report under paragraph (5), the Secretary shall give each department and agency of the Government which (or a program of which) is referred to in the report he proposes to submit under such paragraph an opportunity to comment on the proposed report; and the Secretary shall include in the report submitted to Congress under such paragraph the comments received by him from any such department or agency within 30 days from the date the proposed report was submitted to such department or agency."

(B) The first report to be submitted by the Secretary of Health, Education, and Welfare under section 102(5) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 shall be submitted not later than December 31, 1974. Submittal date.
42 USC 4552 note.

NATIONAL INSTITUTE ON DRUG ABUSE

SEC. 204. Subsections (a) and (b) of section 501 of the Drug Abuse Office and Treatment Act of 1972 are amended to read as follows:

"(a) There is established the National Institute on Drug Abuse (hereinafter in this section referred to as the 'Institute') to administer the programs and authorities of the Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the 'Secretary') with respect to drug abuse prevention functions. The Secretary, acting through the Institute, shall, in carrying out the purposes of sections 301, 302, and 303 of the Public Health Service Act with respect to drug abuse, develop and conduct comprehensive health, education, training, research, and planning programs for the prevention and treatment of drug abuse and for the rehabilitation of drug abusers. The Secretary shall carry out through the Institute the administrative and financial management, policy development and planning, evaluation, and public information functions which are required for the implementation of such programs and authorities. 86 Stat. 85.
21 USC 1191.

"(b) (1) The Institute shall be under the direction of a Director who shall be appointed by the Secretary.

"(2) The Director, with the approval of the Secretary, may employ and prescribe the functions of such officers and employees, including attorneys, as are necessary to administer the programs and authorities to be carried out through the Institute."

TITLE III—TECHNICAL AND CONFORMING AMENDMENTS

80 Stat. 453;
84 Stat. 1619,
1955; 86 Stat.
112.

SEC. 301. Section 5108(c) of title 5, United States Code, is amended—

(1) by striking out the period at the end of paragraph (10) (B) and inserting in lieu thereof a semicolon;

(2) by redesignating the paragraph (10) relating to the Law Enforcement Assistance Administration as paragraph (11) and by striking out the period at the end of that paragraph and inserting in lieu thereof a semicolon;

(3) by redesignating the paragraph (10) relating to the Chief Judge of the United States Tax Court as paragraph (12) and by striking out “and” at the end of that paragraph;

(4) by redesignating the paragraph (11) relating to the Chairman of the Equal Employment Opportunity Commission as paragraph (13) and by striking out the period at the end of that paragraph and inserting in lieu thereof “; and”; and

(5) by adding at the end thereof the following new paragraph:

“(14) the Secretary of Health, Education, and Welfare, subject to the standards and procedures prescribed by this chapter, may place a total of eleven positions in the National Institute on Alcohol Abuse and Alcoholism in GS-16, 17, and 18.”.

Repeal.

84 Stat. 1851;

87 Stat. 94.

86 Stat. 79.

SEC. 302. Section 247 of the Community Mental Health Centers Act (42 U.S.C. 2688j-2) is repealed.

SEC. 303. (a) Section 408 of the Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1175) is amended to read as follows:

“§ 408. Confidentiality of patient records

“(a) Records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any drug abuse prevention function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States shall, except as provided in subsection (e), be confidential and be disclosed only for the purposes and under the circumstances expressly authorized under subsection (b) of this section.

“(b) (1) The content of any record referred to in subsection (a) may be disclosed in accordance with the prior written consent of the patient with respect to whom such record is maintained, but only to such extent, under such circumstances, and for such purposes as may be allowed under regulations prescribed pursuant to subsection (g).

“(2) Whether or not the patient, with respect to whom any given record referred to in subsection (a) of this section is maintained, gives his written consent, the content of such record may be disclosed as follows:

“(A) To medical personnel to the extent necessary to meet a bona fide medical emergency.

“(B) To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit, or evaluation, or otherwise disclose patient identities in any manner.

“(C) If authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefor. In assessing good cause the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of such order, the court, in deter-

May 14, 1974

- 13 -

Pub. Law 93-282

88 STAT. 138

mining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

"(c) Except as authorized by a court order granted under subsection (b) (2) (C) of this section, no record referred to in subsection (a) may be used to initiate or substantiate any criminal charges against a patient or to conduct any investigation of a patient.

"(d) The prohibitions of this section continue to apply to records concerning any individual who has been a patient, irrespective of whether or when he ceases to be a patient.

"(e) The prohibitions of this section do not apply to any interchange of records—

"(1) within the Armed Forces or within those components of the Veterans' Administration furnishing health care to veterans, or

"(2) between such components and the Armed Forces.

"(f) Any person who violates any provision of this section or any regulation issued pursuant to this section shall be fined not more than \$500 in the case of a first offense, and not more than \$5,000 in the case of each subsequent offense. Penalties.

"(g) The Director of the Special Action Office for Drug Abuse Prevention, after consultation with the Administrator of Veterans' Affairs and the heads of other Federal departments and agencies substantially affected thereby, shall prescribe regulations to carry out the purposes of this section. These regulations may contain such definitions, and may provide for such safeguards and procedures, including procedures and criteria for the issuance and scope of orders under subsection (b) (2) (C), as in the judgment of the Director are necessary or proper to effectuate the purposes of this section, to prevent circumvention or evasion thereof, or to facilitate compliance therewith." Regulations.

(b) (1) Effective on the date specified in section 104 of the Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1104), the first sentence of section 408 (g) of that Act (21 U.S.C. 1175) is amended by striking "Director of the Special Action Office for Drug Abuse Prevention" and inserting in lieu thereof "Secretary of Health, Education, and Welfare", and the second sentence of such section is amended by striking "Director" and inserting "Secretary" in lieu thereof. 86 Stat. 67. Supra.

(2) Effective on the date specified in paragraph (1) of this subsection, section 408 of such Act is further amended by—

(A) striking out "The" and inserting in lieu thereof "Except as provided in subsection (h) of this section, the" in the first sentence of subsection (g) of such section; and

(B) adding at the end of such section the following new subsection:

"(h) The Administrator of Veterans' Affairs, through the Chief Medical Director, shall, to the maximum feasible extent consistent with their responsibilities under title 38, United States Code, prescribe regulations making applicable the regulations established by the Secretary under subsection (g) of this section to records maintained in connection with the provision of hospital care, nursing home care, domiciliary care, and medical services under such title 38 to veterans suffering from drug abuse. In prescribing and implementing regulations pursuant to this subsection, the Administrator shall, from time to time, consult with the Secretary in order to achieve the maximum possible coordination of the regulations, and the implementation thereof, which they each prescribe." 38 USC 101 et seq.

88 STAT. 139

Report to
congressional
committees.
21 USC 1175
note.

Ante, p. 137.

Publication in
Federal Reg-
ister.

86 Stat. 67.

(c) The Administrator of Veterans' Affairs shall submit to the appropriate committees of the House of Representatives and the Senate a full report (1) on the regulations (including guidelines, policies, and procedures thereunder) he has prescribed pursuant to section 408(h) of the Drug Abuse Office and Treatment Act of 1972, (2) explaining the bases for any inconsistency between such regulations and the regulations of the Secretary of Health, Education, and Welfare under section 408(g) of that Act, (3) on the extent, substance, and results of his consultations with the Secretary respecting the prescribing and implementation of the Administrator's regulations, and (4) containing such recommendations for legislation and administrative actions as he determines are necessary and desirable. The Administrator shall submit such report not later than sixty days after the effective date of the regulations prescribed by the Secretary under such section 408(g), and shall timely publish such report in the Federal Register.

(d) Any regulation under or with respect to section 408 of the Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1175) issued by the Director of the Special Action Office for Drug Abuse Prevention prior to the date specified in section 104 of that Act (21 U.S.C. 1104), whether before or after the enactment of this Act, shall remain in effect until revoked or amended by the Director or the Secretary of Health, Education, and Welfare, as the case may be.

Approved May 14, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-759 accompanying H. R. 11387 (Comm. on Interstate and Foreign Commerce).

SENATE REPORT No. 93-208 (Comm. on Labor and Public Welfare).

CONGRESSIONAL RECORD:

Vol. 119 (1973): June 21, considered and passed Senate.

Vol. 120 (1974): Jan. 21, considered and passed House,
amended, in lieu of H. R. 11387.

Mar. 21, Senate concurred in House amend-
ment with an amendment.

May 6, House concurred in Senate amendment.



Public Law 93-288
93rd Congress, S. 3062
May 22, 1974

An Act

Entitled the "Disaster Relief Act Amendments of 1974".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "Disaster Relief Act of 1974". Disaster Relief Act of 1974.

TITLE I—FINDINGS, DECLARATIONS, AND DEFINITIONS

FINDINGS AND DECLARATIONS

SEC. 101. (a) The Congress hereby finds and declares that—

42 USC 5121
note.

(1) because disasters often cause loss of life, human suffering, loss of income, and property loss and damage; and

(2) because disasters often disrupt the normal functioning of governments and communities, and adversely affect individuals and families with great severity;

special measures, designed to assist the efforts of the affected States in expediting the rendering of aid, assistance, and emergency services, and the reconstruction and rehabilitation of devastated areas, are necessary.

(b) It is the intent of the Congress, by this Act, to provide an orderly and continuing means of assistance by the Federal Government to State and local governments in carrying out their responsibilities to alleviate the suffering and damage which result from such disasters by—

88 STAT. 143
88 STAT. 144

(1) revising and broadening the scope of existing disaster relief programs;

(2) encouraging the development of comprehensive disaster preparedness and assistance plans, programs, capabilities, and organizations by the States and by local governments;

(3) achieving greater coordination and responsiveness of disaster preparedness and relief programs;

(4) encouraging individuals, States, and local governments to protect themselves by obtaining insurance coverage to supplement or replace governmental assistance;

(5) encouraging hazard mitigation measures to reduce losses from disasters, including development of land use and construction regulations;

(6) providing Federal assistance programs for both public and private losses sustained in disasters; and

(7) providing a long-range economic recovery program for major disaster areas.

DEFINITIONS

SEC. 102. As used in this Act—

42 USC 5122.

(1) "Emergency" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which requires Federal emergency assistance to supplement State and local efforts to save lives and protect property, public health and safety or to avert or lessen the threat of a disaster.

(2) "Major disaster" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which, in

the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act, above and beyond emergency services by the Federal Government, to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

(3) "United States" means the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands.

(4) "State" means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, or the Trust Territory of the Pacific Islands.

(5) "Governor" means the chief executive of any State.

(6) "Local government" means (A) any county, city, village, town, district, or other political subdivision of any State, any Indian tribe or authorized tribal organization, or Alaska Native village or organization, and (B) includes any rural community or unincorporated town or village or any other public entity for which an application for assistance is made by a State or political subdivision thereof.

(7) "Federal agency" means any department, independent establishment, Government corporation, or other agency of the executive branch of the Federal Government, including the United States Postal Service, but shall not include the American National Red Cross.

88 STAT. 144
88 STAT. 145

TITLE II—DISASTER PREPAREDNESS ASSISTANCE

FEDERAL AND STATE DISASTER PREPAREDNESS PROGRAMS

42 USC 5131.

SEC. 201. (a) The President is authorized to establish a program of disaster preparedness that utilizes services of all appropriate agencies (including the Defense Civil Preparedness Agency) and includes—

- (1) preparation of disaster preparedness plans for mitigation, warning, emergency operations, rehabilitation, and recovery;
- (2) training and exercises;
- (3) postdisaster critiques and evaluations;
- (4) annual review of programs;
- (5) coordination of Federal, State, and local preparedness programs;
- (6) application of science and technology;
- (7) research.

Technical
assistance.

(b) The President shall provide technical assistance to the States in developing comprehensive plans and practicable programs for preparation against disasters, including hazard reduction, avoidance, and mitigation; for assistance to individuals, businesses, and State and local governments following such disasters; and for recovery of damaged or destroyed public and private facilities.

Grants to
States.

(c) Upon application by a State, the President is authorized to make grants, not to exceed in the aggregate to such State \$250,000, for the development of plans, programs, and capabilities for disaster preparedness and prevention. Such grants shall be applied for within one year from the date of enactment of this Act. Any State desiring financial assistance under this section shall designate or create an agency to plan and administer such a disaster preparedness program, and shall, through such agency, submit a State plan to the President, which shall—

State plan,
submittal to
President.

- (1) set forth a comprehensive and detailed State program for preparation against and assistance following, emergencies and

May 22, 1974

- 3 -

Pub. Law 93-288

major disasters, including provisions for assistance to individuals, businesses, and local governments; and

(2) include provisions for appointment and training of appropriate staffs, formulation of necessary regulations and procedures and conduct of required exercises.

(d) The President is authorized to make grants not to exceed 50 per centum of the cost of improving, maintaining and updating State disaster assistance plans, except that no such grant shall exceed \$25,000 per annum to any State.

Grants, limitations.

DISASTER WARNINGS

SEC. 202. (a) The President shall insure that all appropriate Federal agencies are prepared to issue warnings of disasters to State and local officials.

42 USC 5132.

(b) The President shall direct appropriate Federal agencies to provide technical assistance to State and local governments to insure that timely and effective disaster warning is provided.

88 STAT. 145

88 STAT. 146

(c) The President is authorized to utilize or to make available to Federal, State, and local agencies the facilities of the civil defense communications system established and maintained pursuant to section 201(c) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2281(c)), or any other Federal communications system for the purpose of providing warning to governmental authorities and the civilian population in areas endangered by disasters.

64 Stat. 1248.

(d) The President is authorized to enter into agreements with the officers or agents of any private or commercial communications systems who volunteer the use of their systems on a reimbursable or nonreimbursable basis for the purpose of providing warning to governmental authorities and the civilian population endangered by disasters.

TITLE III—DISASTER ASSISTANCE ADMINISTRATION

PROCEDURES

SEC. 301. (a) All requests for a determination by the President that an emergency exists shall be made by the Governor of the affected State. Such request shall be based upon the Governor's finding that the situation is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that Federal assistance is necessary. The Governor's request will furnish information describing State and local efforts and resources which have been or will be used to alleviate the emergency, and will define the type and extent of Federal aid required. Based upon such Governor's request, the President may determine that an emergency exists which warrants Federal assistance.

42 USC 5141.

(b) All requests for a declaration by the President that a major disaster exists shall be made by the Governor of the affected State. Such Governor's request shall be based upon a finding that the disaster is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that Federal assistance is necessary. As a part of this request, and as a prerequisite to major disaster assistance under the Act, the Governor shall take appropriate action under State law and direct execution of the State's emergency plan. He shall furnish information on the extent and nature of State resources which have been or will be used to alleviate the conditions of the disaster, and shall certify that for the

current disaster, State and local government obligations and expenditures (of which State commitments must be a significant proportion) will constitute the expenditure of a reasonable amount of the funds of such State and local governments for alleviating the damage, loss, hardship, or suffering resulting from such disaster. Based upon such Governor's request, the President may declare that a major disaster exists, or that an emergency exists.

FEDERAL ASSISTANCE

42 USC 5142.

88 STAT. 146

88 STAT. 147

Rules and
regulations.

SEC. 202. (a) In the interest of providing maximum mobilization of Federal assistance under this Act, the President shall coordinate, in such manner as he may determine, the activities of all Federal agencies providing disaster assistance. The President may direct any Federal agency, with or without reimbursement, to utilize its available personnel, equipment, supplies, facilities, and other resources including managerial and technical services in support of State and local disaster assistance efforts. The President may prescribe such rules and regulations as may be necessary and proper to carry out any of the provisions of this Act, and he may exercise any power or authority conferred on him by any section of this Act either directly or through such Federal agency as he may designate.

(b) Any Federal agency charged with the administration of a Federal assistance program is authorized, if so requested by the applicant State or local authorities, to modify or waive, for a major disaster, such administrative conditions for assistance as would otherwise prevent the giving of assistance under such programs if the inability to meet such conditions is a result of the major disaster.

(c) Notwithstanding any other provision of law, any repair, restoration, reconstruction, or replacement of farm fencing damaged or destroyed as a result of any major disaster shall be considered an emergency conservation measure eligible for payments under chapter I of the Third Supplemental Appropriation Act, 1957, or any other provision of law.

71 Stat. 176.

COORDINATING OFFICERS

42 USC 5143.

SEC. 203. (a) Immediately upon his declaration of a major disaster, the President shall appoint a Federal coordinating officer to operate in the affected area.

(b) In order to effectuate the purposes of this Act, the Federal coordinating officer, within the affected area, shall—

(1) make an initial appraisal of the types of relief most urgently needed;

(2) establish such field offices as he deems necessary and as are authorized by the President;

(3) coordinate the administration of relief, including activities of the State and local governments, the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations, which agree to operate under his advice or direction, except that nothing contained in this Act shall limit or in any way affect the responsibilities of the American National Red Cross under the Act of January 5, 1905, as amended (33 Stat. 599); and

(4) take such other action, consistent with authority delegated to him by the President, and consistent with the provisions of this Act, as he may deem necessary to assist local citizens and public officials in promptly obtaining assistance to which they are entitled.

61 Stat. 80;

67 Stat. 179.

36 USC 1.

May 22, 1974

- 5 -

Pub. Law 93-288

(c) When the President determines assistance under this Act is necessary, he shall request that the Governor of the affected State designate a State coordinating officer for the purpose of coordinating State and local disaster assistance efforts with those of the Federal Government.

State coordinating officer.

EMERGENCY SUPPORT TEAMS

88 STAT. 147

88 STAT. 148

SEC. 304. The President shall form emergency support teams of Federal personnel to be deployed in an area affected by a major disaster or emergency. Such emergency support teams shall assist the Federal coordinating officer in carrying out his responsibilities pursuant to this Act. Upon request of the President, the head of any Federal agency is directed to detail to temporary duty with the emergency support teams on either a reimbursable or nonreimbursable basis, as is determined necessary by the President, such personnel within the administrative jurisdiction of the head of the Federal agency as the President may need or believe to be useful for carrying out the functions of the emergency support teams, each such detail to be without loss of seniority, pay, or other employee status.

42 USC 5144.

EMERGENCY ASSISTANCE

SEC. 305. (a) In any emergency, the President may provide assistance to save lives and protect property and public health and safety.

42 USC 5145.

(b) The President may provide such emergency assistance by directing Federal agencies to provide technical assistance and advisory personnel to the affected State to assist the State and local governments in—

(1) the performance of essential community services; warning of further risks and hazards; public information and assistance in health and safety measures; technical advice on management and control; and reduction of immediate threats to public health and safety; and

(2) the distribution of medicine, food, and other consumable supplies, or emergency assistance.

(c) In addition, in any emergency, the President is authorized to provide such other assistance under this Act as the President deems appropriate.

COOPERATION OF FEDERAL AGENCIES IN RENDERING DISASTER ASSISTANCE

SEC. 306. (a) In any major disaster or emergency, Federal agencies are hereby authorized, on the direction of the President, to provide assistance by—

42 USC 5146.

(1) utilizing or lending, with or without compensation therefor, to States and local governments, their equipment, supplies, facilities, personnel, and other resources, other than the extension of credit under the authority of any Act;

(2) distributing or rendering, through the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief and disaster assistance organizations, or otherwise, medicine, food and other consumable supplies, or emergency assistance;

(3) donating or lending equipment and supplies, including that determined in accordance with applicable laws to be surplus to the needs and responsibilities of the Federal Government, to State and local governments for use or distribution by them for the purposes of this Act; and

(4) Performing on public or private lands or waters any emergency work or services essential to save lives and to protect and preserve property, public health and safety, including but not limited to: search and rescue, emergency medical care, emergency mass care, emergency shelter, and provisions of food, water, medicine, and other essential needs, including movement of supplies or persons; clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services; provision of temporary facilities for schools and other essential community services; demolition of unsafe structures that endanger the public; warning of further risks and hazards; public information and assistance on health and safety measures; technical advice to State and local governments on disaster management and control; reduction of immediate threats to life, property, and public health and safety; and making contributions to State or local governments for the purpose of carrying out the provisions of this paragraph.

(b) Work performed under this section shall not preclude additional Federal assistance under any other section of this Act.

REIMBURSEMENT

42 USC 5147.

SEC. 307. Federal agencies may be reimbursed for expenditures under this Act from funds appropriated for the purposes of this Act. Any funds received by Federal agencies as reimbursement for services or supplies furnished under the authority of this Act shall be deposited to the credit of the appropriation or appropriations currently available for such services or supplies.

NONLIABILITY

42 USC 5148.

SEC. 308. The Federal Government shall not be liable for any claim based upon the exercise or performance of or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Federal Government in carrying out the provisions of this Act.

PERFORMANCE OF SERVICES

42 USC 5149.

SEC. 309. (a) In carrying out the purposes of this Act, any Federal agency is authorized to accept and utilize the services or facilities of any State or local government, or of any agency, office, or employee thereof, with the consent of such government.

(b) In performing any services under this Act, any Federal agency is authorized—

(1) to appoint and fix the compensation of such temporary personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in competitive service;

(2) to employ experts and consultants in accordance with the provisions of section 3109 of such title, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates; and

(3) to incur obligations on behalf of the United States by contract or otherwise for the acquisition, rental, or hire of equipment, services, materials, and supplies for shipping, drayage, travel, and communications, and for the supervision and administration of such activities. Such obligations, including obligations arising out of the temporary employment of additional

5 USC 101 et seq.

80 Stat. 416.

5 USC 5101, 5331.

May 22, 1974

- 7 -

Pub. Law 93-288

88 STAT. 150

personnel, may be incurred by an agency in such amount as may be made available to it by the President.

USE OF LOCAL FIRMS AND INDIVIDUALS

SEC. 310. In the expenditure of Federal funds for debris clearance, 42 USC 5150. distribution of supplies, reconstruction, and other major disaster assistance activities which may be carried out by contract or agreement with private organizations, firms, or individuals, preference shall be given, to the extent feasible and practicable, to those organizations, firms, and individuals residing or doing business primarily in the area affected by such major disaster.

NONDISCRIMINATION IN DISASTER ASSISTANCE

SEC. 311. (a) The President shall issue, and may alter and amend, 42 USC 5151. such regulations as may be necessary for the guidance of personnel carrying out Federal assistance functions at the site of a major disaster or emergency. Such regulations shall include provisions for insuring that the distribution of supplies, the processing of applications, and other relief and assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, or economic status.

(b) As a condition of participation in the distribution of assistance or supplies under this Act or of receiving assistance under section 402 or 404 of this Act, governmental bodies and other organizations shall be required to comply with regulations relating to nondiscrimination promulgated by the President, and such other regulations applicable to activities within an area affected by a major disaster or emergency as he deems necessary for the effective coordination of relief efforts.

USE AND COORDINATION OF RELIEF ORGANIZATIONS

SEC. 312. (a) In providing relief and assistance under this Act, the 42 USC 5152. President may utilize, with their consent, the personnel and facilities of the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations, in the distribution of medicine, food, supplies, or other items, and in the restoration, rehabilitation, or reconstruction of community services housing and essential facilities, whenever the President finds that such utilization is necessary.

(b) The President is authorized to enter into agreements with the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations under which the disaster relief activities of such organizations may be coordinated by the Federal coordinating officer whenever such organizations are engaged in providing relief during and after a major disaster or emergency. Any such agreement shall include provisions assuring that use of Federal facilities, supplies, and services will be in compliance with regulations prohibiting duplication of benefits and guaranteeing nondiscrimination promulgated by the President under this Act, and such other regulation as the President may require.

PRIORITY TO CERTAIN APPLICATIONS FOR PUBLIC FACILITY AND PUBLIC HOUSING ASSISTANCE

SEC. 313. (a) In the processing of applications for assistance, 42 USC 5153. priority and immediate consideration shall be given by the head of the appropriate Federal agency, during such period as the President shall

88 STAT. 151

prescribe, to applications from public bodies situated in areas affected by major disasters, under the following Acts:

69 Stat. 642.
42 USC 1491.

(1) title II of the Housing Amendments of 1955, or any other Act providing assistance for repair, construction, or extension of public facilities;

63 Stat. 431.
42 USC 1430.

(2) the United States Housing Act of 1937 for the provision of low-rent housing;

69 Stat. 641;
78 Stat. 799.

(3) section 702 of the Housing Act of 1954 for assistance in public works planning;

40 USC 462.
79 Stat. 490.

(4) section 702 of the Housing and Urban Development Act of 1965 providing for grants for public facilities;

75 Stat. 308;
87 Stat. 240.

(5) section 306 of the Consolidated Farmers Home Administration Act;

7 USC 1926.
79 Stat. 552.

(6) the Public Works and Economic Development Act of 1965, as amended;

42 USC 3121
note.

(7) the Appalachian Regional Development Act of 1965, as amended; or

79 Stat. 5.
40 USC app. 1.

(8) title II of the Federal Water Pollution Control Act, as amended.

86 Stat. 833.
33 USC 1281.

(b) In the obligation of discretionary funds or funds which are not allocated among the States or political subdivisions of a State, the Secretary of Housing and Urban Development and the Secretary of Commerce shall give priority to applications for projects in major disaster areas in which a Recovery Planning Council has been designated pursuant to title VIII of the Public Works and Economic Development Act of 1965.

Post, p. 160.

INSURANCE

42 USC 5154.

SEC. 314. (a) (1) An applicant for assistance under section 402 or 419 of this Act or section 803 of the Public Works and Economic Development Act of 1965, shall comply with regulations prescribed by the President to assure that, with respect to any property to be replaced, restored, repaired, or constructed with such assistance, such types and extent of insurance will be obtained and maintained as may be reasonably available, adequate, and necessary to protect against future loss to such property.

Post, p. 161.

(2) In making his determination with respect to such availability, adequacy and necessity, the President shall not require greater types and extent of insurance than are certified to him as reasonable by the appropriate State insurance commissioner responsible for regulation of such insurance.

(b) No applicant for assistance under section 402 or 419 of this Act or section 803 of the Public Works and Economic Development Act of 1965, shall receive such assistance for any property or part thereof for which he has previously received assistance under this Act unless all insurance required pursuant to this section has been obtained and maintained with respect to such property.

(c) A State may elect to act as a self-insurer with respect to any or all of the facilities belonging to it. Such an election, if declared in writing at the time of accepting assistance under section 402 or 419 of this Act or section 803 of the Public Works and Economic Development Act of 1965, or subsequently, and accompanied by a plan for self-insurance which is satisfactory to the President, shall be deemed compliance with subsection (a) of this section. No such self-insurer shall receive assistance under such sections for any property or part thereof for which it has previously received assistance under this Act, to the extent that insurance for such property or part thereof would have been reasonably available.

May 22, 1974

- 9 -

Pub. Law 93-288

88 STAT. 152

DUPLICATION OF BENEFITS

SEC. 315. (a) The President, in consultation with the head of each Federal agency administering any program providing financial assistance to persons, business concerns, or other entities suffering losses as the result of a major disaster, shall assure that no such person, business concern, or other entity will receive such assistance with respect to any part of such loss as to which he has received financial assistance under any other program. 42 USC 5155.

(b) The President shall assure that no person, business concern, or other entity receives any Federal assistance for any part of a loss suffered as the result of a major disaster if such person, concern, or entity received compensation from insurance or any other source for that part of such a loss. Partial compensation for a loss or a part of a loss resulting from a major disaster shall not preclude additional Federal assistance for any part of such a loss not compensated otherwise.

(c) Whenever the President determines (1) that a person, business concern, or other entity has received assistance under this Act for a loss and that such person, business concern or other entity received assistance for the same loss from another source, and (2) that the amount received from all sources exceeded the amount of the loss, he shall direct such person, business concern, or other entity to pay to the Treasury an amount, not to exceed the amount of Federal assistance received, sufficient to reimburse the Federal Government for that part of the assistance which he deems excessive.

REVIEWS AND REPORTS

SEC. 316. The President shall conduct annual reviews of the activities of Federal agencies and State and local governments providing disaster preparedness and assistance, in order to assure maximum coordination and effectiveness of such programs, and shall from time to time report thereon to the Congress.

Report to
Congress.
42 USC 5156.

CRIMINAL AND CIVIL PENALTIES

SEC. 317. (a) Any individual who fraudulently or willfully misstates any fact in connection with a request for assistance under this Act shall be fined not more than \$10,000 or imprisoned for not more than one year or both for each violation.

42 USC 5157.

(b) Any individual who knowingly violates any order or regulation under this Act shall be subject to a civil penalty of not more than \$5,000 for each violation.

(c) Whoever knowingly misapplies the proceeds of a loan or other cash benefit obtained under any section of this Act shall be subject to a fine in an amount equal to one and one-half times the original principal amount of the loan or cash benefit.

AVAILABILITY OF MATERIALS

SEC. 318. The President is authorized, at the request of the Governor of an affected State, to provide for a survey of construction materials needed in the area affected by a major disaster on an emergency basis for housing repairs, replacement housing, public facilities repairs and replacement, farming operations, and business enterprises and to take appropriate action to assure the availability and fair distribution of needed materials, including, where possible, the allocation of such materials for a period of not more than one hundred and eighty days after such major disaster. Any allocation program shall be imple-

42 USC 5158.

"Construction materials."

mented by the President to the extent possible, by working with and through those companies which traditionally supply construction materials in the affected area. For the purposes of this section "construction materials" shall include building materials and materials required for repairing housing, replacement housing, public facilities repairs and replacement, and for normal farm and business operations.

TITLE IV—FEDERAL DISASTER ASSISTANCE PROGRAMS

FEDERAL FACILITIES

42 USC 5171.

SEC. 401. (a) The President may authorize any Federal agency to repair, reconstruct, restore, or replace any facility owned by the United States and under the jurisdiction of such agency which is damaged or destroyed by any major disaster if he determines that such repair, reconstruction, restoration, or replacement is of such importance and urgency that it cannot reasonably be deferred pending the enactment of specific authorizing legislation or the making of an appropriation for such purposes, or the obtaining of congressional committee approval.

(b) In order to carry out the provisions of this section, such repair, reconstruction, restoration, or replacement may be begun notwithstanding a lack or an insufficiency of funds appropriated for such purpose, where such lack or insufficiency can be remedied by the transfer, in accordance with law, of funds appropriated to that agency for another purpose.

(c) In implementing this section, Federal agencies shall evaluate the natural hazards to which these facilities are exposed and shall take appropriate action to mitigate such hazards, including safe land-use and construction practices, in accordance with standards prescribed by the President.

REPAIR AND RESTORATION OF DAMAGED FACILITIES

42 USC 5172.

SEC. 402. (a) The President is authorized to make contributions to State or local governments to help repair, restore, reconstruct, or replace public facilities belonging to such State or local governments which were damaged or destroyed by a major disaster.

(b) The President is also authorized to make grants to help repair, restore, reconstruct, or replace private nonprofit educational, utility, emergency, medical, and custodial care facilities, including those for the aged or disabled, and facilities on Indian reservations as defined by the President, which were damaged or destroyed by a major disaster.

(c) For those facilities eligible under this section which were in the process of construction when damaged or destroyed by a major disaster, the grant shall be based on the net costs of restoring such facilities substantially to their predisaster condition.

"Public facility."

(d) For the purposes of this section, "public facility" includes any publicly owned flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, or airport facility, any non-Federal-aid street, road, or highway, any other public building, structure, or system including those used for educational or recreational purposes, and any park.

Limitation.

(e) The Federal contribution for grants made under this section shall not exceed 100 per centum of the net cost of repairing, restoring, reconstructing, or replacing any such facility on the basis of the

May 22, 1974

- 11 -

Pub. Law 93-288

88 STAT. 154

design of such facility as it existed immediately prior to such disaster and in conformity with current applicable codes, specifications, and standards.

(f) In those cases where a State or local government determines that public welfare would not be best served by repairing, restoring, reconstructing, or replacing particular public facilities owned or controlled by that State or that local government which have been damaged or destroyed in a major disaster, it may elect to receive, in lieu of the contribution described in subsection (e) of this section, a contribution based on 90 per centum of the Federal estimate of the total cost of repairing, restoring, reconstructing, or replacing all damaged facilities owned by it within its jurisdiction. The cost of repairing, restoring, reconstructing, or replacing damaged or destroyed public facilities shall be estimated on the basis of the design of each such facility as it existed immediately prior to such disaster and in conformity with current applicable codes, specifications and standards. Funds contributed under this subsection may be expended either to repair or restore certain selected damaged public facilities or to construct new public facilities which the State or local government determines to be necessary to meet its needs for governmental services and functions in the disaster-affected area.

DEBRIS REMOVAL

SEC. 403. (a) The President, whenever he determines it to be in the public interest, is authorized— 42 USC 5173.

(1) through the use of Federal departments, agencies, and instrumentalities, to clear debris and wreckage resulting from a major disaster from publicly and privately owned lands and waters; and

(2) to make grants to any State or local government for the purpose of removing debris or wreckage resulting from a major disaster from publicly or privately owned lands and waters.

(b) No authority under this section shall be exercised unless the affected State or local government shall first arrange an unconditional authorization for removal of such debris or wreckage from public and private property, and, in the case of removal of debris or wreckage from private property, shall first agree to indemnify the Federal Government against any claim arising from such removal.

TEMPORARY HOUSING ASSISTANCE

SEC. 404. (a) The President is authorized to provide, either by purchase or lease, temporary housing, including, but not limited to, unoccupied habitable dwellings, suitable rental housing, mobile homes or other readily fabricated dwellings for those who, as a result of a major disaster, require temporary housing. During the first twelve months of occupancy no rentals shall be established for any such accommodations, and thereafter rentals shall be established, based upon fair market value of the accommodations being furnished, adjusted to take into consideration the financial ability of the occupant. Any mobile home or readily fabricated dwelling shall be placed on a site complete with utilities provided either by the State or local government, or by the owner or occupant of the site who was displaced by the major disaster, without charge to the United States. The President may authorize installation of essential utilities at Federal expense and he may elect to provide other more economical or accessible sites when he determines such action to be in the public interest. 42 USC 5174.

88 STAT. 155

(b) The President is authorized to provide assistance on a temporary basis in the form of mortgage or rental payments to or on behalf of individuals and families who, as a result of financial hardship caused by a major disaster, have received written notice of dispossession or eviction from a residence by reason of foreclosure of any mortgage or lien, cancellation of any contract of sale, or termination of any lease, entered into prior to such disaster. Such assistance shall be provided for a period of not to exceed one year or for the duration of the period of financial hardship, whichever is the lesser.

(c) In lieu of providing other types of temporary housing after a major disaster, the President is authorized to make expenditures for the purpose of repairing or restoring to a habitable condition owner-occupied private residential structures made uninhabitable by a major disaster which are capable of being restored quickly to a habitable condition with minimal repairs. No assistance provided under this section may be used for major reconstruction or rehabilitation of damaged property.

(d) (1) Notwithstanding any other provision of law, any temporary housing acquired by purchase may be sold directly to individuals and families who are occupants of temporary housing at prices that are fair and equitable, as determined by the President.

(2) The President may sell or otherwise make available temporary housing units directly to States, other governmental entities, and voluntary organizations. The President shall impose as a condition of transfer under this paragraph a covenant to comply with the provisions of section 311 of this Act requiring nondiscrimination in occupancy of such temporary housing units. Such disposition shall be limited to units purchased under the provisions of subsection (a) of this section and to the purposes of providing temporary housing for disaster victims in emergencies or in major disasters.

Nondiscrimi-
nation.

PROTECTION OF ENVIRONMENT

42 USC 5175.

SEC. 405. No action taken or assistance provided pursuant to sections 305, 306, or 403 of this Act, or any assistance provided pursuant to section 402 or 419 of this Act that has the effect of restoring facilities substantially as they existed prior to the disaster, shall be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 852). Nothing in this section shall alter or affect the applicability of the National Environmental Policy Act of 1969 (83 Stat. 852) to other Federal actions taken under this Act or under any other provision of law.

43 USC 4321
note.

MINIMUM STANDARDS FOR PUBLIC AND PRIVATE STRUCTURES

42 USC 5176.

SEC. 406. As a condition of any disaster loan or grant made under the provisions of this Act, the recipient shall agree that any repair or construction to be financed therewith shall be in accordance with applicable standards of safety, decency, and sanitation and in conformity with applicable codes, specifications, and standards, and shall furnish such evidence of compliance with this section as may be required by regulation. As a further condition of any loan or grant made under the provisions of this Act, the State or local government shall agree that the natural hazards in the areas in which the proceeds of the grants or loans are to be used shall be evaluated and appropriate action shall be taken to mitigate such hazards, including safe land-use and construction practices, in accordance with standards prescribed or

Natural ha-
zards, eval-
uation.

May 22, 1974

- 13 -

Pub. Law 93-288

88 STAT. 156

approved by the President after adequate consultation with the appropriate elected officials of general purpose local governments, and the State shall furnish such evidence of compliance with this section as may be required by regulation.

UNEMPLOYMENT ASSISTANCE

SEC. 407. (a) The President is authorized to provide to any individual unemployed as a result of a major disaster such benefit assistance as he deems appropriate while such individual is unemployed. Such assistance as the President shall provide shall be available to an individual as long as the individual's unemployment caused by the major disaster continues or until the individual is reemployed in a suitable position, but no longer than one year after the major disaster is declared. Such assistance for a week of unemployment shall not exceed the maximum weekly amount authorized under the unemployment compensation law of the State in which the disaster occurred, and the amount of assistance under this section to any such individual for a week of unemployment shall be reduced by any amount of unemployment compensation or of private income protection insurance compensation available to such individual for such week of unemployment. The President is directed to provide such assistance through agreements with States which, in his judgment, have an adequate system for administering such assistance through existing State agencies.

42 USC 5177.

Time limitation.

Agreement with State agencies.

(b) The President is further authorized for the purposes of this Act to provide reemployment assistance services under other laws to individuals who are unemployed as a result of a major disaster.

Reemployment assistance services.

INDIVIDUAL AND FAMILY GRANT PROGRAMS

SEC. 408. (a) The President is authorized to make a grant to a State for the purpose of such State making grants to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by a major disaster in those cases where such individuals or families are unable to meet such expenses or needs through assistance under other provisions of this Act, or from other means. The Governor of a State shall administer the grant program authorized by this section.

42 USC 5178.

(b) The Federal share of a grant to an individual or a family under this section shall be equal to 75 per centum of the actual cost of meeting such an expense or need and shall be made only on condition that the remaining 25 per centum of such cost is paid to such individual or family from funds made available by a State. Where a State is unable immediately to pay its share, the President is authorized to advance to such State such 25 per centum share, and any such advance is to be repaid to the United States when such State is able to do so. No individual and no family shall receive any grant or grants under this section aggregating more than \$5,000 with respect to any one major disaster.

Federal share.

Advances.

Limitation.

(c) The President shall promulgate regulations to carry out this section and such regulations shall include national criteria, standards, and procedures for the determination of eligibility for grants and the administration of grants made under this section.

Regulations.

(d) A State may expend not to exceed 3 per centum of any grant made by the President to it under subsection (a) of this section for expenses of administering grants to individuals and families under this section.

Administration expenses, limitation.

(e) This section shall take effect as of April 20, 1973.

Effective date.

88 STAT. 157

FOOD COUPONS AND DISTRIBUTION

42 USC 5179. SEC. 409. (a) Whenever the President determines that, as a result of a major disaster, low-income households are unable to purchase adequate amounts of nutritious food, he is authorized, under such terms and conditions as he may prescribe, to distribute through the Secretary of Agriculture or other appropriate agencies coupon allotments to such households pursuant to the provisions of the Food Stamp Act of 1964 (P.L. 91-671; 84 Stat. 2048) and to make surplus commodities available pursuant to the provisions of this Act.

78 Stat. 703,
7 USC 2011
note.

(b) The President, through the Secretary of Agriculture or other appropriate agencies, is authorized to continue to make such coupon allotments and surplus commodities available to such households for so long as he determines necessary, taking into consideration such factors as he deems appropriate, including the consequences of the major disaster on the earning power of the households, to which assistance is made available under this section.

(c) Nothing in this section shall be construed as amending or otherwise changing the provisions of the Food Stamp Act of 1964 except as they relate to the availability of food stamps in an area affected by a major disaster.

FOOD COMMODITIES

Emergency mass
feeding.
42 USC 5180.

SEC. 410. (a) The President is authorized and directed to assure that adequate stocks of food will be ready and conveniently available for emergency mass feeding or distribution in any area of the United States which suffers a major disaster or emergency.

49 Stat. 774.

(b) The Secretary of Agriculture shall utilize funds appropriated under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to purchase food commodities necessary to provide adequate supplies for use in any area of the United States in the event of a major disaster or emergency in such area.

RELOCATION ASSISTANCE

42 USC 5181.

SEC. 411. Notwithstanding any other provision of law, no person otherwise eligible for any kind of replacement housing payment under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) shall be denied such eligibility as a result of his being unable, because of a major disaster as determined by the President, to meet the occupancy requirements set by such Act.

84 Stat. 1894.
42 USC 4601
note.

LEGAL SERVICES

42 USC 5182.

SEC. 412. Whenever the President determines that low-income individuals are unable to secure legal services adequate to meet their needs as a consequence of a major disaster, consistent with the goals of the programs authorized by this Act, the President shall assure that such programs are conducted with the advice and assistance of appropriate Federal agencies and State and local bar associations.

CRISIS COUNSELING ASSISTANCE AND TRAINING

42 USC 5183.

SEC. 413. The President is authorized (through the National Institute of Mental Health) to provide professional counseling services, including financial assistance to State or local agencies or private mental health organizations to provide such services or training of disaster workers, to victims of major disasters in order to relieve mental health problems caused or aggravated by such major disaster or its aftermath.

May 22, 1974

- 15 -

Pub. Law 93-288

88 STAT. 158

COMMUNITY DISASTER LOANS

SEC. 414. (a) The President is authorized to make loans to any local government which may suffer a substantial loss of tax and other revenues as a result of a major disaster, and has demonstrated a need for financial assistance in order to perform its governmental functions. The amount of any such loan shall be based on need, and shall not exceed 25 per centum of the annual operating budget of that local government for the fiscal year in which the major disaster occurs. Repayment of all or any part of such loan to the extent that revenues of the local government during the three full fiscal year period following the major disaster are insufficient to meet the operating budget of the local government, including additional disaster-related expenses of a municipal operation character shall be cancelled.

Loans to local governments.
42 USC 5184.

Repayment.

(b) Any loans made under this section shall not reduce or otherwise affect any grants or other assistance under this Act.

(c) (1) Subtitle C of title I of the State and Local Fiscal Assistance Act of 1972 (P.L. 92-512; 86 Stat. 919) is amended by adding at the end thereof the following new section:

31 USC 1261 and note.

"SEC. 145. ENTITLEMENT FACTORS AFFECTED BY MAJOR DISASTERS.

"In the administration of this title the Secretary shall disregard any change in data used in determining the entitlement of a State government or a unit of local government for a period of 60 months if that change—

"(1) results from a major disaster determined by the President under section 301 of the Disaster Relief Act of 1974, and

"(2) reduces the amount of the entitlement of that State government or unit of local government."

(2) The amendment made by this section takes effect on April 1, 1974. Effective date.

EMERGENCY COMMUNICATIONS

SEC. 415. The President is authorized during, or in anticipation of, an emergency or major disaster to establish temporary communications systems and to make such communications available to State and local government officials and other persons as he deems appropriate.

42 USC 5185.

EMERGENCY PUBLIC TRANSPORTATION

SEC. 416. The President is authorized to provide temporary public transportation service in an area affected by a major disaster to meet emergency needs and to provide transportation to governmental offices, supply centers, stores, post offices, schools, major employment centers, and such other places as may be necessary in order to enable the community to resume its normal pattern of life as soon as possible.

42 USC 5186.

FIRE SUPPRESSION GRANTS

SEC. 417. The President is authorized to provide assistance, including grants, equipment, supplies, and personnel, to any State for the suppression of any fire on publicly or privately owned forest or grassland which threatens such destruction as would constitute a major disaster.

42 USC 5187.

TIMBER SALE CONTRACTS

SEC. 418. (a) Where an existing timber sale contract between the Secretary of Agriculture or the Secretary of the Interior and a timber

Cost-sharing.
42 USC 5188.

purchaser does not provide relief from major physical change not due to negligence of the purchaser prior to approval of construction of any section of specified road or of any other specified development facility and, as a result of a major disaster, a major physical change results in additional construction work in connection with such road or facility by such purchaser with an estimated cost, as determined by the appropriate Secretary, (1) of more than \$1,000 for sales under one million board feet, (2) of more than \$1 per thousand board feet for sales of one to three million board feet, or (3) of more than \$3,000 for sales over three million board feet, such increased construction cost shall be borne by the United States.

Contract can-
cellation.

(b) If the appropriate Secretary determines that damages are so great that restoration, reconstruction, or construction is not practical under the cost-sharing arrangement authorized by subsection (a) of this section, he may allow cancellation of a contract entered into by his Department notwithstanding contrary provisions therein.

Sale of timber,
notice.
30 Stat. 35.

(c) The Secretary of Agriculture is authorized to reduce to seven days the minimum period of advance public notice required by the first section of the Act of June 4, 1897 (16 U.S.C. 476), in connection with the sale of timber from national forests, whenever the Secretary determines that (1) the sale of such timber will assist in the construction of any area of a State damaged by a major disaster, (2) the sale of such timber will assist in sustaining the economy of such area, or (3) the sale of such timber is necessary to salvage the value of timber damaged in such major disaster or to protect undamaged timber.

(d) The President, when he determines it to be in the public interest, is authorized to make grants to any State or local government for the purpose of removing from privately owned lands timber damaged as a result of a major disaster, and such State or local government is authorized upon application, to make payments out of such grants to any person for reimbursement of expenses actually incurred by such person in the removal of damaged timber, not to exceed the amount that such expenses exceed the salvage value of such timber.

IN-LIEU CONTRIBUTION

42 USC 5189.

SEC. 419. In any case in which the Federal estimate of the total cost of (1) repairing, restoring, reconstructing, or replacing, under section 402, all damaged or destroyed public facilities owned by a State or local government within its jurisdiction, and (2) emergency assistance under section 306 and debris removed under section 403, is less than \$25,000, then on application of a State or local government, the President is authorized to make a contribution to such State or local government under the provisions of this section in lieu of any contribution to such State or local government under section 306, 402, or 403. Such contribution shall be based on 100 per centum of such total estimated cost, which may be expended either to repair, restore, reconstruct, or replace all such damaged or destroyed public facilities, to repair, restore, reconstruct, or replace certain selected damaged or destroyed public facilities, to construct new public facilities which the State or local government determines to be necessary to meet its needs for governmental services and functions in the disaster-affected area, or to undertake disaster work as authorized in section 306 or 403. The cost of repairing, restoring, reconstructing, or replacing damaged or destroyed public facilities shall be estimated on the basis of the design of each such facility as it existed immediately prior to such disaster and in conformity with current applicable codes, specifications and standards.

May 22, 1974

- 17 -

Pub. Law 93-288

88 STAT. 160

TITLE V—ECONOMIC RECOVERY FOR DISASTER AREAS

AMENDMENT TO PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

SEC. 501. The Public Works and Economic Development Act of 1965, as amended, is amended by adding at the end thereof the following new title:

79 Stat. 552.
42 USC 3121
note.

"TITLE VIII—ECONOMIC RECOVERY FOR DISASTER AREAS

"PURPOSE OF TITLE

"SEC. 801. (a) It is the purpose of this title to provide assistance for the economic recovery, after the period of emergency aid and replacement of essential facilities and services, of any major disaster area which has suffered a dislocation of its economy of sufficient severity to require (1) assistance in planning for development to replace that lost in the major disaster; (2) continued coordination of assistance available under Federal-aid programs; and (3) continued assistance toward the restoration of the employment base.

42 USC 3231.

"(b) As used in this title, the term 'major disaster' means a major disaster declared by the President in accordance with the Disaster Relief Act of 1974.

"Major disaster."

"DISASTER RECOVERY PLANNING

"SEC. 802. (a) (1) In the case of any area affected by a major disaster the Governor may request the President for assistance under this title. The Governor, within thirty days after authorization of such assistance by the President, shall designate a Recovery Planning Council for such area or for each part thereof.

Recovery
Planning Council, designation.
42 USC 3232.

"(2) Such Recovery Planning Council shall be composed of not less than five members, a majority of whom shall be local elected officials of political subdivisions within the affected areas, at least one representative of the State, and a representative of the Federal Government appointed by the President in accordance with paragraph (3) of this subsection. During the major disaster, the Federal coordinating officer shall also serve on the Recovery Planning Council.

Membership.

"(3) The Federal representative on such Recovery Planning Council may be the Chairman of the Federal Regional Council for the affected area, or a member of the Federal Regional Council designated by the Chairman of such Regional Council. The Federal representative on such Recovery Planning Council may be the Federal Cochairman of the Regional Commission established pursuant to title V of this Act, or the Appalachian Regional Development Act of 1965, or his designee, where all of the area affected by a major disaster is within the boundaries of such Commission.

79 Stat. 5.
40 USC app. 1.

"(4) The Governor may designate an existing multijurisdictional organization as the Recovery Planning Council where such organization complies with paragraph (2) of this subsection with the addition of State and Federal representatives except that if all or part of an area affected by a major disaster is within the jurisdiction of an existing multijurisdictional organization established under title IV of this Act or title III of the Appalachian Regional Development Act of 1965, such organization, with the addition of State and Federal representatives in accordance with paragraph (2) of this subsection, shall be designated by the Governor as the Recovery Planning Council. In

40 USC app.
301.

88 STAT., 161

40 USC app.
301, 401.

any case in which such title III or IV organization is designated as the Recovery Planning Council under this paragraph, some local elected officials of political subdivisions within the affected areas must be appointed to serve on such Recovery Planning Council. Where possible, the organization designated as the Recovery Planning Council shall be or shall be subsequently designated as the appropriate agency required by section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3334) and by the Intergovernmental Cooperation Act of 1968 (P.L. 90-577; 82 Stat. 1098).

80 Stat., 1262.
42 USC 4201
note.

"(5) The Recovery Planning Council shall include private citizens as members to the extent feasible, and shall provide for and encourage public participation in its deliberations and decisions.

Review.

"(b) The Recovery Planning Council (1) shall review existing plans for the affected area; and (2) may recommend to the Governor and responsible local governments such revisions as it determines necessary for the economic recovery of the area, including the development of new plans and the preparation of a recovery investment plan for the 5-year period following the declaration of the major disaster. The Recovery Planning Council shall accept as one element of the recovery investment plans determinations made under section 402(f) of the Disaster Relief Act of 1974.

Recovery investment
plan.

"(c) (1) A recovery investment plan prepared by a Recovery Planning Council may recommend the revision, deletion, reprogramming, or additional approval of Federal-aid projects and programs within the area—

"(A) for which application has been made but approval not yet granted;

"(B) for which funds have been obligated or approval granted but construction not yet begun;

"(C) for which funds have been or are scheduled to be apportioned within the five years after the declaration of the disaster;

"(D) which may otherwise be available to the area under any State schedule or revised State schedule of priorities; or

"(E) which may reasonably be anticipated as becoming available under existing programs.

Reserve funds.

"(2) Upon the recommendation of the Recovery Planning Council and the request of the Governor, any funds for projects or programs identified pursuant to paragraph (1) of this subsection may, to any extent consistent with appropriation Acts, be placed in reserve by the responsible Federal agency for use in accordance with such recommendations. Upon the request of the Governor and with the concurrence of affected local governments, such funds may be transferred to the Recovery Planning Council to be expended in the implementation of the recovery investment plan, except that no such transfer may be made unless such expenditure is for a project or program for which such funds originally were made available by an appropriation Act.

Transfer of
funds.

"PUBLIC WORKS AND DEVELOPMENT FACILITIES GRANTS AND LOANS

42 USC 3233.

"SEC. 803. (a) The President is authorized to provide funds to any Recovery Planning Council for the implementation of a recovery investment plan by public bodies. Such funds may be used—

"(1) to make loans for the acquisition or development of land and improvements for public works, public service, or development facility usage, including the acquisition or development of parks or open spaces, and the acquisition, construction, rehabilitation, alteration, expansion, or improvement of such facilities, including related machinery and equipment, and

May 22, 1974

- 19 -

Pub. Law 93-288

88 STAT. 162

"(2) to make supplementary grants to increase the Federal share for projects for which funds are reserved pursuant to subsection (c)(2) of section 802 of this Act, or other Federal-aid projects in the affected area.

"(b) Grants and loans under this section may be made to any State, local government, or private or public nonprofit organization representing any area or part thereof affected by a major disaster.

"(c) No supplementary grant shall increase the Federal share of the cost of any project to greater than 90 per centum, except in the case of a grant for the benefit of Indians or Alaska Natives, or in the case of any State or local government which the President determines has exhausted its effective taxing and borrowing capacity.

"(d) Loans under this section shall bear interest at a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, less 1 per centum per annum.

Interest
rate.

"(e) Financial assistance under this title shall not be extended to assist establishments relocating from one area to another or to assist subcontractors whose purpose is to divest, or whose economic success is dependent upon divesting, other contractors or subcontractors of contracts therefore customarily performed by them. Such limitations shall not be construed to prohibit assistance for the expansion of an existing business entity through the establishment of a new branch, affiliate, or subsidiary of such entity if the Secretary of Commerce finds that the establishment of such branch, affiliate, or subsidiary will not result in an increase in unemployment of the area of original location or in any other area where such entity conducts business operations, unless the Secretary has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

"LOAN GUARANTEES

"SEC. 804. The President is authorized to provide funds to Recovery Planning Councils to guarantee loans made to private borrowers by private lending institutions (1) to aid in financing any project within an area affected by a major disaster for the purchase or development of land and facilities (including machinery and equipment) for industrial or commercial usage including the construction of new buildings, and rehabilitation of abandoned or unoccupied buildings, and the alteration, conversion, or enlargement of existing buildings; and (2) for working capital in connection with projects in areas assisted under paragraph (1), upon application of such institution and upon such terms and conditions as the President may prescribe. No such guarantee shall at any time exceed 90 per centum of the amount of the outstanding unpaid balance of such loan.

Limitation.

"TECHNICAL ASSISTANCE

"SEC. 805. (a) In carrying out the purposes of this title the President is authorized to provide technical assistance which would be useful in facilitating economic recovery in areas affected by major disasters. Such assistance shall include project planning and feasibility studies, management and operational assistance, and studies evaluating the needs of, and developing potentialities for, economic recovery

42 USC 3235.

88 STAT. 163

of such areas. Such assistance may be provided by the President directly, through the payment of funds authorized for this title to other departments or agencies of the Federal Government, through the employment of private individuals, partnerships, firms, corporations, or suitable institutions, under contracts entered into for such purposes, or through grants-in-aid to appropriate public or private nonprofit State, area, district, or local organizations.

Grants for ad-
ministrative
expenses.
Non-Federal
share.

"(b) The President is authorized to make grants to defray not to exceed 75 per centum of the administrative expenses of Recovery Planning Councils designated pursuant to section 802 of this Act. In determining the amount of the non-Federal share of such costs or expenses, the President shall give due consideration to all contributions both in cash and in kind, fairly evaluated, including but not limited to space, equipment, and services. Where practicable, grants-in-aid authorized under this subsection shall be used in conjunction with other available planning grants, to assure adequate and effective planning and economical use of funds.

"AUTHORIZATION OF APPROPRIATIONS

42 USC 3236.

"SEC. 806. There is authorized to be appropriated not to exceed \$250,000,000 to carry out this title."

TITLE VI—MISCELLANEOUS

AUTHORITY TO PRESCRIBE RULES

42 USC 5201.

SEC. 601. The President may prescribe such rules and regulations as may be necessary and proper to carry out any of the provisions of this Act, and he may exercise any power or authority conferred on him by any section of this Act either directly or through such Federal agency or agencies as he may designate.

TECHNICAL AMENDMENTS

84 Stat. 1758.

SEC. 602. (a) Section 701(a)(3)(B)(ii) of the Housing Act of 1954 (40 U.S.C. 461(a)(3)(B)(ii)) is amended to read as follows: "(ii) have suffered substantial damage as a result of a major disaster as declared by the President pursuant to the Disaster Relief Act of 1974;"

(b) Section 8(b)(2) of the National Housing Act (12 U.S.C. 1706(b)(2)) is amended by striking out of the last proviso "section 102(1) of the Disaster Relief Act of 1970" and inserting in lieu thereof "sections 102(2) and 301 of the Disaster Relief Act of 1974".

(c) Section 203(h) of the National Housing Act (12 U.S.C. 1709(h)) is amended by striking out "section 102(1) of the Disaster Relief Act of 1970" and inserting in lieu thereof "sections 102(2) and 301 of the Disaster Relief Act of 1974".

(d) Section 221(f) of the National Housing Act (12 U.S.C. 1715l(f)) is amended by striking out of the last paragraph "the Disaster Relief Act of 1970" and inserting in lieu thereof "the Disaster Relief Act of 1974".

May 22, 1974

- 21 -

Pub. Law 93-288

(e) Section 7(a)(1)(A) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress, as amended; 20 U.S.C. 241-1(a)(1)(A)), is amended by striking out "pursuant to section 102(1) of the Disaster Relief Act of 1970" and inserting in lieu thereof "pursuant to sections 102(2) and 301 of the Disaster Relief Act of 1974". 84 Stat. 1758. 88 STAT. 163

(f) Section 16(a) of the Act of September 23, 1950 (79 Stat. 1158; 20 U.S.C. 646(a)) is amended by striking out "section 102(1) of the Disaster Relief Act of 1970" and inserting in lieu thereof "sections 102(2) and 301 of the Disaster Relief Act of 1974". 88 STAT. 164

(g) Section 408(a) of the Higher Education Facilities Act of 1963 (20 U.S.C. 758(a)) is amended by striking out "section 102(1) of the Disaster Relief Act of 1970" and inserting in lieu thereof "sections 102(2) and 301 of the Disaster Relief Act of 1974".

(h) Section 165(h) of the Internal Revenue Code of 1954, relating to disaster losses (26 U.S.C. 165(h)) is amended by striking out "1970" and inserting in lieu thereof "1974". 86 Stat. 656.

(i) Section 5064(a) of the Internal Revenue Code of 1954 (26 U.S.C. 5064(a)), relating to losses caused by disaster, is amended by striking out "the Disaster Relief Act of 1970" and inserting in lieu thereof "the Disaster Relief Act of 1974". 84 Stat. 1758.

(j) Section 5708(a) of the Internal Revenue Code of 1954 (26 U.S.C. 5708(a)), relating to losses caused by disaster, is amended by striking out "the Disaster Relief Act of 1970" and inserting in lieu thereof "the Disaster Relief Act of 1974".

(k) Section 3 of the Act of June 30, 1954 (68 Stat. 330, as amended by 82 Stat. 1213; 48 U.S.C. 1681 nt.), is amended by striking out of the last sentence "section 102(1) of the Disaster Relief Act of 1970" and inserting in lieu thereof "sections 102(2) and 301 of the Disaster Relief Act of 1974". 84 Stat. 1753.

(l) Section 1820(f) of title 38, United States Code, is amended by striking "the Disaster Assistance Act of 1970" and inserting in lieu thereof "the Disaster Relief Act of 1974".

(m) Whenever reference is made in any provision of law (other than this Act), regulation, rule, record, or document of the United States to provisions of the Disaster Relief Act of 1970 (84 Stat. 1744), repealed by this Act such reference shall be deemed to be a reference to the appropriate provision of this Act. 42 USC 4401 note.

REPEAL OF EXISTING LAW

SEC. 603. The Disaster Relief Act of 1970, as amended (84 Stat. 1744), is hereby repealed, except sections 231, 233, 234, 235, 236, 237, 301, 302, 303, and 304. Notwithstanding such repeal the provisions of the Disaster Relief Act of 1970 shall continue in effect with respect to any major disaster declared prior to the enactment of this Act. 42 USC 4451, 38 USC 1820, 42 USC 4453-4456. 42 USC 4401

PRIOR ALLOCATION OF FUNDS

SEC. 604. Funds heretofore appropriated and available under Public Laws 91-606, as amended, and 92-385 shall continue to be available for the purpose of providing assistance under those Acts as well as for the purposes of this Act. 86 Stat. 554. notes, 4434 note.

Pub. Law 93-288

- 22 -

May 22, 1974

88 STAT. 164EFFECTIVE DATE42 USC 5121
note.

SEC. 605. Except for section 408, this Act shall take effect as of April 1, 1974.

AUTHORIZATION OF APPROPRIATIONS

42 USC 5202.

SEC. 606. Except as provided by the amendment made by section 501, there are authorized to be appropriated to the President such sums as may be necessary to carry out this Act through the close of June 30, 1977.

Approved May 22, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-1037 (Comm. of Conference).

SENATE REPORT No. 93-778 (Comm. on Public Works).

CONGRESSIONAL RECORD, Vol. 120 (1974):

Apr. 10, considered and passed Senate.

Apr. 11, considered and passed House, amended.

May 9, Senate agreed to conference report.

May 15, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 10, No. 21:

May 21, Presidential statement.





Public Law 93-296
93rd Congress, S. 775
May 31, 1974

An Act

To amend the Public Health Service Act to provide for the establishment of a National Institute on Aging.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Research on Aging Act of 1974".

SEC. 2. The Congress finds and declares that—

(1) the study of the aging process, the one biological condition common to all, has not received research support commensurate with its effects on the lives of every individual;

(2) in addition to the physical infirmities resulting from advanced age, the economic, social, and psychological factors associated with aging operate to exclude millions of older Americans from the full life and the place in our society to which their years of service and experience entitle them;

(3) recent research efforts point the way toward alleviation of the problems of old age by extending the healthy middle years of life;

(4) there is no American institution that has undertaken comprehensive systematic and intensive studies of the biomedical and behavioral aspects of aging and the related training of necessary personnel;

(5) the establishment of a National Institute on Aging within the National Institutes of Health will meet the need for such an institution.

SEC. 3. Title IV of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART H—NATIONAL INSTITUTE ON AGING

"ESTABLISHMENT OF NATIONAL INSTITUTE ON AGING

"SEC. 461. The Secretary shall establish in the Service an institute to be known as the National Institute on Aging (hereinafter in this part referred to as the 'Institute') for the conduct and support of biomedical, social, and behavioral research and training related to the aging process and the diseases and other special problems and needs of the aged.

"NATIONAL ADVISORY COUNCIL ON AGING

"SEC. 462. (a) The Secretary shall establish a National Advisory Council on Aging to advise, consult with, and make recommendations to him on programs relating to the aged which are administered by him and on those matters which relate to the Institute.

"(b) The provisions relating to the composition, terms of office of members, and reappointment of members of advisory councils under section 432(a) shall be applicable to the Advisory Council established under this section, except that (1) the Secretary may include on such Advisory Council such additional ex officio members as he deems necessary, and (2) the Secretary shall appoint to the Council leading medical or scientific authorities skilled in aspects of the biological and the behavioral sciences related to aging.

Research on
Aging Act of
1974.
42 USC 289k-2
note.
42 USC 289k-2
note.

88 STAT. 184
88 STAT. 185

Establishment.
42 USC 289k-3.

64 Stat. 444;
84 Stat. 1310.
42 USC 289b.

"(c) Upon appointment of such Advisory Council, it shall assume all, or such part as the Secretary may specify, of the duties, functions, and powers of the National Advisory Health Council relating to programs for the aged with which the Advisory Council established under this part is concerned and such portion as the Secretary may specify of the duties, functions, and powers of any other advisory council established under this Act relating to programs for the aged.

"FUNCTIONS

42 USC 289k-4. "SEC. 463. (a) The Secretary (1) shall, through the Institute, carry out the purposes of section 301 with respect to research investigations, experiments, demonstrations, and studies related to the aging process and the diseases and other special problems and needs of the aged, except that the Secretary shall determine the area in which and the extent to which he will carry out such activities in furtherance of the purposes of section 301 through the Institute or another institute established by or under other provisions of this Act, or both of them, when both such institutes have functions with respect to the same subject matter, and (2) shall be responsible for coordinating such activities so as to avoid unproductive and unnecessary overlap and duplication of such functions. The Secretary may also provide training and instruction and establish traineeships and fellowships, in the Institute and elsewhere, in matters relating to study and investigation of the aging process and the diseases and other special problems and needs of the aged. The Secretary may provide trainees and fellows participating in such training and instruction or in such traineeships and fellowships with such stipends and allowances (including travel and subsistence expenses and dependency allowances) as he deems necessary, and, in addition, provide for such training, instruction, traineeships, fellowships through grants to public or other nonprofit institutions. In carrying out his health manpower training responsibilities under this Act or any other Act, the Secretary shall take appropriate steps to insure the education and training of adequate numbers of allied health, nursing, and paramedical personnel in the field of health care for the aged.

Traineeships and fellowships, establishment.

Expense allowances.

Personnel, training.

Scientific studies.

Public information and education programs.

"(b) The Secretary shall, through the Institute, conduct scientific studies to measure the impact on the biological, medical, and psychological aspects of aging of all programs and activities assisted or conducted by the Department of Health, Education, and Welfare.

"(c) The Secretary, through the Institute, shall carry out public information and education programs designed to disseminate as widely as possible the findings of Institute-sponsored and other relevant aging research and studies and other information about the process of aging which may assist elderly and near-elderly persons in dealing with, and all Americans in understanding, the problems and processes associated with growing older.

"RESEARCH PROGRAM

42 USC 289k-5. "SEC. 464. (a) The Secretary, in consultation with the Institute and the National Advisory Council on Aging and such other appropriate advisory bodies as he may establish, shall within one year after the effective date of this section develop a plan for a research program on aging designed to coordinate and promote research into the biological, medical, psychological, social, educational, and economic aspects

May 31, 1974

- 3 -

Pub. Law 93-296

88 STAT. 186

of aging. Such program shall be carried out, as to research involving the functions of the Institute, primarily through the Institute, and as to other research shall be carried out through any other institute established by or under other provisions of this Act or through any appropriate agency or other organizational unit within the Department of Health, Education, and Welfare.

"(b) Upon its completion, the plan for a research program on aging, required by subsection (a) of this section, shall be transmitted to the Congress and to the President and shall set forth the staffing and funding requirements to carry out such program."

Plan, trans-
mittal to Con-
gress and
President.

Approved May 31, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-906 accompanying H.R. 6175 (Comm. on Interstate and Foreign Commerce).

SENATE REPORT No. 93-299 (Comm. on Labor and Public Welfare).

CONGRESSIONAL RECORD:

Vol. 119 (1973): July 9, considered and passed Senate.

Vol. 120 (1974): May 1, 2, considered and passed House, amended,
in lieu of H.R. 6175.

May 16, Senate concurred in House amendment.



Public Law 93-311
93rd Congress, S. 1752
June 8, 1974

An Act

88 STAT. 236

Prescribing the objectives and functions of the National Commission on Productivity and Work Quality.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) it is the policy of the United States to promote increased productivity and to improve the morale and quality of work of the American worker, for the purpose of providing goods and services at low cost to American consumers, improving the competitive position of the United States in the international economy, and facilitating a more satisfying work experience for American workers. National Commission on Productivity and Work Quality.
15 USC 1026.

(b) The President's National Commission on Productivity shall hereafter be referred to as the National Commission on Productivity and Work Quality (hereinafter referred to as the "Commission"). The Commission shall carry out the objectives and exercise the functions hereinafter prescribed.

(c) The objectives of the Commission shall be to help increase the productivity of the American economy and to help improve the morale and quality of work of the American worker. Objectives.

(d) To achieve the objectives of subsection (c), the Commission shall have the following primary functions: Functions.

(1) To encourage and assist in the organization and work of labor-management committees which may also include public members, on a plant, community, regional, and industry basis. Such committees may be specifically designed to facilitate labor-management cooperation to increase productivity or to help improve the morale and quality of work of the American worker.

(2) To conduct such research as is directly necessary to achieve each of the objectives set forth in subsection (c) when such research cannot appropriately be accomplished by other Government agencies or private organizations.

(3) To publicize, disseminate, and otherwise promote material and ideas relating to its objectives. Publicity and promotion.

(e) In addition to its functions under subsection (d) the Commission shall—

(1) advise the President and the Congress with respect to Government policy affecting productivity and the quality of work;

(2) coordinate and promote Government research and technical assistance efforts relating to productivity; and

(3) provide technical and consulting assistance.

(f) In pursuing its objectives under subsection (c), and in carrying out its functions under subsections (d) and (e), the Commission shall concentrate its efforts on those areas where such efforts are likely to make the most substantial impact on— Areas of concentration.

(A) the morale and quality of work of the American worker;

(B) the international competitive position of the United States;

(C) the efficiency of government; or

(D) the cost of those goods and services which are generally considered to fulfill the most basic needs of Americans.

(g)(1) The Executive Director of the Commission shall be the principal executive officer of the Commission in carrying out the objectives and functions of the Commission under this section.

(2) The Executive Director of the Commission, with the approval of the Chairman of the Commission, is authorized (A) to appoint and fix the compensation of such officers and employees, and prescribe their functions and duties, as may be necessary to carry out the provisions of this section, and (B) to obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

(3) The Commission may accept gifts or bequests, either for carrying out specific programs which it deems desirable or for its general activities.

(h) In carrying out its activities under this section, the Commission shall consult with the Council of Economic Advisers.

(i) The Commission shall transmit to the President and to the Congress, not later than July 1, 1974, a report covering its activities during Fiscal Year 1974 and describing in detail the program to be carried out by the Commission under this section during Fiscal Year 1975. Such report shall include an explanation of how the Commission's program has complied or will comply, as the case may be, with the provisions of subsection (f).

(j) There is hereby authorized to be appropriated such sums, not to exceed \$2,500,000, as may be necessary to carry out the purposes of this section during the period from July 1, 1974, through June 30, 1975.

Approved June 8, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-366 (Comm. on Banking and Currency).

SENATE REPORT No. 93-138 (Comm. on Banking, Housing, and Urban Affairs).

CONGRESSIONAL RECORD:

Vol. 119 (1973): May 10, considered and passed Senate.

Vol. 120 (1974): May 14, considered and passed House, amended.

May 31, Senate agreed to House amendment.

Experts and
consultants.
80 Stat. 416.
Gifts, accept-
ance.

Report to Presi-
dent and Con-
gress.

Appropriation.



Public Law 93-319
93rd Congress, H. R. 14368
June 22, 1974

An Act

88 STAT. 246

To provide for means of dealing with energy shortages by requiring reports with respect to energy resources, by providing for temporary suspension of certain air pollution requirements, by providing for coal conversion, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; PURPOSE.

(a) This Act, including the following table of contents, may be cited as the "Energy Supply and Environmental Coordination Act of 1974".

Energy Supply
and Environ-
mental Coordi-
nation Act
of 1974.
15 USC 791
note.

TABLE OF CONTENTS

- Sec. 1. Short title; purpose.
- Sec. 2. Coal conversion and allocation.
- Sec. 3. Suspension authority.
- Sec. 4. Implementation plan revisions.
- Sec. 5. Motor vehicle emissions.
- Sec. 6. Conforming amendments.
- Sec. 7. Protection of public health and environment.
- Sec. 8. Energy conservation study.
- Sec. 9. Report.
- Sec. 10. Fuel economy study.
- Sec. 11. Reporting of energy information.
- Sec. 12. Enforcement.
- Sec. 13. Extension of Clean Air Act authorization.
- Sec. 14. Definitions.

(b) The purposes of this Act are (1) to provide for a means to assist in meeting the essential needs of the United States for fuels, in a manner which is consistent, to the fullest extent practicable, with existing national commitments to protect and improve the environment, and (2) to provide requirements for reports respecting energy resources.

SEC. 2. COAL CONVERSION AND ALLOCATION.

(a) The Federal Energy Administrator—

- (1) shall, by order, prohibit any powerplant, and
- (2) may, by order, prohibit any major fuel burning installation, other than a powerplant,

from burning natural gas or petroleum products as its primary energy source, if the Federal Energy Administrator determines such powerplant or installation on the date of enactment of this Act has the capability and necessary plant equipment to burn coal, and if the requirements of subsection (b) are met.

(b) The requirements referred to in subsection (a) are as follows:

- (1) An order under subsection (a) may not be issued with respect to a powerplant or installation unless the Federal Energy Administrator finds (A) that the burning of coal by such plant or installation, in lieu of petroleum products or natural gas, is practicable and consistent with the purposes of this Act, (B) that coal and coal transportation facilities will be available during the period the order is in effect, and (C) in the case of a powerplant, that the prohibition under subsection (a) will not impair the reliability of service in the area served by such plant. Such an order shall be rescinded or modified to the extent the Federal Energy Administrator determines that any requirement described in subparagraph (A), (B), or (C) of this paragraph is no longer met; and such an order may at any time be modified if the Federal Energy Administrator determines that such order, as modified, complies with the requirements of this section.

15 USC 792.

Powerplant and
fuel burning
installations.

88 STAT. 247

Public notice.

(2) (A) Before issuing an order under subsection (a) which is applicable to a powerplant or installation for a period ending on or before June 30, 1975, the Federal Energy Administrator (i) shall give notice to the public and afford interested persons an opportunity for written presentations of data, views, and arguments, (ii) shall consult with the Administrator of the Environmental Protection Agency, and (iii) shall take into account the likelihood that the powerplant or installation will be permitted to burn coal after June 30, 1975.

(B) An order described in subparagraph (A) of this paragraph shall not become effective until the date which the Administrator of the Environmental Protection Agency certifies pursuant to section 119(d) (1) (A) of such Act is the earliest date that such plant or installation will be able to comply with the air pollution requirements which will be applicable to it. Such order shall not be effective for any period certified by the Administrator of the Environmental Protection Agency pursuant to section 119(d) (3) (B) of such Act.

(3) (A) Before issuing an order under subsection (a) which is applicable to a powerplant or installation after June 30, 1975 (or modifying an order to which paragraph (2) applies, so as to apply such order to a powerplant or installation after such date), the Federal Energy Administrator shall give notice to the public and afford interested persons an opportunity for oral and written presentations of data, views, and arguments.

(B) An order (or modification thereof) described in subparagraph (A) of this paragraph shall not become effective until (i) the Administrator of the Environmental Protection Agency notifies the Federal Energy Administrator under section 119(d) (1) (B) of the Clean Air Act that such plant or installation will be able on and after July 1, 1975, to burn coal and to comply with all applicable air pollution requirements without a compliance date extension under section 119(c) of such Act, or (ii) if such notification is not given, the date which the Administrator of the Environmental Protection Agency certifies pursuant to section 119(d) (1) (B) of such Act is the earliest date that such plant or installation will be able to comply with all applicable requirements of such section 119. Such order (or modification) shall not be effective during any period certified by the Administrator of the Environmental Protection Agency under section 119(d) (3) (B) of such Act.

(c) The Federal Energy Administrator may require that any powerplant in the early planning process (other than a combustion gas turbine or combined cycle unit) be designed and constructed so as to be capable of using coal as its primary energy source. No powerplant may be required under this subsection to be so designed and constructed, if the Administrator determines that (1) to do so is likely to result in an impairment of reliability or adequacy of service, or (2) an adequate and reliable supply of coal is not expected to be available. In considering whether to impose a design and construction requirement under this subsection, the Federal Energy Administrator shall consider the existence and effects of any contractual commitment for the construction of such facilities and the capability of the owner to recover any

Post, p. 248.

Powerplant, construction design.

June 22, 1974

- 3 -

Pub. Law 93-319

88 STAT. 248

capital investment made as a result of any requirement imposed under this subsection.

(d) The Federal Energy Administrator may, by rule or order, allocate coal (1) to any powerplant or major fuel-burning installation to which an order under subsection (a) has been issued, or (2) to any other person to the extent necessary to carry out the purposes of this Act.

(e) For purposes of this section:

(1) The term "powerplant" means a fossil-fuel fired electric generating unit which produces electric power for purposes of sale or exchange. "Powerplant."

(2) The term "coal" includes coal derivatives. "Coal."

(f) (1) Authority to issue orders or rules under subsections (a) through (d) of this section shall expire at midnight, June 30, 1975. Expiration and effective dates.
Such a rule or order may take effect at any time before January 1, 1979.

(2) Authority to amend, repeal, rescind, modify, or enforce such rules or orders shall expire at midnight, December 31, 1978; but the expiration of such authority shall not affect any administrative or judicial proceeding which relates to any act or omission which occurred prior to January 1, 1979.

SEC. 3. SUSPENSION AUTHORITY.

Title I of the Clean Air Act is amended by adding at the end thereof the following new section: 81 Stat. 485.
42 USC 1857.

"ENERGY-RELATED AUTHORITY

"SEC. 119. (a) For purposes of this section:

Definitions.

"(1) The term 'stationary source fuel or emission limitation' means any emission limitation, schedule or timetable of compliance, or other requirement, which is prescribed under this Act (other than this section, or section 111(b), 112, or 303) or contained in an applicable implementation plan (other than a requirement imposed under authority described in section 110(a) (2) (F) (v)), and which limits, or is designed to limit, stationary source emissions resulting from combustion of fuels, including a prohibition on, or specification of, the use of any fuel of any type, grade, or pollution characteristic. 42 USC 1857c-10.

"(2) The term 'air pollution requirement' means any emission limitation, schedule or timetable for compliance, or other requirement, which is prescribed under any Federal, State, or local law or regulation, including this Act (except for any requirement prescribed under subsection (c) or (d) of this section, section 110(a) (2) (F) (v), or section 303), and which limits stationary source emissions resulting from combustion of fuels (including a prohibition on, or specification of, the use of any fuel of any type, grade, or pollution characteristic).

"(3) The terms 'stationary source' and 'source' have the same meaning as the term 'stationary source' has under section 111(a) (3); except that such terms include any owner or operator (as defined in section 111(a) (5)) of such source.

"(4) The term 'coal' includes coal derivatives.

"(5) The term 'primary standard condition' means a limitation, requirement, or other measure, prescribed by the Administrator under subsection (d) (2) (A) of this section.

"(6) The term 'regional limitation' means the requirement of subsection (c) (2) (D) of this section.

Temporary sus-
pension.

"(b) (1) (A) The Administrator may, for any period beginning on or after the date of enactment of this section and ending on or before June 30, 1975, temporarily suspend any stationary source fuel or emission limitation as it applies to any person—

"(i) if the Administrator finds that such person will be unable to comply with any such limitation during such period solely because of unavailability of types or amounts of fuels (unless such unavailability results from an order under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974), or

"(ii) if such person is a source which is described in subsection (c) (1) (A) or (B) of this section and which has converted to coal, and the Administrator finds that the source will be able to comply during the period of the suspension with all primary standard conditions which will be applicable to such source.

Any suspension under this paragraph, the imposition of any interim requirement on which such suspension is conditioned under paragraph (3) of this subsection, and the imposition of any primary standard condition which relates to such suspension, shall be exempted from any procedural requirements set forth in this Act or in any other provision of Federal, State, or local law; except as provided in subparagraph (B) of this paragraph.

Public notice.

"(B) The Administrator shall give notice to the public and afford interested persons an opportunity for written and oral presentations of data, views, and arguments prior to issuing a suspension under subparagraph (A), or denying an application for such a suspension, unless otherwise provided by the Administrator for good cause found and published in the Federal Register. In any case, before issuing such a suspension, he shall give actual notice to the Governor of the State in which the affected source or sources are located, and to appropriate local governmental officials (as determined by the Administrator). The issuing or denial of such a suspension, the imposition of an interim requirement, and the imposition of any primary standard condition shall be subject to judicial review only on the grounds specified in paragraph (2) (B), (2) (C), or (2) (D), of section 706 of title 5, United States Code, and shall not be subject to any proceeding under section 304(a) (2) or 307 (b) and (c) of this Act.

Publication in
Federal Register.
Notice to State
Governor and
local officials.
Judicial review.

80 Stat. 393.
84 Stat. 1705.
42 USC 1857h-2,
1857h-5.

"(2) In issuing any suspension under paragraph (1), the Administrator is authorized to act on his own motion or upon application by any person (including a public officer or public agency).

Interim require-
ments, compli-
ance.

"(3) Any suspension under paragraph (1) shall be conditioned upon compliance with such interim requirements as the Administrator determines are reasonable and practicable. Such interim requirements shall include, but need not be limited to, (A) a requirement that the persons receiving the suspension comply with such reporting requirements as the Administrator determines may be necessary, (B) such measures as the Administrator determines are necessary to avoid an imminent and substantial endangerment to health of persons, and

June 22, 1974

- 5 -

Pub. Law 93-319

88 STAT. 250

(C) in the case of a suspension under paragraph (1) (A) (i), requirements that the suspension shall be inapplicable during any period during which fuels which would enable compliance with the suspended stationary source fuel or emission limitations are in fact reasonably available (as determined by the Administrator) to such person.

"(c) (1) Except as provided in paragraph (2) of this subsection, the Administrator shall issue a compliance date extension to any fuel-burning stationary source—

"(A) which is prohibited from using petroleum products or natural gas by reason of an order which is in effect under section 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, or

"(B) which the Administrator determines began conversion to the use of coal as its primary energy source during the period beginning on September 15, 1973, and ending on March 15, 1974, and which, on or after September 15, 1973, converts to the use of coal as its primary energy source. If a compliance date extension is issued to a source, such source shall not, until January 1, 1979, be prohibited, by reason of the application of any air pollution requirement, from burning coal which is available to such source, except as provided in subsection (d) (3). For purposes of this paragraph, the term 'began conversion' means action by the source during the period beginning on September 15, 1973, and ending on March 15, 1974 (such as entering into a contract binding on such source for obtaining coal, or equipment or facilities to burn coal; expanding substantial sums to permit such source to burn coal; or applying for an air pollution variance to enable such source to burn coal) which the Administrator finds evidences a decision (made prior to March 15, 1974) to convert to burning coal as a result of the unavailability of an adequate supply of fuels required for compliance with the applicable implementation plan, and a good faith effort to expeditiously carry out such decision.

"(2) (A) A compliance date extension under paragraph (1) of this subsection may be issued to a source only if—

(i) the Administrator finds that such source will not be able to burn coal which is available to such source in compliance with all applicable air pollution requirements without a compliance date extension,

(ii) the Administrator finds that the source will be able during the period of the compliance date extension to comply with all the primary standard conditions which are required under subsection (d) (2) to be applicable to such source, and with the regional limitation if applicable to such source, and

(iii) the source has submitted to the Administrator a plan for compliance for such source which the Administrator has approved. A plan submitted under clause (iii) of the preceding sentence shall be approved only if it meets the requirements of regulations prescribed under subparagraph (B). The Administrator shall approve or disapprove any such plan within 60 days after such plan is submitted.

"(B) Not later than 90 days after the date of enactment of this section, the Administrator shall prescribe regulations requiring that any source to which a compliance date extension applies submit and obtain approval of its means for and schedule of compliance with the require-

Compliance date, extension.

"Began conversion."

Conditions.

Regulations.

Compliance sched-ule.

ments of subparagraph (C) of this paragraph. Such regulations shall include requirements that such schedules shall include dates by which any such source must—

Contracts,
approval.

“(i) enter into contracts (or other obligations enforceable against such source) which the Administrator has approved as being adequate to provide for obtaining a long-term supply of coal which enables such source to achieve the emission reduction required by subparagraph (C), or

“(ii) if coal which enables such source to achieve such emission reduction is not available to such source, enter into contracts (or other obligations enforceable against such source) which the Administrator has approved as being adequate to provide for obtaining (I) a long-term supply of other coal, and (II) continuous emission reduction systems necessary to permit such source to burn such coal, and to achieve the degree of emission reduction required by subparagraph (C).

Regulations under this subparagraph shall provide that contracts or other obligations required to be approved under this subparagraph must be approved before they are entered into (except that a contract or obligation which was entered into before the date of enactment of this section may be approved after such date).

Emission re-
duction, re-
quirements.

“(C) Regulations under subparagraph (B) shall require that the source achieve the most stringent degree of emission reduction that such source would have been required to achieve under the applicable implementation plan which was in effect on the date of submittal (under subparagraph (B) of this paragraph) of the means for and schedule of compliance (or if no applicable implementation plan was in effect on such date, under the first applicable implementation plan which takes effect after such date). Such degree of emission reduction shall be achieved as soon as practicable, but not later than December 31, 1978; except that, in the case of a source for which a continuous emission reduction system is required for sulfur-related emissions, reduction of such emissions shall be achieved on a date designated by the Administrator (but not later than January 1, 1979). Such regulations shall also include such interim requirements as the Administrator determines are reasonable and practicable, including requirements described in subparagraphs (A) and (B) of subsection (b) (3) and requirements to file progress reports.

Progress reports.

“(D) A source which is issued a compliance date extension under this subsection, and which is located in an air quality control region in which a national primary ambient air quality standard for an air pollutant is not being met, may not emit such pollutant in amounts which exceed any emission limitation (and may not violate any other requirement) which applies to such source, under the applicable implementation plan for such pollutant. For purposes of this subparagraph, applicability of any such limitation or requirement to a source shall be determined without regard to this subsection or subsection (b).

“(3) A source to which this subsection applies may, upon the expiration of a compliance date extension, receive a one-year postponement of the application of any requirement of an applicable implementation plan under the conditions and in the manner provided in section 110(f).

June 22, 1974

- 7 -

Pub. Law 93-319

88 STAT. 252
Public notice.

"(4) The Administrator shall give notice to the public and afford an opportunity for oral and written presentations of data, views, and arguments before issuing any compliance date extension, prescribing any regulation under paragraph (2) of this subsection, making any finding under paragraph (2)(A) of this subsection, imposing any requirement on a source pursuant to paragraph (2) or any regulation thereunder, prescribing a primary standard condition under subsection (d)(2) which applies to a source to which an extension is issued under this subsection, or acting on any petition under subsection (d)(2)(C).

"(d)(1)(A) Whenever the Federal Energy Administrator issues an order under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 which will not apply after June 30, 1975, the Administrator of the Environmental Protection Agency shall certify to him—

"(i) in the case of a source to which no suspension will be issued under subsection (b), the earliest date on which such source will be able to burn coal and to comply with all applicable air pollution requirements, or

"(ii) in the case of a source to which a suspension will be issued under subsection (b) of this section, the date determined under paragraph (2)(B) of this subsection.

"(B) Whenever the Federal Energy Administrator issues an order under section 2(a) of such Act which will apply after June 30, 1975, the Administrator of the Environmental Protection Agency shall notify him if such source will be able, on and after July 1, 1975, to burn coal and to comply with all applicable air pollution requirements without a compliance date extension under subsection (c). If such notification is not given—

"(i) in the case of a source which is eligible for a compliance date extension under subsection (c), the Administrator of the Environmental Protection Agency shall certify to the Federal Energy Administrator the date determined under paragraph (2)(B) of this subsection, and

"(ii) in the case of a source which is not eligible for such an extension, the Administrator of the Environmental Protection Agency shall certify to the Federal Energy Administrator the earliest date on which the source will be able to burn coal and to comply with all applicable air pollution requirements.

"(2)(A) The Administrator of the Environmental Protection Agency, after consultation with appropriate States, shall prescribe (and may from time to time, after such consultation, modify) emission limitations, requirements respecting pollution characteristics of coal, or other enforceable measures for control of emissions, for each source to which a suspension under subsection (b)(1)(A)(ii) will apply, and for each source to which a compliance date extension under subsection (c)(1) will apply. Such limitations, requirements, and measures shall be those which he determines must be complied with by the source in order to assure (throughout the period that the suspension or extension will be in effect) that the burning of coal by such source will not result in emissions which cause or contribute to concentrations of any air pollutant in excess of any national primary ambient air quality standard for such pollutant.

Emission limitations.

88 STAT. 253

"(B) Whenever the Administrator prescribes a limitation, requirement, or measure under subparagraph (A) of this paragraph with respect to a source, he shall determine the earliest date on which such source will be able to comply with such limitation, requirement, or measure, and with any regional limitation applicable to such source.

Emission limita-
tions, petition
for modification.

"(C) An air pollution control agency may petition the Administrator (A) to modify any limitation, requirement, or other measure under this paragraph so as to assure compliance with the requirements of this paragraph, or (B) to issue to the Federal Energy Administration the certification described in paragraph (3)(B) on the grounds described in clause (iii) thereof. The Administrator shall take the action requested in the petition, or deny the petition, within 90 days after the date of receipt of the petition.

Compliance.

"(3) (A) If the Administrator determines that a source to which a suspension under subsection (b) (1) (A) (ii) or to which a compliance date extension under subsection (c) (1) applies is not in compliance with any primary standard condition, or that a source to which a compliance date extension applies is not in compliance with a regional limitation applicable to it, he shall (except as provided in subparagraph (B)) either—

"(i) enforce compliance with such condition or limitation under section 113, or

Public notice.

"(ii) (after notice to the public and affording an opportunity for interested persons to present data, views, and arguments, including oral presentations, to the extent practicable) revoke such suspension or compliance date extension.

"(B) If the Administrator finds that for any period—

"(i) a source, to which an order under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 applies, will be unable to comply with a primary standard condition or regional limitation,

"(ii) such a source will not be in compliance with such a condition or limitation, but such condition or limitation cannot be enforced because of a court order restraining its enforcement, or

"(iii) the burning of coal by such a source will result in an increase in emissions of any air pollutant for which national ambient air quality standards have not been promulgated (or an air pollutant which is transformed in the atmosphere into an air pollutant for which such a standard has not been promulgated), and that such increase may cause (or materially contribute to) a significant risk to public health,

he shall notify the Federal Energy Administrator of his finding and certify the period for which such order under such section 2(a) shall not be in effect with respect to such source. Subject to the conditions of the preceding sentence, such certification may be modified from time to time. For purposes of this subsection, subsection (c), and section 2 (a) or (b) of the Energy Supply and Environmental Coordination Act of 1974, a source shall be considered unable to comply with an air pollution requirement (including a primary standard condition or regional limitation) only if necessary technology or other alternative methods of control are not available or have not been available for a sufficient period of time.

June 22, 1974

- 9 -

Pub. Law 93-319

88 STAT., 254

"(4) Nothing in this Act shall prohibit a State, political subdivision of a State, or agency or instrumentality of either, from enforcing any primary standard condition or regional limitation.

"(5) A conversion to coal (A) to which a suspension under subsection (b) or a compliance date extension under subsection (c) applies or (B) by reason of an order under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 shall not be deemed to be a modification for purposes of section 111(a) (2) and (4) of this Act.

"(e) The Administrator may, by rule, establish priorities under which manufacturers of continuous emission reduction systems necessary to carry out subsection (c) shall provide such systems to users thereof, if he finds that priorities must be imposed in order to assure that such systems are first provided to sources in air quality control regions in which national primary ambient air quality standards have not been achieved. No rule under this subsection may impair the obligation of any contract entered into before the date of enactment of this section. To the extent necessary to carry out this section, the Administrator may prohibit any State or political subdivision of a State, or an agency or instrumentality of either, from requiring any person to use a continuous emission reduction system for which priorities have been established under this subsection, except in accordance with such priorities.

Continuous emis-
sion reduction
systems, manu-
facturing
priorities,
rules.

"(f) No State, political subdivision of a State, or agency or instrumentality of either, may require any person to whom a suspension has been issued under subsection (b) (1) to use any fuel the unavailability of which is the basis of such person's suspension (except that this subsection shall not apply to requirements identical to Federal requirements under subsection (b) (3) or subsection (d) (2)).

"(g) (1) It shall be unlawful for any person to whom a suspension has been issued under subsection (b) (1) to violate any requirement on which the suspension is conditioned pursuant to subsection (b) (3) or any primary standard condition applicable to him.

Unlawful acts.

"(2) It shall be unlawful for any person to fail to comply with any requirement under subsection (c), or any regulation, plan, or schedule thereunder (including a primary standard condition or regional limitation), which is applicable to such person.

"(3) It shall be unlawful for any person to violate any rule under subsection (e).

"(4) It shall be unlawful for any person to fail to comply with an interim requirement under subsection (i) (3).

"(h) Nothing in this section shall affect the power of the Administrator to deal with air pollution presenting an imminent and substantial endangerment to the health of persons under section 303 of this Act.

"(i) (1) In order to reduce the likelihood of early phaseout of existing electric generating powerplants, any electric generating powerplant (A) which, because of the age and condition of the plant, is to be taken out of service permanently no later than January 1, 1980, according to the power supply plan (in existence on January 1, 1974) of the owner or operator of such plant. (B) for which a certification to that effect has been filed by the owner or operator of the plant with the Environmental Protection Agency and the Federal Power Commission, and (C) for which such Commission has determined that

84 Stat. 1705.
42 USC 1857h-1.
Electric gener-
ating power-
plants, ces-
sation of
operation,
postponement.

88 STAT. 255

the certification has been made in good faith and that the plan to cease operations no later than January 1, 1980, will be carried out as planned in light of existing and prospective power supply requirements, shall be eligible for a single one-year postponement as provided in paragraph (2).

"(2) Prior to the date on which any powerplant eligible under paragraph (1) is required to comply with any requirement of an applicable implementation plan, such plant may apply (with the concurrence of the Governor of the State in which such plant is located) to the Administrator to postpone the applicability of such requirement to such plant for not more than one year. If the Administrator determines, after considering the risk to public health and welfare which may be associated with a postponement, that compliance with any such requirement is not reasonable in light of the projected useful life of the plant, the availability of rate base increases to pay for the costs of such compliance, and other appropriate factors, then the Administrator shall grant a postponement of any such requirement.

"(3) The Administrator shall, as a condition of any postponement under paragraph (2), prescribe such interim requirements as are practicable and reasonable in light of the criteria in paragraph (2).

Public notice.

80 Stat. 383.

"(j) (1) The Administrator may, after public notice and opportunity for presentation of data, views, and arguments in accordance with section 553 of title 5, United States Code, and after consultation with the Federal Energy Administrator, designate persons with respect to whom fuel exchange requirements should be imposed under paragraph (2) of this subsection. The purpose of such designation shall be to avoid or minimize the adverse impact on public health and welfare of any suspension under subsection (b) of this section or conversion to coal to which subsection (c) applies or of any allocation under section 2(d) of the Energy Supply and Environmental Coordination Act of 1974 or under the Emergency Petroleum Allocation Act of 1973.

87 Stat. 627.

15 USC 751
note.

"(2) The Federal Energy Administrator shall exercise his authority under section 2(d) of the Energy Supply and Environmental Coordination Act of 1974 and under the Emergency Petroleum Allocation Act of 1973 with respect to persons designated by the Administrator of the Environmental Protection Agency under paragraph (1) in order to require the exchange of any fuel subject to allocation under such Acts effective no later than forty-five days after the date of such designation, unless the Federal Energy Administrator determines, after consultation with the Administrator of the Environmental Protection Agency, that the costs or consumption of fuel, resulting from requiring such exchange, will be excessive.

Study; report
to Congress.

"(k) (1) The Administrator shall study, and report to Congress not later than six months after the date of enactment of this section, with respect to—

"(A) the present and projected impact of fuel shortages and fuel allocation programs on the program under this Act;

"(B) availability of continuous emission reduction technology (including projections respecting the time, cost, and number of units available) and the effects that continuous emission reduc-

June 22, 1974

- 11 -

Pub. Law 93-319

88 STAT. 256

tion systems would have on the total environment and on supplies of fuel and electricity;

"(C) the number of sources and locations which must use such technology based on projected fuel availability data;

"(D) a priority schedule for installation of continuous emission reduction technology, based on public health or air quality;

"(E) evaluation of availability of technology to burn municipal solid waste in electric powerplants or other major fuel burning installations, including time schedules, priorities, analysis of pollutants which may be emitted (including those for which national ambient air quality standards have not been promulgated), and a comparison of health benefits and detriments from burning solid waste and of economic costs;

"(F) evaluation of alternative control strategies for the attainment and maintenance of national ambient air quality standards for sulfur oxides within the time for attainment prescribed in this Act, including associated considerations of cost, time for attainment, feasibility, and effectiveness of such alternative control strategies as compared to stationary source fuel and emission regulations;

"(G) proposed priorities, for continuous emission reduction systems which do not produce solid waste, for sources which are least able to handle solid waste byproducts of such systems;

"(H) plans for monitoring or requiring sources to which this section applies to monitor the impact of actions under this section on concentrations of sulfur dioxide in the ambient air; and

"(I) steps taken pursuant to authority of section 110(a)(3)(B) of this Act.

"(2) Beginning January 1, 1975, the Administrator shall publish in the Federal Register, at no less than one-hundred-and-eighty-day intervals, the following:

Publication in
Federal Register.

"(A) A concise summary of progress reports which are required to be filed by any person or source owner or operator to which subsection (c) applies. Such progress reports shall report on the status of compliance with all requirements which have been imposed by the Administrator under such subsection.

"(B) Up-to-date findings on the impact of this section upon—

"(i) applicable implementation plans, and

"(ii) ambient air quality."

SEC. 4. IMPLEMENTATION PLAN REVISIONS.

(a) Section 110(a) of the Clean Air Act is amended in paragraph (3) by inserting "(A)" after "(3)" and by adding at the end thereof the following new subparagraph:

84 Stat. 1680.
42 USC 1857c-5.

"(B) As soon as practicable, the Administrator shall, consistent with the purposes of this Act and the Energy Supply and Environmental Coordination Act of 1974, review each State's applicable implementation plans and report to the State on whether such plans can be revised in relation to fuel burning stationary sources (or persons supplying fuel to such sources) without interfering with the attainment and maintenance of any national ambient air quality standard within the period permitted in this section. If the Administrator determines that any such plan can be revised, he shall notify the State that a plan revision may be submitted by the State. Any plan revision

Review.

Report to State.

Revised plans,
submittal.

Public notice
and hearing
opportunity.

which is submitted by the State shall, after public notice and opportunity for public hearing, be approved by the Administrator if the revision relates only to fuel burning stationary sources (or persons supplying fuel to such sources), and the plan as revised complies with paragraph (2) of this subsection. The Administrator shall approve or disapprove any revision no later than three months after its submission."

84 Stat. 1680.
42 USC 1857c-5.

(b) Subsection (c) of section 110 of the Clean Air Act is amended by inserting "(1)" after "(c)"; by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and by adding at the end thereof the following new paragraph:

Transportation
regulations
study.
Report, sub-
mittal to con-
gressional com-
mittees.

"(2) (A) The Administrator shall conduct a study and shall submit a report to the Committee on Interstate and Foreign Commerce of the United States House of Representatives and the Committee on Public Works of the United States Senate not later than three months after date of enactment of this paragraph on the necessity of parking surcharge, management of parking supply, and preferential bus/carpool lane regulations as part of the applicable implementation plans required under this section to achieve and maintain national primary ambient air quality standards. The study shall include an assessment of the economic impact of such regulations, consideration of alternative means of reducing total vehicle miles traveled, and an assessment of the impact of such regulations on other Federal and State programs dealing with energy or transportation. In the course of such study, the Administrator shall consult with other Federal officials including, but not limited to, the Secretary of Transportation, the Federal Energy Administrator, and the Chairman of the Council on Environmental Quality.

Parking sur-
charge.

"(B) No parking surcharge regulation may be required by the Administrator under paragraph (1) of this subsection as a part of an applicable implementation plan. All parking surcharge regulations previously required by the Administrator shall be void upon the date of enactment of this subparagraph. This subparagraph shall not prevent the Administrator from approving parking surcharges if they are adopted and submitted by a State as part of an applicable implementation plan. The Administrator may not condition approval of any implementation plan submitted by a State on such plan's including a parking surcharge regulation.

Regulations,
suspension au-
thority.

"(C) The Administrator is authorized to suspend until January 1, 1975, the effective date or applicability of any regulations for the management of parking supply or any requirement that such regulations be a part of an applicable implementation plan approved or promulgated under this section. The exercise of the authority under this subparagraph shall not prevent the Administrator from approving such regulations if they are adopted and submitted by a State as part of an applicable implementation plan. If the Administrator exercises the authority under this subparagraph, regulations requiring a review or analysis of the impact of proposed parking facilities before construction which take effect on or after January 1, 1975, shall not apply to parking facilities on which construction has been initiated before January 1, 1975.

June 22, 1974

- 13 -

Pub. Law 93-319

88 STAT. 258

Definitions.

“(D) For purposes of this paragraph—

“(i) The term ‘parking surcharge regulation’ means a regulation imposing or requiring the imposition of any tax, surcharge, fee, or other charge on parking spaces, or any other area used for the temporary storage of motor vehicles.

“(ii) The term ‘management of parking supply’ shall include any requirement providing that any new facility containing a given number of parking spaces shall receive a permit or other prior approval, issuance of which is to be conditioned on air quality considerations.

“(iii) The term ‘preferential bus/carpool lane’ shall include any requirement for the setting aside of one or more lanes of a street or highway on a permanent or temporary basis for the exclusive use of buses or carpools, or both.

“(E) No standard, plan, or requirement, relating to management of parking supply or preferential bus/carpool lanes shall be promulgated after the date of enactment of this paragraph by the Administrator pursuant to this section, unless such promulgation has been subjected to at least one public hearing which has been held in the area affected and for which reasonable notice has been given in such area. If substantial changes are made following public hearings, one or more additional hearings shall be held in such area after such notice.”

Promulgation.

Public hearing;
notice.

SEC. 5. MOTOR VEHICLE EMISSIONS.

(a) Section 202(b)(1)(A) of the Clean Air Act is amended by striking out “1975” and inserting in lieu thereof “1977”; and by inserting after “(A)” the following: “The regulations under subsection (a) applicable to emissions of carbon monoxide and hydrocarbons from light-duty vehicles and engines manufactured during model years 1975 and 1976 shall contain standards which are identical to the interim standards which were prescribed (as of December 1, 1973) under paragraph (5)(A) of this subsection for light-duty vehicles and engines manufactured during model year 1975.”

84 Stat. 1680.
42 USC 1857f-1.Model years 1975
and 1976, stand-
ards.

(b) Section 202(b)(1)(B) of such Act is amended by striking out “1976” and inserting in lieu thereof “1978”; and by inserting after “(B)” the following: “The regulations under subsection (a) applicable to emissions of oxides of nitrogen from light-duty vehicles and engines manufactured during model years 1975 and 1976 shall contain standards which are identical to the standards which were prescribed (as of December 1, 1973) under subsection (a) for light-duty vehicles and engines manufactured during model year 1975. The regulations under subsection (a) applicable to emissions of oxides of nitrogen from light-duty vehicles and engines manufactured during model year 1977 shall contain standards which provide that such emissions from such vehicles and engines may not exceed 2.0 grams per vehicle mile.”

(c) Section 202(b)(5)(A) of such Act is amended to read as follows:

“(5)(A) At any time after January 1, 1975, any manufacturer may file with the Administrator an application requesting the suspension for one year only of the effective date of any emission standard required by paragraph (1)(A) with respect to such manufacturer for light-duty vehicles and engines manufactured in model year 1977. The Administrator shall make his determination with respect to any such application within sixty days. If he determines, in accordance

Model year 1977
suspension re-
quest.

88 STAT. 259

with the provisions of this subsection, that such suspension should be granted, he shall simultaneously with such determination prescribe by regulation interim emission standards which shall apply (in lieu of the standards required to be prescribed by paragraph (1)(A) of this subsection) to emissions of carbon monoxide or hydrocarbons (or both) from such vehicles and engines manufactured during model year 1977."

Repeal. (d) Section 202(b)(5)(B) of the Clean Air Act is repealed and the following subparagraphs redesignated accordingly.

84 Stat. 1691.
42 USC 1857f.

SEC. 6. CONFORMING AMENDMENTS.

84 Stat. 1686;
85 Stat. 464.
42 USC 1857c-8.

(a) (1) Section 113(a)(3) of the Clean Air Act is amended by striking out "or" before "112(c)", by inserting a comma in lieu thereof, and by inserting after "hazardous emissions)" the following: ", or 119(g) (relating to energy-related authorities)".

(2) Section 113(b)(3) of such Act is amended by striking out "or 112(c)" and inserting in lieu thereof ", 112(c), or 119(g)".

(3) Section 113(c)(1)(C) of such Act is amended by striking out "or section 112(c)" and inserting in lieu thereof ", section 112(c), or section 119(g)".

42 USC 1857e-9.

(4) Section 114(a) of such Act is amended by inserting "119 or" before "303".

42 USC 1857d-1.

(b) Section 116 of the Clean Air Act is amended by inserting "119 (c), (e), and (f)," before "209".

42 USC 1857h-5.

(c) (1) The second sentence of subsection (b) of section 307 of such Act is amended by inserting ", or his action under section 119(c)(2) (A), (B), or (C) or under regulations thereunder," after "111(d)".

(2) The third sentence of such subsection is amended by striking out "or approval" and inserting in lieu thereof ", approval, or action".

15 USC 793.

SEC. 7. PROTECTION OF PUBLIC HEALTH AND ENVIRONMENT.

87 Stat. 627.
15 USC 751 note.

(a) Any allocation program provided for in section 2 of this Act or in the Emergency Petroleum Allocation Act of 1973, shall, to the maximum extent practicable, include measures to assure that available low sulfur fuel will be distributed on a priority basis to those areas of the United States designated by the Administrator of the Environmental Protection Agency as requiring low sulfur fuel to avoid or minimize adverse impact on public health.

Study.

Ante, p. 248.

(b) In order to determine the health effects of emissions of sulfur oxides to the air resulting from any conversions to burning coal to which section 119 of the Clean Air Act applies, the Department of Health, Education, and Welfare shall, through the National Institute of Environmental Health Sciences and in cooperation with the Environmental Protection Agency, conduct a study of chronic effects among exposed populations. The sum of \$3,500,000 is authorized to be appropriated for such a study. In order to assure that long-term studies can be conducted without interruption, such sums as are appropriated shall be available until expended.

Appropriation.

81 Stat. 485.
42 USC 1857.

(c) (1) No action taken under the Clean Air Act shall be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 856).

42 USC 4321
note.

(2) No action under section 2 of this Act for a period of one year after initiation of such action shall be deemed a major Federal action significantly affecting the quality of the human environment within

June 22, 1974

- 15 -

Pub. Law 93-319

88 STAT. 260

the meaning of the National Environmental Policy Act of 1969. However, before any action under section 2 of this Act that has a significant impact on the environment is taken, if practicable, or in any event within sixty days after such action is taken, an environmental evaluation with analysis equivalent to that required under section 102(2)(C) of the National Environmental Policy Act, to the greatest extent practicable within this time constraint, shall be prepared and circulated to appropriate Federal, State, and local government agencies and to the public for a thirty-day comment period after which a public hearing shall be held upon request to review outstanding environmental issues. Such an evaluation shall not be required where the action in question has been preceded by compliance with the National Environmental Policy Act by the appropriate Federal agency. Any action taken under section 2 of this Act which will be in effect for more than a one-year period or any action to extend an action taken under section 2 of this Act to a total period of more than one year shall be subject to the full provisions of the National Environmental Policy Act, notwithstanding any other provision of this Act.

83 Stat. 852.

Environment
evaluation,
availability.
83 Stat. 853.
42 USC 4332.

Hearing.

(d) In order to expedite the prompt construction of facilities for the importation of hydroelectric energy thereby helping to reduce the shortage of petroleum products in the United States, the Federal Power Commission is hereby authorized and directed to issue a Presidential permit pursuant to Executive Order 10485 of September 3, 1953, for the construction, operation, maintenance, and connection of facilities for the transmission of electric energy at the borders of the United States without preparing an environmental impact statement pursuant to section 102 of the National Environmental Policy Act of 1969 (83 Stat. 856) for facilities for the transmission of electric energy between Canada and the United States in the vicinity of Fort Covington, New York.

Hydroelectric
energy facil-
ities, con-
struction.

16 USC 824a
note.

42 USC 4332.

SEC. 8. ENERGY CONSERVATION STUDY.

15 USC 794.

(a) The Federal Energy Administrator shall conduct a study on potential methods of energy conservation and, not later than six months after the date of enactment of this Act, shall submit to Congress a report on the results of such study. The study shall include, but not be limited to, the following:

Report to
Congress.

(1) the energy conservation potential of restricting exports of fuels or energy-intensive products or goods, including an analysis of balance-of-payments and foreign relations implications of any such restrictions;

(2) alternative requirements, incentives, or disincentives for increasing industrial recycling and resource recovery in order to reduce energy demand, including the economic costs and fuel consumption tradeoff which may be associated with such recycling and resource recovery in lieu of transportation and use of virgin materials; and

(3) means for incentives or disincentives to increase efficiency of industrial use of energy.

(b) Within ninety days of the date of enactment of this Act, the Secretary of Transportation, after consultation with the Federal Energy Administrator, shall submit to the Congress for appropriate action an "Emergency Mass Transportation Assistance Plan" for the purpose of conserving energy by expanding and improving public

Emergency
Mass Trans-
portation As-
sistance Plan,
submission to
Congress.

mass transportation systems and encouraging increased ridership as alternatives to automobile travel.

(c) Such plan shall include, but shall not be limited to—

Grants.

(1) recommendations for emergency temporary grants to assist States and local public bodies and agencies thereof in the payment of operating expenses incurred in connection with the provision of expanded mass transportation service in urban areas;

87 Stat. 259.

(2) recommendations for additional emergency assistance for the purchase of buses and rolling stock for fixed rail, including the feasibility of accelerating the timetable for such assistance under section 142(a)(2) of title 23, United States Code (the "Federal Aid Highway Act of 1973"), for the purpose of providing additional capacity for and encouraging increased use of public mass transportation systems;

Fares.

(3) recommendations for a program of demonstration projects to determine the feasibility of fare-free and low-fare urban mass transportation systems, including reduced rates for elderly and handicapped persons during nonpeak hours of transportation;

Fringe parking.

(4) recommendations for additional emergency assistance for the construction of fringe and transportation corridor parking facilities to serve bus and other mass transportation passengers;

Tax incentives.

(5) recommendations on the feasibility of providing tax incentives for persons who use public mass transportation systems.

15 USC 795.

SEC. 9. REPORT.

Report to Congress.

The Administrator of the Environmental Protection Agency shall report to Congress not later than January 31, 1975, on the implementation of sections 3 through 7 of this Act.

SEC. 10. FUEL ECONOMY STUDY.

81 Stat. 499;

84 Stat. 1694.

42 USC 1857f-1.

Title II of the Clean Air Act is amended by redesignating section 213 as section 214 and by adding the following new section:

"FUEL ECONOMY IMPROVEMENT FROM NEW MOTOR VEHICLES

42 USC 1857f-6f.

Report to congressional committees.

"SEC. 213. (a) (1) The Administrator and the Secretary of Transportation shall conduct a joint study, and shall report to the Committee on Interstate and Foreign Commerce of the United States House of Representatives and the Committees on Public Works and Commerce of the United States Senate within one hundred and twenty days following the date of enactment of this section, concerning the practicability of establishing a fuel economy improvement standard of 20 per centum for new motor vehicles manufactured during and after model year 1980. Such study and report shall include, but not be limited to, the technological problems of meeting any such standard, including the leadtime involved; the test procedures required to determine compliance; the economic costs associated with such standard, including any beneficial economic impact; the various means of enforcing such standard; the effect on consumption of natural resources, including energy consumed; and the impact of applicable safety and emission standards. In the course of performing such study, the Administrator and the Secretary of Transportation shall utilize the research previously performed in the Department of Transportation, and the Administrator and the Secretary shall consult with the Federal Energy

June 22, 1974

- 17 -

Pub. Law 93-319

88 STAT. 262

Administrator, the Chairman of the Council on Environmental Quality, and the Secretary of the Treasury. The Office of Management and Budget may review such report before its submission to such committees of the Congress, but such Office may not revise the report or delay its submission beyond the date prescribed for its submission, and may submit to Congress its comments respecting such report. In connection with such study, the Administrator may utilize the authority provided in section 307(a) of this Act to obtain necessary information.

OMB review and comments.

"(2) For the purpose of this section, the term 'fuel economy improvement standard' means a requirement of a percentage increase in the number of miles of transportation provided by a manufacturer's entire annual production of new motor vehicles per unit of fuel consumed, as determined for each manufacturer in accordance with test procedures established by the Administrator pursuant to this Act. Such term shall not include any requirement for any design standard or any other requirement specifying or otherwise limiting the manufacturer's discretion in deciding how to comply with the fuel economy improvement standard by any lawful means."

84 Stat. 1707;
85 Stat. 464.
42 USC 1857h-5.
"Fuel economy improvement standard."

SEC. 11. REPORTING OF ENERGY INFORMATION.

15 USC 796.

(a) For the purpose of assuring that the Federal Energy Administrator, the Congress, the States, and the public have access to and are able to obtain reliable energy information, the Federal Energy Administrator shall request, acquire, and collect such energy information as he determines to be necessary to assist in the formulation of energy policy or to carry out the purposes of this Act or the Emergency Petroleum Allocation Act of 1973. The Federal Energy Administrator shall promptly promulgate rules pursuant to subsection (b) (1) (A) of this section requiring reports of such information to be submitted to the Federal Energy Administrator at least every ninety calendar days.

87 Stat. 627.
15 USC 751
note.
Rules.

(b) (1) In order to obtain energy information for the purpose of carrying out the provisions of subsection (a), the Federal Energy Administrator is authorized—

(A) to require, by rule, any person who is engaged in the production, processing, refining, transportation by pipeline, or distribution (at other than the retail level) of energy resources to submit reports;

(B) to sign and issue subpoenas for the attendance and testimony of witnesses and the production of books, records, papers, and other documents;

(C) to require any person, by general or special order, to submit answers in writing to interrogatories, requests for reports or for other information; and such answers or other submissions shall be made within such reasonable period, and under oath or otherwise, as the Federal Energy Administrator may determine; and

(D) to administer oaths.

(2) For the purpose of verifying the accuracy of any energy information requested, acquired, or collected by the Federal Energy Administrator, the Federal Energy Administrator, or any officer or

Accuracy, verification.

employer duly designated by him, upon presenting appropriate credentials and a written notice from the Federal Energy Administrator to the owner, operator, or agent in charge, may—

(A) enter, at reasonable times, any business premise or facility; and

(B) inspect, at reasonable times and in a reasonable manner, any such premise or facility, inventory and sample any stock of energy resources therein, and examine and copy books, records, papers, or other documents, relating to any such energy information.

Compliance
order.

(3) Any United States district court within the jurisdiction of which any inquiry is carried on may, upon petition by the Attorney General at the request of the Federal Energy Administrator, in the case of refusal to obey a subpoena or order of the Federal Energy Administrator issued under this section, issue an order requiring compliance therewith; and any failure to obey the order of the court may be punished by the court as a contempt thereof.

(c)(1) The Federal Energy Administrator shall exercise the authorities granted to him under subsection (b)(1)(A) to develop, within thirty days after the date of enactment of this Act, as full and accurate a measure as is reasonably practicable of—

(A) domestic reserves and production;

(B) imports; and

(C) inventories;

of crude oil, residual fuel oil, refined petroleum products, natural gas, and coal.

Energy in-
formation,
quarterly re-
port.

(2) For each calendar quarter beginning with the first complete calendar quarter following the date of enactment of this Act, the Federal Energy Administrator shall develop and publish a report containing the following energy information:

(A) Imports of crude oil, residual fuel oil, refined petroleum products (by product), natural gas, and coal, identifying (with respect to each such oil, product, gas, or coal) country of origin, arrival point, quantity received, and the geographic distribution within the United States.

(B) Domestic reserves and production of crude oil, natural gas, and coal.

(C) Refinery activities, showing for each refinery within the United States (i) the amounts of crude oil run by such refinery, (ii) amounts of crude oil allocated to such refinery pursuant to regulations and orders of the Federal Energy Administrator, his delegate pursuant to the Emergency Petroleum Allocation Act of 1973, or any other person authorized by law to issue regulations and orders with respect to the allocation of crude oil, (iii) percentage of refinery capacity utilized, and (iv) amounts of products refined from such crude oil.

(D) Report of inventories, on a national, regional, and State-by-State basis—

(i) of various refined petroleum products, relating refiners, refineries, suppliers to refiners, share of market, and allocation fractions;

(ii) of various refined petroleum products, previous quarter deliveries and anticipated three-month available supplies;

June 22, 1974

- 19 -

Pub. Law 93-319

88 STAT. 264

(iii) of anticipated monthly supply of refined petroleum products, amount of set-aside for assignment by the State, anticipated State requirements, excess or shortfall of supply, and allocation fraction of base year; and

(iv) of LPG by State and owner: quantities stored, and existing capacities, and previous priorities on types, inventories of suppliers, and changes in supplier inventories.

(d) Upon a showing satisfactory to the Federal Energy Administrator by any person that any energy information obtained under this section from such person would, if made public, divulge methods or processes entitled to protection as trade secrets or other proprietary information of such person, such information, or portion thereof, shall be confidential in accordance with the provisions of section 1905 of title 18, United States Code; except that such information, or part thereof, shall not be deemed confidential for purposes of disclosure, upon request, to (1) any delegate of the Federal Energy Administrator for the purpose of carrying out this Act and the Emergency Petroleum Allocation Act of 1973, (2) the Attorney General, the Secretary of the Interior, the Federal Trade Commission, the Federal Power Commission, or the General Accounting Office, when necessary to carry out those agencies' duties and responsibilities under this and other statutes, and (3) the Congress, or any committee of Congress upon request of the Chairman.

Confidential
information.

62 Stat. 791.

87 Stat. 627.
15 USC 751
note.

(e) As used in this section:

Definitions.

(1) The term "energy information" includes (A) all information in whatever form on (i) fuel reserves, exploration, extraction, and energy resources (including petrochemical feedstocks) wherever located; (ii) production, distribution, and consumption of energy and fuels wherever carried on; and (B) matters relating to energy and fuels, such as corporate structure and proprietary relationships, costs, prices, capital investment, and assets, and other matters directly related thereto, wherever they exist.

(2) The term "person" means any natural person, corporation, partnership, association, consortium, or any entity organized for a common business purpose, wherever situated, domiciled, or doing business, who directly or through other persons subject to their control does business in any part of the United States.

(3) The term "United States" when used in the geographical sense means the States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

(f) Information obtained by the Administration under authority of this Act shall be available to the public in accordance with the provisions of section 552 of title 5, United States Code.

Information,
availability.

81 Stat. 54.

(g) (1) The authority contained in this section is in addition to, independent of, not limited by, and not in limitation of, any other authority of the Federal Energy Administrator.

(2) The provisions of this section expire at midnight, June 30, 1975, but such expiration shall not affect any administrative or judicial proceeding which relates to any act or failure to act if such act or failure to act was not in compliance with the requirements and authorities of this section and occurred prior to midnight, June 30, 1975.

Expiration
date.

15 USC 797.

SEC. 12. ENFORCEMENT.

(a) It shall be unlawful for any person to violate any provision of section 2 (relating to coal conversion and allocation) or section 11 (relating to energy information) or to violate any rule, regulation, or order issued pursuant to any such provision.

Penalties.

88 STAT. 264

88 STAT. 265

(b) (1) Whoever violates any provision of subsection (a) shall be subject to a civil penalty of not more than \$2,500 for each violation.

(2) Whoever willfully violates any provision of subsection (a) shall be fined not more than \$5,000 for each violation.

(3) It shall be unlawful for any person to offer for sale or distribute in commerce any coal in violation of an order or regulation issued pursuant to section 2(d). Any person who knowingly and willfully violates this paragraph after having been subjected to a civil penalty for a prior violation of the same provision of any order or regulation issued pursuant to section 2(d) shall be fined not more than \$50,000, or imprisoned not more than six months, or both.

(4) Whenever it appears to the Federal Energy Administrator or any person authorized by the Federal Energy Administrator to exercise authority under this section 2 or section 11 of this Act that any individual or organization has engaged, is engaged, or is about to engage in acts or practices constituting a violation of subsection (a) the Federal Energy Administrator or such person may request the Attorney General to bring a civil action to enjoin such acts or practices, and upon a proper showing, a temporary restraining order or a preliminary or permanent injunction shall be granted without bond. In such action, the court may also issue mandatory injunctions commanding any person to comply with any provision, the violation of which is prohibited by subsection (a).

(5) Any person suffering legal wrong because of any act or practice arising out of any violation of subsection (a) may bring a civil action for appropriate relief, including an action for a declaratory judgment or writ of injunction. United States district courts shall have jurisdiction of actions under this paragraph without regard to the amount in controversy. Nothing in this paragraph shall authorize any person to recover damages.

SEC. 13. EXTENSION OF CLEAN AIR ACT AUTHORIZATION.

87 Stat. 11.

42 USC 1857b-1.

(a) Section 104(c) of the Clean Air Act is amended by striking "and \$150,000,000 for the fiscal year ending June 30, 1974" and inserting in lieu thereof "\$150,000,000 for the fiscal year ending June 30, 1974, and \$150,000,000 for the fiscal year ending June 30, 1975."

42 USC 1857f-5e.

(b) Section 212(i) of such Act is amended by striking "three succeeding fiscal years." and inserting in lieu thereof "four succeeding fiscal years."

42 USC 1857l.

(c) Section 316 of such Act is amended by striking "and \$300,000,000 for the fiscal year ending June 30, 1974" and inserting in lieu thereof "\$300,000,000 for the fiscal year ending June 30, 1974, and \$300,000,000 for the fiscal year ending June 30, 1975".

15 USC 798.

SEC. 14. DEFINITIONS.

11 Stat. 485;

14 Stat. 1676.

42 USC 1857.

(a) For purposes of this Act and the Clean Air Act the term "Federal Energy Administrator" means the Administrator of the Federal Energy Administration established by Federal Energy

June 22, 1974

- 21 -

Pub. Law 93-319

Administration Act of 1974 (Public Law 93-275); except that until such Administrator takes office and after such Administration ceases to exist, such term means any officer of the United States designated as Federal Energy Administrator by the President for purposes of this Act and section 119 of the Clean Air Act.

(b) For purposes of this Act, the term "petroleum product" means crude oil, residual fuel oil, or any refined petroleum product (as defined in section 3(5) of the Emergency Petroleum Allocation Act of 1973).

Approved June 22, 1974.

88 STAT. 265

Ante, p. 96.Ante, p. 248.

87 Stat. 628.

15 USC 752.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-1013 (Comm. on. Interstate and Foreign Commerce) and No. 93-1085 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 120 (1974):

May 1, considered and passed House.

May 14, considered and passed Senate, amended.

June 11, House agreed to conference report.

June 12, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 10, No. 26:

June 26, Presidential statement.



Public Law 93-320
93rd Congress, H. R. 12165
June 24, 1974

An Act

86 STAT. 266

To authorize the construction, operation, and maintenance of certain works in the Colorado River Basin to control the salinity of water delivered to users in the United States and Mexico.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Colorado River Basin Salinity Control Act".

Colorado River
Basin Salinity
Control Act.

43 USC 1571
note.

TITLE I—PROGRAMS DOWNSTREAM FROM IMPERIAL DAM

SEC. 101. (a) The Secretary of the Interior, hereinafter referred to as the "Secretary", is authorized and directed to proceed with a program of works of improvement for the enhancement and protection of the quality of water available in the Colorado River for use in the United States and the Republic of Mexico, and to enable the United States to comply with its obligations under the agreement with Mexico of August 30, 1973 (Minute No. 242 of the International Boundary and Water Commission, United States and Mexico), concluded pursuant to the Treaty of February 3, 1944 (TS 994), in accordance with the provisions of this Act.

U.S. and
Mexico, water
quality improve-
ment.
43 USC 1571.

TIAS 7708.
59 Stat. 1219.

(b) (1) The Secretary is authorized to construct, operate, and maintain a desalting complex, including (1) a desalting plant to reduce the salinity of drain water from the Wellton-Mohawk division of the Gila project, Arizona (hereinafter referred to as the division), including a pretreatment plant for settling, softening, and filtration of the drain water to be desalted; (2) the necessary appurtenant works including the intake pumping plant system, product waterline, power transmission facilities, and permanent operating facilities; (3) the necessary extension in the United States and Mexico of the existing bypass drain to carry the reject stream from the desalting plant and other drainage waters to the Santa Clara Slough in Mexico, with the part in Mexico, subject to arrangements made pursuant to section 101(d); (4) replacement of the metal flume in the existing main outlet drain extension with a concrete siphon; (5) reduction of the quantity of irrigation return flows through acquisition of lands to reduce the size of the division, and irrigation efficiency improvements to minimize return flows; (6) acquire on behalf of the United States such lands or interest in lands in the Painted Rock Reservoir as may be necessary to operate the project in accordance with the obligations of Minute No. 242, and (7) all associated facilities including roads, railroad spur, and transmission lines.

Desalting com-
plexes, con-
struction and
maintenance.

(2) The desalting plant shall be designed to treat approximately one hundred and twenty-nine million gallons a day of drain water using advanced technology commercially available. The plant shall effect recovery initially of not less than 70 per centum of the drain water as product water, and shall effect reduction of not less than 90 per centum of the dissolved solids in the feed water. The Secretary shall use sources of electric power supply for the desalting complex that will not diminish the supply of power to preference customers from Federal power systems operated by the Secretary. All costs associated with the desalting plant shall be nonreimbursable.

Desalting
plants, treat-
ment capacity.

Nonreimbursable

88 STAT., 267 Replacement water, stud- ies.	(c) Replacement of the reject stream from the desalting plant and of any Wellton-Mohawk drainage water bypassed to the Santa Clara Slough to accomplish essential operation except at such times when there exists surplus water of the Colorado River under the terms of the Mexican Water Treaty of 1944, is recognized as a national obligation as provided in section 202 of the Colorado River Basin Project Act (82 Stat. 895). Studies to identify feasible measures to provide adequate replacement water shall be completed not later than June 30, 1980. Said studies shall be limited to potential sources within the States of Arizona, California, Colorado, New Mexico, and those portions of Nevada, Utah, and Wyoming which are within the natural drainage basin of the Colorado River. Measures found necessary to replace the reject stream from the desalting plant and any Wellton-Mohawk drainage bypassed to the Santa Clara Slough to accomplish essential operations may be undertaken independently of the national obligation set forth in section 202 of the Colorado River Basin Project Act.
59 Stat. 1219.	
82 Stat. 887. 43 USC 1512.	(d) The Secretary is hereby authorized to advance funds to the United States section, International Boundary and Water Commission (IBWC), for construction, operation, and maintenance by Mexico pursuant to Minute No. 242 of that portion of the bypass drain within Mexico. Such funds shall be transferred to an appropriate Mexican agency, under arrangements to be concluded by the IBWC providing for the construction, operation, and maintenance of such facility by Mexico.
U.S. section, IBWC, funds, advance. TIAS 7708.	(e) Any desalted water not needed for the purposes of this title may be exchanged at prices and under terms and conditions satisfactory to the Secretary and the proceeds therefrom shall be deposited in the General Fund of the Treasury. The city of Yuma, Arizona, shall have first right of refusal to any such water.
Desalted water exchange.	(f) For the purpose of reducing the return flows from the division to one hundred and seventy-five thousand acre-feet or less, annually, the Secretary is authorized to:
Return flow reduction.	(1) Accelerate the cooperative program of Irrigation Management Services with the Wellton-Mohawk Irrigation and Drainage District, hereinafter referred to as the district, for the purpose of improving irrigation efficiency. The district shall bear its share of the cost of such program as determined by the Secretary.
Irrigable acreage reduc- tion.	(2) Acquire, by purchase or through eminent domain or exchange, to the extent determined by him to be appropriate, lands or interests in lands to reduce the existing seventy-five thousand developed and undeveloped irrigable acres authorized by the Act of July 30, 1947 (61 Stat. 628), known as the Gila Reauthorization Act. The initial reduction in irrigable acreage shall be limited to approximately ten thousand acres. If the Secretary determines that the irrigable acreage of the division must be reduced below sixty-five thousand acres of irrigable lands to carry out the purpose of this section, the Secretary is authorized, with the consent of the district, to acquire additional lands, as may be deemed by him to be appropriate.
43 USC 613, Limitation.	(g) The Secretary is authorized to dispose of the acquired lands and interests therein on terms and conditions satisfactory to him and meeting the objective of this Act.
Acquired lands, disposal.	(h) The Secretary is authorized, either in conjunction with or in lieu of land acquisition, to assist water users in the division in installing system improvements, such as ditch lining, change of field layouts, automatic equipment, sprinkler systems and bubbler systems, as a means of increasing irrigation efficiencies: <i>Provided, however, That</i>
System improve- ments, instal- lation assist- ance.	

June 24, 1974

- 3 -

Pub. Law 93-320

88 STAT. 268

all costs associated with the improvements authorized herein and allocated to the water users on the basis of benefits received, as determined by the Secretary, shall be reimbursed to the United States in amounts and on terms and conditions satisfactory to the Secretary.

Costs, reimbursement to U.S.

(i) The Secretary is authorized to amend the contract between the United States and the district dated March 4, 1952, as amended, to provide that—

Contract amendment.

(1) the portion of the existing repayment obligation owing to the United States allocable to irrigable acreage eliminated from the division for the purposes of this title, as determined by the Secretary, shall be nonreimbursable; and

(2) if deemed appropriate by the Secretary, the district shall be given credit against its outstanding repayment obligation to offset any increase in operation and maintenance assessments per acre which may result from the district's decreased operation and maintenance base, all as determined by the Secretary.

(j) The Secretary is authorized to acquire through the Corps of Engineers fee title to, or other necessary interests in, additional lands above the Painted Rock Dam in Arizona that are required for the temporary storage capacity needed to permit operation of the dam and reservoir in times of serious flooding in accordance with the obligations of the United States under Minute No. 242. No funds shall be expended for acquisition of land or interests therein until it is finally determined by a Federal court of competent jurisdiction that the Corps of Engineers presently lacks legal authority to use said lands for this purpose. Nothing contained in this title nor any action taken pursuant to it shall be deemed to be a recognition or admission of any obligation to the owners of such land on the part of the United States or a limitation or deficiency in the rights or powers of the United States with respect to such lands or the operation of the reservoir.

Land acquisition for storage.

TIAS 7708.

(k) To the extent desirable to carry out sections 101(f)(1) and 101(h), the Secretary may transfer funds to the Secretary of Agriculture as may be required for technical assistance to farmers, conduct of research and demonstrations, and such related investigations as are required to achieve higher on-farm irrigation efficiencies.

Transfer of funds.

(l) All cost associated with the desalting complex shall be nonreimbursable except as provided in sections 101(f) and 101(h).

Nonreimbursable costs.

SEC. 102. (a) To assist in meeting salinity control objectives of Minute No. 242 during an interim period, the Secretary is authorized to construct a new concrete-lined canal or, to line the presently unlined portion of the Coachella Canal of the Boulder Canyon project, California, from station 2 plus 26 to the beginning of siphon numbered 7, a length of approximately forty-nine miles. The United States shall be entitled to temporary use of a quantity of water, for the purpose of meeting the salinity control objectives of Minute No. 242, during an interim period, equal to the quantity of water conserved by constructing or lining the said canal. The interim period shall commence on completion of construction or lining said canal and shall end the first year that the Secretary delivers main stream Colorado River water to California in an amount less than the sum of the quantities requested by (1) the California agencies under contracts made pursuant to section 5 of the Boulder Canyon Project Act (45 Stat. 1057), and (2) Federal establishments to meet their water rights acquired in California in accordance with the Supreme Court decree in Arizona against California (376 U.S. 340).

Canal or canal lining, construction.
43 USC 1572.

43 USC 617d.

(b) The charges for total construction shall be repayable without interest in equal annual installments over a period of forty years beginning in the year following completion of construction: *Provided*,

Repayment.

88 STAT., 269

Repayment con-
tract.

That, repayment shall be prorated between the United States and the Coachella Valley County Water District, and the Secretary is authorized to enter into a repayment contract with Coachella Valley County Water District for that purpose. Such contract shall provide that annual repayment installments shall be nonreimbursable during the interim period, defined in section 102(a) of this title and shall provide that after the interim period, said annual repayment installments or portions thereof, shall be paid by Coachella Valley County Water District.

Private lands,
acquisition.

(c) The Secretary is authorized to acquire by purchase, eminent domain, or exchange private lands or interests therein, as may be determined by him to be appropriate, within the Imperial Irrigation District on the Imperial East Mesa which receive, or which have been granted rights to receive, water from Imperial Irrigation District's capacity in the Coachella Canal. Costs of such acquisitions shall be nonreimbursable and the Secretary shall return such lands to the public domain. The United States shall not acquire any water rights by reason of this land acquisition.

Imperial Irriga-
tion District,
construction
charges, credit.

(d) The Secretary is authorized to credit Imperial Irrigation District against its final payments for certain outstanding construction charges payable to the United States on account of capacity to be relinquished in the Coachella Canal as a result of the canal lining program, all as determined by the Secretary: *Provided*, That, relinquishment of capacity shall not affect the established basis for allocating operation and maintenance costs of the main All-American Canal to existing contractors.

Cocopah Tribe of
Indians, trans-
fer of lands by
U.S.

(e) The Secretary is authorized and directed to cede the following land to the Cocopah Tribe of Indians, subject to rights-of-way for existing levees, to be held in trust by the United States for the Cocopah Tribe of Indians:

Township 9 south, range 25 west of the Gila and Salt River meridian, Arizona;

Section 25: Lots 18, 19, 20, 21, 22, and 23;

Section 26: Lots 1, 12, 13, 14, and 15;

Section 27: Lot 3; and all accretion to the above described lands.

Bridges, con-
struction.

The Secretary is authorized and directed to construct three bridges, one of which shall be capable of accommodating heavy vehicular traffic, over the portion of the bypass drain which crosses the reservation of the Cocopah Tribe of Indians. The transfer of lands to the Cocopah Indian Reservation and the construction of bridges across the bypass drain shall constitute full and complete payment to said tribe for the rights-of-way required for construction of the bypass drain and electrical transmission lines for works authorized by this title.

43 USC 1573.

SEC. 103. (a) The Secretary is authorized to:

Well fields,
construction and
maintenance.
TIAS 7708.

(1) Construct, operate, and maintain, consistent with Minute No. 242, well fields capable of furnishing approximately one hundred and sixty thousand acre-feet of water per year for use in the United States and for delivery to Mexico in satisfaction of the 1944 Mexican Water Treaty.

59 Stat. 1219.

Land acquisition.

(2) Acquire by purchase, eminent domain, or exchange, to the extent determined by him to be appropriate, approximately twenty-three thousand five hundred acres of lands or interests therein within approximately five miles of the Mexican border on the Yuma Mesa: *Provided, however*, That any such lands which are presently owned by the State of Arizona may be acquired or exchanged for Federal lands.

June 24, 1974

- 5 -

Pub. Law 93-320

(3) Any lands removed from the jurisdiction of the Yuma Mesa Irrigation and Drainage District pursuant to clause (2) of this subsection which were available for use under the Gila Reauthorization Act (61 Stat. 628), shall be replaced with like lands within or adjacent to the Yuma Mesa division of the project. In the development of these substituted lands or any other lands within the Gila project, the Secretary may provide for full utilization of the Gila Gravity Main Canal in addition to contracted capacities.

(b) The cost of work provided for in this section, including delivery of water to Mexico, shall be nonreimbursable; except to the extent that the waters furnished are used in the United States.

SEC. 104. The Secretary is authorized to provide for modifications of the projects authorized by this title to the extent he determines appropriate for purposes of meeting the international settlement objective of this title at the lowest overall cost to the United States. No funds for any such modification shall be expended until the expiration of sixty days after the proposed modification has been submitted to the appropriate committees of the Congress, unless the Congress approves an earlier date by concurrent resolution. The Secretary shall notify the Governors of the Colorado River Basin States of such modifications.

SEC. 105. The Secretary is hereby authorized to enter into contracts that he deems necessary to carry out the provisions of this title in advance of the appropriation of funds therefor.

SEC. 106. In carrying out the provisions of this title, the Secretary shall consult and cooperate with the Secretary of State, the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and other affected Federal, State, and local agencies.

SEC. 107. Nothing in this Act shall be deemed to modify the National Environmental Policy Act of 1969, the Federal Water Pollution Control Act, as amended, or, except as expressly stated herein, the provisions of any other Federal law.

SEC. 108. There is hereby authorized to be appropriated the sum of \$121,500,000 for the construction of the works and accomplishment of the purposes authorized in sections 101 and 102, and \$34,000,000 to accomplish the purposes of section 103, based on April 1973 prices, plus or minus such amounts as may be justified by reason of ordinary fluctuations in construction costs involved therein, and such sums as may be required to operate and maintain such works and to provide for such modifications as may be made pursuant to section 104. There is further authorized to be appropriated such sums as may be necessary to pay condemnation awards in excess of appraised values and to cover costs required in connection with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 90-646).

TITLE II—MEASURES UPSTREAM FROM IMPERIAL DAM

SEC. 201. (a) The Secretary of the Interior shall implement the salinity control policy adopted for the Colorado River in the "Conclusions and Recommendations" published in the Proceedings of the Reconvened Seventh Session of the Conference in the Matter of Pollution of the Interstate Waters of the Colorado River and Its Tributaries in the States of California, Colorado, Utah, Arizona, Nevada, New Mexico, and Wyoming, held in Denver, Colorado, on April 26-27, 1972, under the authority of section 10 of the Federal Water Pollution Control Act (33 U.S.C. 1160), and approved by the Administrator of the Environmental Protection Agency on June 9, 1972.

86 STAT. 270
Land replacement.

45 Stat. 1057.
43 USC 617d.

Nonreimbursable costs.

Project modification.
43 USC 1574.

Contract authority.
43 USC 1575.

Interagency cooperation.
43 USC 1576.

43 USC 1577.

83 Stat. 852.

42 USC 4321

note.

86 Stat. 816.

33 USC 1251

note.

Appropriation.

43 USC 1578.

84 Stat. 1894.
42 USC 4601

note.

43 USC 1591.

70 Stat. 506;

80 Stat. 1250.

88 STAT. 271

(b) The Secretary is hereby directed to expedite the investigation, planning, and implementation of the salinity control program generally as described in chapter VI of the Secretary's report entitled, "Colorado River Water Quality Improvement Program, February 1972".

Interagency
cooperation.

(c) In conformity with section 201 (a) of this title and the authority of the Environmental Protection Agency under Federal laws, the Secretary, the Administrator of the Environmental Protection Agency, and the Secretary of Agriculture are directed to cooperate and coordinate their activities effectively to carry out the objective of this title.

Salinity con-
trol units,
construction
and maintenance.
43 USC 1592.

SEC. 202. The Secretary is authorized to construct, operate, and maintain the following salinity control units as the initial stage of the Colorado River Basin salinity control program.

(1) The Paradox Valley unit, Montrose County, Colorado, consisting of facilities for collection and disposition of saline ground water of Paradox Valley, including wells, pumps, pipelines, solar evaporation ponds, and all necessary appurtenant and associated works such as roads, fences, dikes, power transmission facilities, and permanent operating facilities.

(2) The Grand Valley unit, Colorado, consisting of measures and all necessary appurtenant and associated works to reduce the seepage of irrigation water from the irrigated lands of Grand Valley into the ground water and thence into the Colorado River. Measures shall include lining of canals and laterals, and the combining of existing canals and laterals into fewer and more efficient facilities. Prior to initiation of construction of the Grand Valley unit the Secretary shall enter into contracts through which the agencies owning, operating, and maintaining the water distribution systems in Grand Valley, singly or in concert, will assume all obligations relating to the continued operation and maintenance of the unit's facilities to the end that the maximum reduction of salinity inflow to the Colorado River will be achieved. The Secretary is also authorized to provide, as an element of the Grand Valley unit, for a technical staff to provide information and assistance to water users on means and measures for limiting excess water applications to irrigated lands: *Provided*, That such assistance shall not exceed a period of five years after funds first become available under this title. The Secretary will enter into agreements with the Secretary of Agriculture to develop a unified control plan for the Grand Valley unit. The Secretary of Agriculture is directed to cooperate in the planning and construction of on-farm system measures under programs available to that Department.

(3) The Crystal Geyser unit, Utah, consisting of facilities for collection and disposition of saline geyser discharges: including dikes, pipelines, solar evaporation ponds, and all necessary appurtenant works including operating facilities.

(4) The Las Vegas Wash unit, Nevada, consisting of facilities for collection and disposition of saline ground water of Las Vegas Wash, including infiltration galleries, pumps, desalter, pipelines, solar evaporation facilities, and all appurtenant works including but not limited to roads, fences, power transmission facilities, and operating facilities.

43 USC 1593.
Planning
reports.

SEC. 203. (a) The Secretary is authorized and directed to—

(1) Expedite completion of the planning reports on the following units, described in the Secretary's report, "Colorado River Water Quality Improvement Program, February 1972":

June 24, 1974

- 7 -

Pub. Law 93-320

88 STAT. 272

- (i) Irrigation source control:
 - Lower Gunnison
 - Uintah Basin
 - Colorado River Indian Reservation
 - Palo Verde Irrigation District
- (ii) Point source control:
 - LaVerkin Springs
 - Littlefield Springs
 - Glenwood-Dotsero Springs
- (iii) Diffuse source control:
 - Price River
 - San Rafael River
 - Dirty Devil River
 - McElmo Creek
 - Big Sandy River

(2) Submit each planning report on the units named in section 203(a)(1) of this title promptly to the Colorado River Basin States and to such other parties as the Secretary deems appropriate for their review and comments. After receipt of comments on a unit and careful consideration thereof, the Secretary shall submit each final report with his recommendations, simultaneously, to the President, other concerned Federal departments and agencies, the Congress, and the Colorado River Basin States.

Reports.

Submittal to
President and
Congress.

(b) The Secretary is directed—

(1) in the investigation, planning, construction, and implementation of any salinity control unit involving control of salinity from irrigation sources, to cooperate with the Secretary of Agriculture in carrying out research and demonstration projects and in implementing on-the-farm improvements and farm management practices and programs which will further the objective of this title;

Research and
demonstration
projects.

(2) to undertake research on additional methods for accomplishing the objective of this title, utilizing to the fullest extent practicable the capabilities and resources of other Federal departments and agencies, interstate institutions, States, and private organizations.

SEC. 204. (a) There is hereby created the Colorado River Basin Salinity Control Advisory Council composed of no more than three members from each State appointed by the Governor of each of the Colorado River Basin States.

Colorado River
Basin Salinity
Control Advisory
Council.
43 USC 1594.
Establishment.
Duties.

(b) The Council shall be advisory only and shall—

(1) act as liaison between both the Secretaries of Interior and Agriculture and the Administrator of the Environmental Protection Agency and the States in accomplishing the purposes of this title;

(2) receive reports from the Secretary on the progress of the salinity control program and review and comment on said reports; and

(3) recommend to both the Secretary and the Administrator of the Environmental Protection Agency appropriate studies of further projects, techniques, or methods for accomplishing the purposes of this title.

SEC. 205. (a) The Secretary shall allocate the total costs of each unit or separable feature thereof authorized by section 202 of this title, as follows:

Costs, allo-
cation.
43 USC 1595.

88 STAT. 273

(1) In recognition of Federal responsibility for the Colorado River as an interstate stream and for international comity with Mexico, Federal ownership of the lands of the Colorado River Basin from which most of the dissolved salts originate, and the policy embodied in the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816), 75 per centum of the total costs of construction, operation, maintenance, and replacement of each unit or separable feature thereof shall be nonreimbursable.

33 USC 1251
note.

(2) Twenty-five per centum of the total costs shall be allocated between the Upper Colorado River Basin Fund established by section 5(a) of the Colorado River Storage Project Act (70 Stat. 107) and the Lower Colorado River Basin Development Fund established by section 403(a) of the Colorado River Basin Project Act (82 Stat. 895), after consultation with the Advisory Council created in section 204(a) of this title and consideration of the following items:

43 USC 620d.

43 USC 1543.

(i) benefits to be derived in each basin from the use of water of improved quality and the use of works for improved water management;

(ii) causes of salinity; and

(iii) availability of revenues in the Lower Colorado River Basin Development Fund and increased revenues to the Upper Colorado River Basin Fund made available under section 205(d) of this title: *Provided*, That costs allocated to the Upper Colorado River Basin Fund under section 205(a) (2) of this title shall not exceed 15 per centum of the costs allocated to the Upper Colorado River Basin Fund and the Lower Colorado River Basin Development Fund.

Costs, limita-
tion.Construction
costs, repay-
ment.

(3) Costs of construction of each unit or separable feature thereof allocated to the upper basin and to the lower basin under section 205(a) (2) of this title shall be repaid within a fifty-year period without interest from the date such unit or separable feature thereof is determined by the Secretary to be in operation.

(b) (1) Costs of construction, operation, maintenance, and replacement of each unit or separable feature thereof allocated for repayment by the lower basin under section 205(a) (2) of this title shall be paid in accordance with subsection 205(b) (2) of this title, from the Lower Colorado River Basin Development Fund.

43 USC 1543.

(2) Section 403(g) of the Colorado River Basin Project Act (82 Stat. 896) is hereby amended as follows: strike the word "and" after the word "Act," in line 8; insert after the word "Act," the following "(2) for repayment to the general fund of the Treasury the costs of each salinity control unit or separable feature thereof payable from the Lower Colorado River Basin Development Fund in accordance with sections 205(a) (2), 205(a) (3), and 205(b) (1) of the Colorado River Salinity Control Act and"; change paragraph (2) to paragraph (3).

(c) Costs of construction, operation, maintenance, and replacement of each unit or separable feature thereof allocated for repayment by the upper basin under section 205(a) (2) of this title shall be paid in accordance with section 205(d) of this title from the Upper Colorado River Basin Fund within the limit of the funds made available under section 205(e) of this title.

43 USC 620d.

(d) Section 5(d) of the Colorado River Storage Project Act (70 Stat. 108) is hereby amended as follows: strike the word "and" at the end of paragraph (3); strike the period after the word "years" at the end of paragraph (4) and insert a semicolon in lieu thereof followed by the word "and"; add a new paragraph (5) reading:

June 24, 1974

- 9 -

Pub. Law 93-320

88 STAT. 274

"(5) the costs of each salinity control unit or separable feature thereof payable from the Upper Colorado River Basin Fund in accordance with sections 205(a)(2), 205(a)(3), and 205(c) of the Colorado River Salinity Control Act."

(e) The Secretary is authorized to make upward adjustments in rates charged for electrical energy under all contracts administered by the Secretary under the Colorado River Storage Project Act (70 Stat. 105, 43 U.S.C. 620) as soon as practicable and to the extent necessary to cover the costs of construction, operation, maintenance, and replacement of units allocated under section 205(a)(2) and in conformity with section 205(a)(3) of this title: *Provided*, That revenues derived from said rate adjustments shall be available solely for the construction, operation, maintenance, and replacement of salinity control units in the Colorado River Basin herein authorized.

Electrical
energy rates,
adjustments.

SEC. 206. Commencing on January 1, 1975, and every two years thereafter, the Secretary shall submit, simultaneously, to the President, the Congress, and the Advisory Council created in section 204(a) of this title, a report on the Colorado River salinity control program authorized by this title covering the progress of investigations, planning, and construction of salinity control units for the previous fiscal year, the effectiveness of such units, anticipated work needed to be accomplished in the future to meet the objectives of this title, with emphasis on the needs during the five years immediately following the date of each report, and any special problems that may be impeding progress in attaining an effective salinity control program. Said report may be included in the biennial report on the quality of water of the Colorado River Basin prepared by the Secretary pursuant to section 15 of the Colorado River Storage Project Act (70 Stat. 111; 43 U.S.C. 602n), section 15 of the Navajo Indian irrigation project, and the initial stage of the San Juan Chama Project Act (76 Stat. 102), and section 6 of the Fryingpan-Arkansas Project Act (76 Stat. 393).

Report to Presi-
dent, Congress
and Advisory
Council.
43 USC 1596.

43 USC 620n.

43 USC 615ww.

43 USC 616e.

43 USC 1597.

SEC. 207. Except as provided in section 205(b) and 205(d) of this title, with respect to the Colorado River Basin Project Act and the Colorado River Storage Project Act, respectively, nothing in this title shall be construed to alter, amend, repeal, modify, interpret, or be in conflict with the provisions of the Colorado River Compact (45 Stat. 1057), the Upper Colorado River Basin Compact (63 Stat. 31), the Water Treaty of 1944 with the United Mexican States (Treaty Series 994; 59 Stat. 1219), the decree entered by the Supreme Court of the United States in Arizona against California and others (376 U.S. 340), the Boulder Canyon Project Act (45 Stat. 1057), Boulder Canyon Project Adjustment Act (54 Stat. 774; 43 U.S.C. 618a), section 15 of the Colorado River Storage Project Act (70 Stat. 111; 43 U.S.C. 620n), the Colorado River Basin Project Act (82 Stat. 885), section 6 of the Fryingpan-Arkansas Project Act (76 Stat. 393), section 15 of the Navajo Indian irrigation project and initial stage of the San Juan-Chama Project Act (76 Stat. 102), the National Environmental Policy Act of 1969, and the Federal Water Pollution Control Act, as amended.

43 USC 1501
note.

83 Stat. 852.
42 USC 4321

note.
86 Stat. 816.
33 USC 1251
note.
Project modifi-
cations.
Funds, expendi-
ture.
43 USC 1598.

SEC. 208. (a) The Secretary is authorized to provide for modifications of the projects authorized by this title as determined to be appropriate for purposes of meeting the objective of this title. No funds for any such modification shall be expended until the expiration of sixty days after the proposed modification has been submitted to appropriate committees of the Congress, and not then if disapproved by said com-

88 STAT., 275

Contract
authority.
Appropriation.

mittees, except that funds may be expended prior to the expiration of such sixty days in any case in which the Congress approves an earlier date by concurrent resolution. The Governors of the Colorado River Basin States shall be notified of these changes.

(b) The Secretary is hereby authorized to enter into contracts that he deems necessary to carry out the provisions of this title, in advance of the appropriation of funds therefor. There is hereby authorized to be appropriated the sum of \$125,100,000 for the construction of the works and for other purposes authorized in section 202 of this title, based on April 1973 prices, plus or minus such amounts as may be justified by reason of ordinary fluctuations in costs involved therein, and such sums as may be required to operate and maintain such works. There is further authorized to be appropriated such sums as may be necessary to pay condemnation awards in excess of appraised values and to cover costs required in connection with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 90-646).

84 Stat. 1894.
42 USC 4601
note.

43 USC 1599.

"Colorado River
Basin
States."

SEC. 209. As used in this title—

(a) all terms that are defined in the Colorado River Compact shall have the meanings therein defined;

(b) "Colorado River Basin States" means the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming.

Approved June 24, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-1057 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 93-906 accompanying S. 2940 (Comm. on Interior and Insular Affairs).

CONGRESSIONAL RECORD, Vol. 120 (1974):

June 11, considered and passed House.

June 12, considered and passed Senate, amended, in lieu of S. 2940.

June 13, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 10, No. 26:

June 24, Presidential statement.



Public Law 93-353
93rd Congress, H. R. 11385
July 23, 1974

An Act

88 STAT. 362

To amend the Public Health Service Act to revise the programs of health services research and to extend the program of assistance for medical libraries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) This Act may be cited as the "Health Services Research, Health Statistics, and Medical Libraries Act of 1974".

(b) Unless the context otherwise requires, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

Health Services
Research, Health
Statistics and
Medical Libraries
Act of 1974.
42 USC 242b
note.
58 Stat. 682.
42 USC 201
note.

TITLE I—HEALTH SERVICES RESEARCH AND EVALUATION; HEALTH STATISTICS

SEC. 101. This title may be cited as the "Health Services Research and Evaluation and Health Statistics Act of 1974".

SEC. 102. (a) Sections 307, 312, 312a, 313, and 315 are repealed.

(b) (1) Section 306 is amended (A) by striking out "Surgeon General" each place it appears and inserting in lieu thereof "Secretary", (B) by striking out "309" each place it occurs in subsection (d) and inserting in lieu thereof "313", and (C) by striking out subsection (e) and redesignating subsection (f) as subsection (e).

(2) Section 306 as amended by paragraph (1) is transferred to part B of title III, is redesignated section 312, and is inserted after section 311.

(c) (1) Section 309 is amended (A) by striking out "Surgeon General" each place it occurs and inserting in lieu thereof "Secretary", and (B) by striking out "306(d)" and inserting in lieu thereof "312(d)".

(2) Section 309, as amended by paragraph (1), is transferred to part B of title III, is redesignated section 313, and is inserted immediately before section 314.

(d) Section 310 is transferred to part B of title III, is redesignated section 319, and is inserted after section 318.

(e) Section 310A is transferred to title II, is redesignated section 226, and is inserted after section 225.

(f) (1) Section 310B is amended by striking out "304, 305,".

(2) Section 310B, as amended by paragraph (1) is transferred to title II, is redesignated section 227, and is inserted after section 226 (inserted by subsection (e) of this section).

SEC. 103. Section 304 is amended to read as follows:

"GENERAL AUTHORITY RESPECTING HEALTH STATISTICS AND HEALTH SERVICES RESEARCH, EVALUATIONS, AND DEMONSTRATIONS

"SEC. 304. (a) (1) The Secretary shall—

"(A) undertake through the National Center for Health Services Research, the National Center for Health Statistics, and such other units of the Department of Health, Education, and Welfare as he may select, and

"(B) support, health statistical activities and health services research, evaluation, and demonstrations.

"(2) In carrying out paragraph (1), the Secretary shall give appropriate emphasis to research and statistical activities respecting—

"(A) the determinants of an individual's health,

Citation of
title.
42 USC 242b
note.
Repeals.
42 USC 242e,
244, 244a, 245,
247.
70 Stat. 923.
42 USC 242d.
42 USC 244-1.
74 Stat. 819.
42 USC 242g.
42 USC 245a.
76 Stat. 592.
42 USC 242h.
42 USC 247d.
84 Stat. 1306.
42 USC 242i.
42 USC 235.
42 USC 242j.
42 USC 236.
81 Stat. 534;
84 Stat. 1302.
42 USC 242b.

88 STAT. 363

"(B) the impact of the environment on individual health and on health care,

"(C) the accessibility, acceptability, planning, organization, technology, distribution, utilization, quality, and financing of systems for the delivery of health care, including systems for the delivery of preventive, personal, and mental health care, and

"(D) individual and community knowledge of individual health and the systems for the delivery of health care.

Additional
authority.

"(b) To implement subsection (a), the Secretary may, in addition to any other authority which under other provisions of this Act or any other law may be used by him to implement such subsection, do the following:

"(1) Utilize personnel and equipment, facilities, and other physical resources of the Department of Health, Education, and Welfare, permit appropriate (as determined by the Secretary) entities and individuals to utilize the physical resources of such Department, provide technical assistance and advice, make grants to public and nonprofit private entities and individuals, and enter into contracts with public and private entities and individuals, for (A) health services research, evaluation, and demonstrations, and (B) health services research and health statistics training, and (C) health statistical activities.

"(2) Admit and treat at hospitals and other facilities of the Service persons not otherwise eligible for admission and treatment at such facilities.

Experts and
consultants.

"(3) Secure, from time to time and for such periods as the Secretary deems advisable, the assistance and advice of experts and consultants from the United States or abroad.

"(4) Acquire, construct, improve, repair, operate, and maintain laboratory, research, and other necessary facilities and equipment, and such other real or personal property (including patents) as the Secretary deems necessary; and acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise, through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia.

Research,
evaluation,
etc., coordina-
tion.

"(c) The Secretary shall coordinate all health services research, evaluation, demonstration, and health statistical activities undertaken and supported through units of the Department of Health, Education, and Welfare. To the maximum extent feasible, such coordination shall be carried out through the National Center for Health Services Research and the National Center for Health Statistics."

SEC. 104. Section 305 is amended to read as follows:

"NATIONAL CENTER FOR HEALTH SERVICES RESEARCH

70 Stat. 490;
84 Stat. 1303,
42 USC 242c.

Establishment.

"SEC. 305. (a) There is established in the Department of Health, Education, and Welfare the National Center for Health Services Research (hereinafter in this section referred to as the "Center") which shall be under the direction of a Director who shall be appointed by the Secretary and supervised by the Assistant Secretary for Health (or such other officer of the Department as may be designated by the Secretary as the principal adviser to him for health programs).

Ante, p. 362.

"(b) In carrying out section 304(a), the Secretary, acting through the Center, may undertake and support research, evaluation, and demonstration projects (which may include and shall be appropriately coordinated with experiments and demonstration activities authorized by the Social Security Act and the Social Security Amendments of 1967) respecting—

42 USC 1305.
42 USC 302
note.

July 23, 1974

- 3 -

Pub. Law 93-353

88 STAT. 364

"(1) the accessibility, acceptability, planning, organization, distribution, technology, utilization, quality, and financing of health services and systems;

"(2) the supply and distribution, education and training, quality, utilization, organization, and costs of health manpower; and

"(3) the design, construction, utilization, organization, and cost of facilities and equipment.

"(c) The Secretary shall afford appropriate consideration to requests of—

"(1) State, regional, and local health planning and health agencies,

"(2) public and private entities and individuals engaged in the delivery of health care, and

"(3) other persons concerned with health services,

to have the Center or other units of the Department of Health, Education, and Welfare undertake research, evaluations, and demonstrations respecting specific aspects of the matters referred to in subsection (b).

"(d) (1) The Secretary shall, by grants or contracts, or both, assist public or private nonprofit entities in meeting the costs of planning and establishing new centers, and operating existing and new centers, for multidisciplinary health services, research, evaluations, and demonstrations respecting the matters referred to in subsection (b). To the extent practicable, the Secretary shall approve, in accordance with the requirements of this subsection and section 308, a number of applications for grants and contracts under this subsection which will result in at least six of such centers (including two national special emphasis centers, one of which (to be designated as the Health Care Technology Center) shall focus on all forms of technology, including computers and electronic devices, and its applications in health care delivery; and one of which (to be designated as the Health Care Management Center) shall focus on the improvement of management and organization in the health field, the training and retraining of administrators of health care enterprises, and the development of leaders, planners, and policy analysts in the health field) being operational in each fiscal year.

"(2) (A) No grant or contract may be made under this subsection for planning and establishing a center unless the Secretary determines that when it is operational it will meet the requirements listed in subparagraph (B) and no payment shall be made under a grant or contract for operation of a center unless the center meets such requirements.

"(B) The requirements referred to in subparagraph (A) are as follows:

"(i) There shall be a full-time director of the center who possesses a demonstrated capacity for sustained productivity and leadership in health services research, demonstrations, and evaluations, and there shall be such additional full-time professional staff as may be appropriate.

"(ii) The staff of the center shall represent all relevant disciplines.

"(iii) The center shall (I) be located within an established academic or research institution with departments and resources appropriate to the programs of the center, and (II) have working relationships with health service delivery systems where experiments in health services may be initiated and evaluated.

"(iv) The center shall select problems in health services for research, demonstrations, and evaluations on the basis of (I) their regional or national importance, (II) the unique potential

New centers,
grants to non-
profit entities.

Post, p. 368.

Health Care
Technology
Center.

Health Care
Management
Center.

Requirements
for aid.

for definitive research on the problem, and (III) opportunities for local application of the research findings.

"(v) Such additional requirements as the Secretary may by regulation prescribe.

Ante, p. 362.

"(e) The authority of the Secretary under section 304(b) shall be available to him with respect to the undertaking and support of projects under subsections (b), (c), and (d) of this section."

Ante, p. 363.

SEC. 105. The following new section is inserted in part A of title III after section 305:

"NATIONAL CENTER FOR HEALTH STATISTICS

Establishment.
42 USC 242k.

"SEC. 306. (a) There is established in the Department of Health, Education, and Welfare the National Center for Health Statistics (hereinafter in this section referred to as the 'Center') which shall be under the direction of a Director who shall be appointed by the Secretary and supervised by the Assistant Secretary for Health (or such other officer of the Department as may be designated by the Secretary as the principal adviser to him for health programs).

Duties.

"(b) In carrying out section 304(a), the Secretary, acting through the Center, may—

"(1) collect statistics on—

"(A) the extent and nature of illness and disability of the population of the United States (or of any groupings of the people included in the population), including life expectancy, the incidence of various acute and chronic illnesses, and infant and maternal morbidity and mortality,

"(B) the impact of illness and disability of the population on the economy of the United States and on other aspects of the well-being of its population (or of such groupings),

"(C) environmental, social, and other health hazards,

"(D) determinants of health,

"(E) health resources, including physicians, dentists, nurses, and other health professionals by specialty and type of practice and the supply of services by hospitals, extended care facilities, home health agencies, and other health institutions,

"(F) utilization of health care, including utilization of (i) ambulatory health services by specialties and types of practice of the health professionals providing such services, and (ii) services of hospitals, extended care facilities, home health agencies, and other institutions,

"(G) health care costs and financing, including the trends in health care prices and cost, the sources of payments for health care services, and Federal, State, and local governmental expenditures for health care services, and

"(H) family formation, growth, and dissolution; and

"(2) undertake and support (by grant or contract) research, demonstrations, and evaluations respecting new or improved methods for obtaining current data on the matters referred to in paragraph (1).

Statistical
compilations
and surveys.

"(c) The Center shall furnish such special statistical compilations and surveys as the Committee on Labor and Public Welfare and the Committee on Appropriations of the Senate and the Committee on Interstate and Foreign Commerce and the Committee on Appropriations of the House of Representatives may request. Such statistical compilations and surveys shall not be made subject to the payment of the actual or estimated cost of the preparation of such compilations and surveys.

Technical aid
to States and
localities.

"(d) To insure comparability and reliability of health statistics, the Secretary shall, through the Center, provide adequate technical

July 23, 1974

- 5 -

Pub. Law 93-353

88 STAT. 366

assistance to assist State and local jurisdictions in the development of model laws dealing with issues of confidentiality and comparability of data.

"(e) The Secretary shall (1) assist State and local health agencies, and Federal agencies involved in matters relating to health, in the design and implementation of a cooperative system for producing comparable and uniform health information and statistics at the Federal, State, and local levels; (2) coordinate the activities of such Federal agencies respecting the design and implementation of such cooperative system; (3) undertake and support (by grant or contract) research, development, demonstrations, and evaluations respecting such cooperative system; (4) provide the Federal share of the data collection costs under such system; and (5) review statistical activities of the Department of Health, Education, and Welfare to assure that they are consistent with such cooperative system.

"(f) To assist in carrying out this section, the Secretary shall cooperate and consult with the Departments of Commerce and Labor and any other interested Federal departments or agencies and with State and local health departments and agencies. For such purpose he shall utilize insofar as possible the services or facilities of any agency of the Federal Government and, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5), of any appropriate State or other public agency, and may, without regard to such section, utilize the services or facilities of any private agency, organization, group, or individual, in accordance with written agreements between the head of such agency, organization, or group and the Secretary or between such individual and the Secretary. Payment, if any, for such services or facilities shall be made in such amounts as may be provided in such agreement.

Federal-State
cooperation.

"(g) To secure uniformity in the registration and collection of mortality, morbidity, and other health data, the Secretary shall prepare and distribute suitable and necessary forms for the collection and compilation of such data which shall be published as a part of the health reports published by the Secretary.

Data collection
forms.

"(h) There shall be an annual collection of data from the records of births, deaths, marriages, and divorces in registration areas. The data shall be obtained only from and restricted to such records of the States and municipalities which the Secretary, in his discretion, determines possess records affording satisfactory data in necessary detail and form. Each State or registration area shall be paid by the Secretary the Federal share of its reasonable costs (as determined by the Secretary) for collecting and transcribing (at the request of the Secretary and by whatever method authorized by him) its records for such data.

Registration
area records.

"(i) (1) There is established in the Office of the Secretary a committee to be known as the United States National Committee on Vital and Health Statistics (hereinafter in this subsection referred to as the 'Committee') which shall consist of fifteen members.

United States
National Com-
mittee on Vi-
tal and Health
Statistics.
Establishment.
Membership.

"(2) (A) The members of the Committee shall be appointed by the Secretary from among persons who have distinguished themselves in the fields of health statistics, epidemiology, and the provision of health services. Except as provided in subparagraph (B), members of the Committee shall be appointed for terms of three years.

"(B) Of the members first appointed—

"(i) five shall be appointed for terms of one year,

"(ii) five shall be appointed for terms of two years, and

"(iii) five shall be appointed for terms of three years,

as designated by the Secretary at the time of appointment. Any member appointed to fill a vacancy occurring prior to the expiration

88 STAT. 367

Compensation.
Post, p. 369.
Functions.

of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

"(3) Members of the Committee shall be compensated in accordance with section 208(c).

"(4) It shall be the function of the Committee to assist and advise the Secretary—

"(A) to delineate statistical problems bearing on health and health services which are of national or international interest;

"(B) to stimulate studies of such problems by other organizations and agencies whenever possible or to make investigations of such problems through subcommittees;

"(C) to determine, approve, and revise the terms, definitions, classifications, and guidelines for assessing health status and health services, their distribution and costs, for use (i) within the Department of Health, Education, and Welfare, (ii) by all programs administered or funded by the Secretary, including the Federal-State-local cooperative health statistics system referred to in subsection (e), and (iii) to the extent possible as determined by the head of the agency involved, by the Veterans' Administration, the Department of Defense, and other Federal agencies concerned with health and health services;

"(D) with respect to the design of and approval of health statistical and health information systems concerned with the collection, processing, and tabulation of health statistics within the Department of Health, Education, and Welfare;

"(E) to review and comment on findings and proposals developed by other organizations and agencies and to make recommendations for their adoption or implementation by local, State, national, or international agencies;

"(F) to cooperate with national committees of other countries and with the World Health Organization and other national agencies in the studies of problems of mutual interest; and

"(G) to issue an annual report on the state of the Nation's health, its health services, their costs and distributions, and to make proposals for improvement of the Nation's health statistics and health information systems.

"(5) In carrying out health statistical activities under this part, the Secretary shall consult with, and seek the advice of, the Committee and other appropriate professional advisory groups."

SEC. 106. Section 308 is redesignated as section 307 and is amended to read as follows:

"INTERNATIONAL COOPERATION

"SEC. 307. (a) For the purpose of advancing the status of the health sciences in the United States (and thereby the health of the American people), the Secretary may participate with other countries in cooperative endeavors in biomedical research and the health services research and statistical activities authorized by sections 304, 305, and 306.

"(b) In connection with the cooperative endeavors authorized by subsection (a), the Secretary may—

"(1) make such use of resources offered by participating foreign countries as he may find necessary and appropriate;

"(2) establish and maintain fellowships in the United States and in participating foreign countries;

"(3) make grants to public institutions or agencies and to non-profit private institutions or agencies in the United States and in participating foreign countries for the purpose of establishing and maintaining the fellowships authorized by paragraph (2);

74 Stat. 364.
42 USC 242f.

42 USC 2421.

Ante, pp. 362,
363, 365.

July 23, 1974

- 7 -

Pub. Law 93-353

88 STAT. 368

"(4) make grants or loans of equipment and materials, for use by public or nonprofit private institutions or agencies, or by individuals, in participating foreign countries;

"(5) participate and otherwise cooperate in any international meetings, conferences, or other activities concerned with biomedical research, health services research, or health statistics;

"(6) facilitate the interchange between the United States and participating foreign countries, and among participating foreign countries, of research scientists and experts who are engaged in experiments and programs of biomedical research, health services research, and health statistical activities, and in carrying out such purpose may pay per diem compensation, subsistence, and travel for such scientists and experts when away from their places of residence at rates not to exceed those provided in section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently; and

"(7) procure, in accordance with section 3109 of title 5, United States Code, the temporary or intermittent services of experts or consultants.

Interchange of
scientists and
experts.

80 Stat. 499;
83 Stat. 190.

80 Stat. 416.

The Secretary may not, in the exercise of his authority under this section, provide financial assistance for the construction of any facility in any foreign country."

SEC. 107. (a) Part A of title III is amended by inserting after section 307 (as so redesignated) the following new sections:

42 USC 241.
Ante, p. 367.

"GENERAL PROVISIONS RESPECTING SECTIONS 304, 305, 306, AND 307

"SEC. 308. (a) (1) Not later than September 1 of each year, the Secretary shall make a report to Congress respecting (A) the administration of sections 304 through 307 during the preceding fiscal year, and (B) the current state and progress of health services research and health statistics.

42 USC 242m.
Report to
Congress.
Ante, p. 362.

"(2) The Secretary, acting through the National Center for Health Services Research and the National Center for Health Statistics, shall assemble and submit to the President and the Congress not later than September 1 of each year the following reports:

Reports to
President and
Congress.

"(A) A report on health care costs and financing. Such report shall include a description and analysis of the statistics collected under section 306(b) (1) (G).

Ante, p. 365.

"(B) A report on health resources. Such report shall include a description and analysis, by geographic area, of the statistics collected under section 306(b) (1) (E).

"(C) A report on the utilization of health resources. Such report shall include a description and analysis, by age, sex, income, and geographic area, of the statistics collected under section 306(b) (1) (F).

"(D) A report on the health of the Nation's people. Such report shall include a description and analysis, by age, sex, income, and geographic area, of the statistics collected under section 306(b) (1) (A).

"(3) The Office of Management and Budget may review any report required by paragraph (1) or (2) of this subsection before its submission to Congress, but the Office may not revise any such report or delay its submission beyond the date prescribed for its submission, and may submit to Congress its comments respecting any such report.

OMB review.

"(b) (1) No grant or contract may be made under section 304, 305, 306, or 307 unless an application therefor has been submitted to the Secretary in such form and manner, and containing such information, as the Secretary may by regulation prescribe.

Application
submittal.

88 STAT. 369

Application
review panel.
Ante, pp. 362,
363.

"(2) Each application submitted for a grant or contract under section 304 or 305, in an amount exceeding \$35,000 of direct costs and for a health services research, evaluation, or demonstration project, shall be submitted by the Secretary for review for scientific merit to a panel of experts appointed by him from persons who are not officers or employees of the United States and who possess qualifications relevant to the project for which the application was made. A panel to which an application is submitted under this paragraph shall report its findings and recommendations respecting the application to the Secretary in such form and manner as the Secretary shall by regulation prescribe.

"(3) If an application is submitted under section 304, 305, or 306 for a grant or contract for a project for which a grant or contract may be made or entered into under another provision of this Act, such application may not be approved under section 304, 305, or 306 and funds appropriated under this section may not be obligated for such grant or contract. The applicant who submitted such application shall be notified of the other provision (or provisions) of this Act under which such application may be submitted.

Limited grants.

"(c) The aggregate number of grants and contracts made or entered into under sections 304 and 305 for any fiscal year respecting a particular means of delivery of health services or another particular aspect of health services may not exceed twenty; and the aggregate amount of funds obligated under grants and contracts under such sections for any fiscal year respecting a particular means of delivery of health services or another particular aspect of health services may not exceed \$5,000,000.

Information,
publication
restrictions.

"(d) No information obtained in the course of activities undertaken or supported under section 304, 305, 306, or 307 may be used for any purpose other than the purpose for which it was supplied unless authorized under regulations of the Secretary; and (1) in the case of information obtained in the course of health statistical activities under section 304 or 306, such information may not be published or released in other form if the particular establishment or person supplying the information or described in it is identifiable unless such establishment or person has consented (as determined under regulations of the Secretary) to its publication or release in other form, and (2) in the case of information obtained in the course of health services research, evaluations, or demonstrations under section 304 or 305, such information may not be published or released in other form if the person who supplied the information or who is described in it is identifiable unless such person has consented (as determined under regulations of the Secretary) to its publication or release in other form.

Payment pro-
cedures,

"(e) (1) Payments of any grant or under any contract under section 304, 305, 306, or 307 may be made in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary deems necessary to carry out the purposes of such section.

"(2) The amounts otherwise payable to any person under a grant or contract made under section 304, 305, 306, or 307 shall be reduced by—

"(A) amounts equal to the fair market value of any equipment or supplies furnished to such person by the Secretary for the purpose of carrying out the project with respect to which such grant or contract is made, and

"(B) amounts equal to the pay, allowances, traveling expenses, and related personnel expenses attributable to the performance of services by an officer or employee of the Government in connection with such project, if such officer or employee was assigned or detailed by the Secretary to perform such services, but only if such person requested the Secretary to furnish such equipment or supplies, or such services, as the case may be.

July 23, 1974

- 9 -

Pub. Law 93-353

88 STAT. 370

"(f) Contracts may be entered into under section 304, 305, or 306 without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

Ante, pp. 362,
363, 365.

"(g) (1) The Secretary shall—

"(A) publish, make available and disseminate, promptly in understandable form and on as broad a basis as practicable, the results of health services research, demonstrations, and evaluations undertaken and supported under sections 304 and 305;

Research re-
sults, publi-
cation.

"(B) make available to the public data developed in such research, demonstrations, and evaluations; and

"(C) provide indexing, abstracting, translating, publishing, and other services leading to a more effective and timely dissemination of information on health services research, demonstrations, and evaluations in health care delivery to public and private entities and individuals engaged in the improvement of health care delivery and the general public; and undertake programs to develop new or improved methods for making such information available.

Indexing, ab-
stracting, and
other services.

Except as provided in subsection (d), the Secretary may not restrict the publication and dissemination of data from, and results of projects undertaken by, centers supported under section 305 (d).

"(2) The Secretary shall (A) take such action as may be necessary to assure that statistics developed under sections 304, 305, and 306 are of high quality, timely, comprehensive as well as specific, standardized, and adequately analyzed and indexed, and (B) publish, make available, and disseminate such statistics on as wide a basis as is practicable.

Statistics,
publication.

"(h) (1) Except where the Secretary determines that unusual circumstances make a larger percentage necessary in order to effectuate the purposes of section 304, 305, or 306, a grant or contract under section 304, 305, or 306 with respect to any project for construction of a facility or for acquisition of equipment may not provide for payment of more than 50 per centum of so much of the cost of the facility or equipment as the Secretary determines is reasonably attributable to research, evaluation, or demonstration purposes.

"(2) Laborers and mechanics employed by contractors and subcontractors in the construction of such a facility shall be paid wages at rates not less than those prevailing on similar work in the locality, as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 267a—267a-5, known as the Davis-Bacon Act); and the Secretary of Labor shall have with respect to any labor standards specified in this paragraph the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

Laborers and
mechanics, wage
rate.

"(3) Such grants and contracts shall be subject to such additional requirements as the Secretary may by regulation prescribe.

"(i) (1) For health service research, evaluation, and demonstration activities undertaken or supported under section 304 or 305, there are authorized to be appropriated \$65,200,000 for the fiscal year ending June 30, 1975, and \$80,000,000 for the fiscal year ending June 30, 1976. Of the funds appropriated under this paragraph for any fiscal year, not less than 25 per centum of such funds shall be made available only for health services research, evaluation, and demonstration activities directly undertaken by the Secretary under such section.

46 Stat. 1494;
49 Stat. 1011.
40 USC 276a
note.
64 Stat. 1267.
48 Stat. 948;
72 Stat. 967.
Regulations.
Appropriations.

"(2) For health statistical activities undertaken or supported under section 304 or 306, there are authorized to be appropriated \$30,000,000 for the fiscal year ending June 30, 1975, and \$30,000,000 for the fiscal year ending June 30, 1976.

"HEALTH CONFERENCES

42 USC 242n.

"SEC. 309. A conference of the health authorities in and among the several States shall be called annually by the Secretary. Whenever in his opinion the interests of the public health would be promoted by a conference, the Secretary may invite as many of such health authorities and officials of other State or local public or private agencies, institutions, or organizations to confer as he deems necessary or proper. Upon the application of health authorities of five or more States it shall be the duty of the Secretary to call a conference of all State health authorities joining in the request. Each State represented at any conference shall be entitled to a single vote. Whenever at any such conference matters relating to mental health are to be discussed, the mental health authorities of the respective States shall be invited to attend.

"HEALTH EDUCATION AND INFORMATION

42 USC 242o.

"SEC. 310. From time to time the Secretary shall issue information related to public health, in the form of publications or otherwise, for the use of the public, and shall publish weekly reports of health conditions in the United States and other countries and other pertinent health information for the use of persons and institutions concerned with health services."

Appropriation
extension.
42 USC 242m
note.

Ante, p. 368

Former Light-
house Service
employees,
medical service
eligibility.

42 USC 253b.

41 Stat. 608;

86 Stat. 761.

33 USC 763.

Effective date.

(b) The authorizations of appropriations provided by section 308(i) of the Public Health Service Act is extended for the fiscal year ending June 30, 1977, in the amounts authorized for the preceding fiscal year unless before June 30, 1976. Congress has passed legislation repealing this subsection.

SEC. 108. (a) Subject to regulations of the President, lightkeepers, assistant lightkeepers, and officers and crews of vessels of the former Lighthouse Service, including any such persons who subsequent to June 30, 1939, were involuntarily assigned to other civilian duty in the Coast Guard, who were entitled to medical relief at hospitals and other stations of the Public Health Service prior to July 1, 1944, and who retired under the provisions of section 6 of the Act of June 20, 1918 (40 U.S.C. 763), shall be entitled to medical, surgical, and dental treatment and hospitalization at hospitals and other stations of the Public Health Service.

(b) Subsection (a) shall be effective from December 28, 1973.

TITLE II—REVISION AND EXTENSION OF MEDICAL
LIBRARY ASSISTANCE PROGRAMS

79 Stat. 1059.

42 USC 280b.

Appropriation.

42 USC 280b-3

to 280b-8.

SEC. 201. (a) Effective July 1, 1974, section 390 is amended by adding after subsection (b) the following new subsection:

"(c) For the purpose of grants and contracts under sections 393, 394, 395, 396, and 397, there are authorized to be appropriated \$17,500,000 for the fiscal year ending June 30, 1975, and \$20,000,000 for the fiscal year ending June 30, 1976."

(b) The section heading for such section is amended to read as follows:

"DECLARATION OF POLICY, STATEMENT OF PURPOSE, AND AUTHORIZATION
OF APPROPRIATIONS".

Extension.

42 USC 280b

note.

Supra.

(c) The authorization of appropriations provided by section 390(c) of the Public Health Service Act is extended for the fiscal year ending June 30, 1977, in the amount authorized for the preceding fiscal year

July 23, 1974

- 11 -

Pub. Law 93-353

98 STAT. 372

unless before June 30, 1976, Congress has passed legislation repealing this subsection.

SEC. 202. (a) Subsection (b) of section 390 is amended by striking out paragraph (1) and by redesignating paragraphs (2) through (7) as paragraphs (1) through (6), respectively.

79 Stat. 1059;

84 Stat. 64,

65.

42 USC 280b.

42 USC 280b-1.

(b) Section 391 is amended—

(1) by inserting “and” at the end of paragraph (2),

(2) by striking out paragraph (3), and

(3) by redesignating clause (4) as paragraph (3).

(c) Section 392 (b) is amended to read as follows:

42 USC 280b-2.

“(b) The Board shall advise and assist the Secretary in the preparation of general regulations and with respect to policy matters arising in the administration of this part.”

(d) Section 393 is repealed.

Repeal.

(e) Section 397 (b) is amended—

42 USC 280b-3.

42 USC 280b-8.

(1) by inserting “and” at the end of paragraph (4),

(2) by striking out “; and” at the end of paragraph (5) and inserting in lieu thereof a period, and

(3) by striking out paragraph (6).

(f) The first sentence of section 397 (d) is repealed.

Repeals.

SEC. 203. (a) The first sentence of section 394 (a) is repealed; and the second sentence of such section is amended by striking out “Sums made available under this section shall be utilized by the Secretary in making” and inserting in lieu thereof “To carry out the purposes of section 390 (b) (1), the Secretary shall make”.

42 USC 280b-4.

(b) (1) The first and second sentences of section 395 (a) are repealed; and the third sentence of such section is amended by striking out “Sums made available under this subsection shall be utilized by the Secretary to” and inserting in lieu thereof “To carry out the purposes of section 390 (b) (2), the Secretary shall”.

Supra.

87 Stat. 92.

42 USC 280b-5.

(2) The first and second sentences of section 395 (b) are repealed; and the third sentence of such section is amended (A) by striking out “Sums made available under this subsection shall be utilized by the Secretary in making” and inserting in lieu thereof “To carry out the purposes of section 390 (b) (3), the Secretary shall make”, and (B) by striking out “entering into contracts” and inserting in lieu thereof “enter into contracts”.

(c) (1) The first sentence of section 396 (b) is amended by striking out “Sums made available under this section shall be utilized by the Secretary for making” and inserting in lieu thereof “To carry out the purposes of section 390 (b) (4), the Secretary shall make”.

42 USC 280b-7.

(2) Clauses (A), (B), (C), and (D) of section 396 (b) are redesignated as clauses (1), (2), (3), and (4), respectively.

(3) Subsection (a) of section 396 is repealed and subsections (b) and (c) of such section are redesignated as subsections (a) and (b), respectively.

(d) (1) The first sentence of section 397 (a) is repealed; and the second sentence of such section is amended by striking out “Sums made available under this section shall be utilized by the Secretary, with the advice of the Board, to make” and inserting in lieu thereof “To carry out the purposes of section 390 (b) (5), the Secretary, with the advice of the Board, shall make”.

42 USC 280b-8.

(2) The section heading for section 397 is amended by inserting “AND CONTRACTS” after “GRANTS”.

(e) The first and second sentences of section 398 (a) are repealed; and the third sentence of such section is amended by striking out “Sums made available under this section shall be utilized by the Secretary, with the advice of the Board, in making grants to, and enter-

42 USC 280b-9.

88 STAT. 373

79 Stat. 1059;
84 Stat. 64,
65.

42 USC 280b.
Repeal.

84 Stat. 65.
42 USC 280b-12.

42 USC 280b.

ing into appropriate contracts" and inserting in lieu thereof "To carry out the purposes of section 390(b) (6), the Secretary, with the advice of the Board, shall make grants to, and enter into appropriate contracts".

SEC. 204. Section 399b is repealed; and sections 394 through 399a are redesignated as sections 393 through 399, respectively.

SEC. 205. The amendments made by sections 202, 203, and 204 shall apply with respect to appropriations under part J of the Public Health Service Act for fiscal years beginning after June 30, 1974.

Approved July 23, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-757 (Comm. on Interstate and Foreign Commerce) and No. 93-1170 (Comm. of Conference).

SENATE REPORT No. 93-764 (Comm. on Labor and Public Welfare).

CONGRESSIONAL RECORD, Vol. 120 (1974):

Jan. 21, considered and passed House.

May 2, considered and passed Senate, amended.

July 10, Senate agreed to conference report.

July 11, House agreed to conference report.



Public Law 93-354
93rd Congress, S. 2830
July 23, 1974

An Act

To amend the Public Health Service Act to provide for greater and more effective efforts in research and public education with regard to diabetes mellitus.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Diabetes
Mellitus Research
and Education Act.

SHORT TITLE

SECTION 1. This Act may be cited as the "National Diabetes Mellitus Research and Education Act".

42 USC 289c-2
note.

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress makes the following findings:

42 USC 289c-2
note.

(1) Diabetes mellitus is a major health problem in the United States which directly affects perhaps as many as ten million Americans and indirectly affects perhaps as many as fifty million Americans who will pass the tendency to develop diabetes mellitus to their children or grandchildren or to both.

(2) Diabetes mellitus is a family of diseases that has an impact on virtually all biological systems of the human body.

(3) Diabetes mellitus is the fifth leading cause of death from disease, and it is the second leading cause of new cases of blindness.

(4) The severity of diabetes mellitus in children and most adolescents is greater than in adults, which in most cases involves greater problems in the management of the disease.

(5) The complications of diabetes mellitus, particularly cardiovascular degeneration, lead to many other serious health problems.

(6) Uncontrolled diabetes mellitus significantly decreases life expectancy.

(7) There is convincing evidence that the known prevalence of diabetes mellitus has increased dramatically in the past decade.

(8) The citizens of the United States should have a full understanding of the nature of the impact of diabetes mellitus.

(9) The attainment of better methods of diagnosis and treatment of diabetes mellitus deserves the highest priority.

(10) The establishment of regional diabetes research and training centers throughout the country is essential for the development of scientific information and appropriate therapies to deal with diabetes mellitus.

(11) In order to provide for the most effective program against diabetes mellitus it is important to mobilize the resources of the National Institutes of Health as well as the public and private organizations capable of the necessary research and public education in the disease.

88 STAT. 373

(b) It is the purpose of this Act to—

88 STAT. 374

(1) expand the authority of the National Institutes of Health to advance the national attack on diabetes mellitus; and

(2) as part of that attack, to establish a long-range plan to—
(A) expand and coordinate the national research effort against diabetes mellitus;

(B) advance activities of patient education, professional education, and public education which will alert the citizens of the United States to the early indications of diabetes mellitus; and

(C) to emphasize the significance of early detection, proper control, and complications which may evolve from the disease.

DIABETES PLAN

National Comm-
ission on Diabe-
tes.
Establishment.
42 USC 289c-2
note.
Membership.

SEC. 3. (a) The Director of the National Institutes of Health shall, within sixty days of the date of the enactment of this section, establish a National Commission on Diabetes (hereinafter in this section referred to as the "Commission").

(b) The Commission shall be composed of seventeen members as follows:

(1) The Directors of the seven Institutes referred to in subsection (e).

(2) Six members appointed by the Secretary of Health, Education, and Welfare from scientists or physicians who are not in the employment of the Federal Government and who represent the various specialties and disciplines involving diabetes mellitus and related endocrine and metabolic diseases.

(3) Four members appointed by the Secretary of Health, Education, and Welfare from the general public. At least two of the members appointed pursuant to this paragraph shall be diabetics or parents of diabetics.

The members of the Commission shall select a chairman from among their own number.

Director and
personnel

(c) The Commission may appoint an executive director and such additional personnel as it determines are necessary for the performance of the Commission's functions.

Compensation.

(d) Members of the Commission who are officers or employees of the Federal Government shall serve as members of the Commission without compensation in addition to that received in their regular public employment. Members of the Commission who are not officers or employees of the Federal Government shall each receive the daily equivalent of the rate in effect for grade GS-18 of the General Schedule for each day (including traveltime) they are engaged in the performance of their duties as members of the Commission. All members of the Commission shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

5 USC 5332
note.

Travel ex-
penses.

(e) The Commission shall formulate a long-range plan to combat diabetes mellitus with specific recommendations for the utilization and organization of national resources for that purpose. Such a plan shall be based on a comprehensive survey investigating the magnitude of diabetes mellitus, its epidemiology, and its economic and social consequences and on an evaluation of available scientific information and the national resources capable of dealing with the problem. The plan shall include a plan for a coordinated research program encompassing programs of the National Institute of Arthritis, Metabolism, and Digestive Diseases, the National Eye Institute, the National Institute of Neurological Diseases, the National Heart and Lung Institute, the National Institute of General Medical Sciences, the National Institute of Child Health and Human Development, and the National Institute of Dental Research, and other Federal and non-Federal programs. The coordinated research program shall provide for—

88 STAT. 374
88 STAT. 375

Investigation,
studies and
research pro-
grams.

(1) investigation in the epidemiology, etiology, prevention, and control of diabetes mellitus, including investigation into the social, environmental, behavioral, nutritional, biological, and genetic determinants and influences involved in the epidemiology, etiology, prevention, and control of diabetes mellitus;

(2) studies and research into the basic biological processes and mechanisms involved in the underlying normal and abnormal phenomena associated with diabetes mellitus, including abnormalities of the skin, cardiovascular system, kidneys, eyes, and nervous system, and evaluation of influences of other endocrine

July 23, 1974

- 3 -

Pub. Law 93-354

hormones on the etiology, treatment, and complications of diabetes mellitus;

(3) research into the development, trial, and evaluation of techniques and drugs used in, and approaches to, the diagnosis, treatment, and prevention of diabetes mellitus;

(4) establishment of programs that will focus and apply scientific and technological efforts involving biological, physical, and engineering science to all facets of diabetes mellitus;

(5) establishment of programs for the conduct and direction of field studies, large-scale testing and evaluation, and demonstration of preventive diagnostic, therapeutic, rehabilitative, and control approaches to diabetes mellitus;

(6) the education and training of scientists, clinicians, educators, and allied health personnel in the fields and specialties requisite to the conduct of programs respecting diabetes mellitus;

(7) a system for the collection, analysis, and dissemination of all data useful in the prevention, diagnosis, and treatment of diabetes mellitus;

(8) appropriate distribution of resources between basic and applied research.

The long-range plan formulated under this subsection shall also include within its scope related endocrine and metabolic diseases and basic biological processes and mechanisms, the better understanding of which is essential to the solution of the problem of diabetes mellitus.

(f) In the development of the long-range plan under subsection (e), attention shall be given to means to assure continued development of knowledge, and dissemination of such knowledge to the public, which would form the basis of future advances in the understanding, treatment, and control of diabetes mellitus.

(g) The Commission may hold such hearings, take such testimony, and sit and act at such time and places as the Commission deems advisable to develop the long-range plan required by subsection (e).

(h) (1) The Commission shall prepare for each of the Institutes whose programs are to be encompassed by the plan for a coordinated diabetes research program described in subsection (e) budget estimates for each Institute's part of such program. The budget estimates shall be prepared for the fiscal year ending June 30, 1976, and for each of the next two fiscal years.

(2) Within five days after the Budget for the fiscal year ending June 30, 1976, and the Budget for each of the next two fiscal years is transmitted by the President to the Congress the Secretary shall transmit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Labor and Public Welfare of the Senate, and the Committee on Interstate and Foreign Commerce of the House of Representatives an estimate of the amounts requested for each of the Institutes for diabetes research, and a comparison of such amounts with the budget estimates prepared by the Commission under paragraph (1).

(i) (1) The Commission shall publish and transmit directly to the Congress (without prior administrative approval) a final report within nine months after the date funds are first appropriated for the implementation of this section. Such report shall contain the long-range plan required by subsection (e), the budget estimates required by subsection (h), and any recommendations of the Commission for legislation.

(2) The Commission shall cease to exist on the thirtieth day following the date of the submission of its final report pursuant to paragraph (1) of this subsection.

(j) There are authorized to be appropriated to carry out the purposes of this section \$1,000,000.

Hearings.

Budget estimates.

Budget estimates from HEW, transmittal to congressional committees.

88 STAT. 375

88 STAT. 376

Final report to Congress.

Termination.

Appropriation.

DIABETES MELLITUS PREVENTION AND CONTROL PROGRAMS

86 STAT. 748.
42 USC 247b.

SEC. 4. Section 317 of the Public Health Service Act is amended—

(1) by striking out “communicable disease control” each place it occurs and inserting in lieu thereof “communicable and other disease control”;

(2) by striking out “communicable diseases” in subsection (a) and inserting in lieu thereof “communicable or other diseases”;

(3) by striking out “communicable disease program” in subsection (a) and inserting in lieu thereof “communicable or other disease control program”;

(4) by striking out “communicable disease” in subsection (b) (2) (C) (i) and inserting in lieu thereof “communicable or other disease”;

(5) by striking out “Rh disease,” in subsection (h) (1) and by inserting “diabetes mellitus and Rh disease and” before “tuberculosis” in that subsection; and

(6) by striking out “COMMUNICABLE” in the section heading.

RESEARCH AND TRAINING CENTERS; DIABETES COORDINATING COMMITTEE AND GENERAL AUTHORITY

64 Stat. 443;
86 Stat. 162.
42 USC 289.

SEC. 5. (a) Part D of title IV of the Public Health Service Act is amended by adding at the end thereof the following new sections:

“DIABETES RESEARCH AND TRAINING CENTERS

42 USC 289c-2.

“SEC. 435. (a) Consistent with applicable recommendations of the National Commission on Diabetes, the Secretary shall provide for the development, or substantial expansion, of centers for research and training in diabetes mellitus and related endocrine and metabolic disorders. Each center developed or expanded under this section shall (1) utilize the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such research and training qualifications as may be prescribed by the Secretary; and (2) conduct (A) research in the diagnosis and treatment of diabetes mellitus and related endocrine and metabolic disorders and the complications resulting from such disease or disorders, (B) training programs for physicians and allied health personnel in current methods of diagnosis and treatment of such disease, disorders, and complications, and (C) information programs for physicians and allied health personnel who provide primary care for patients with such disease, disorders, or complications. Insofar as practicable, centers developed or expanded under this section shall be located geographically on the basis of population density throughout the United States and in environments with proven research capabilities.

88 STAT. 376
88 STAT. 377

Report to
Congress.

“(b) The Secretary shall evaluate on an annual basis the activities of centers developed or expanded under this section and shall report to the Congress (on or before June 30 of each year) the results of his evaluation.

Appropriation.

“(c) There are authorized to be appropriated to carry out this section \$8,000,000 for fiscal year ending June 30, 1975, \$12,000,000 for fiscal year ending June 30, 1976, and \$20,000,000 for fiscal year ending June 30, 1977.

“DIABETES COORDINATING COMMITTEE

Diabetes Mellitus Coordinating Committee.
Establishment.
42 USC 289c-3.

“SEC. 436. For the purpose of—

“(1) better coordination of the total National Institutes of Health research activities relating to diabetes mellitus; and

“(2) coordinating those aspects of all Federal health programs and activities relating to diabetes mellitus to assure the adequacy

July 23, 1974

- 5 -

Pub. Law 93-354

86 STAT. 377

and technical soundness of such programs and activities and to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities.

the Director of the National Institutes of Health shall establish a Diabetes Mellitus Coordinating Committee. The Committee shall be composed of the Directors (or their designated representatives) of each of the Institutes and divisions involved in diabetes-related research and shall include representation from all Federal departments and agencies whose programs involve health functions or responsibilities as determined by the Secretary. The Committee shall be chaired by the Director of the National Institutes of Health (or his designated representative). The Committee shall prepare a report as soon after the end of each fiscal year as possible for the Director of the National Institutes of Health detailing the work of the Committee in carrying out the coordinating activities described in paragraphs (1) and (2)."

Chairman.

Report.

(b) Section 434 of the Public Health Service Act is amended by adding at the end the following new subsection:

86 Stat. 162.
42 USC 289c-1.

"(d) The Director of the National Institute of Arthritis, Metabolism, and Digestive Diseases, working through the Associate Director for Diabetes (if that position is established), shall (1) carry out programs of support for research and training in the diagnosis, prevention, and treatment of diabetes mellitus and related endocrine and metabolic diseases, and (2) establish programs of evaluation, planning, and dissemination of knowledge related to research and training in diabetes mellitus and related endocrine and metabolic diseases."

ASSOCIATE DIRECTOR FOR DIABETES

SEC. 6. The Secretary of Health, Education, and Welfare may establish within the National Institute of Arthritis, Metabolism, and Digestive Diseases the position of Associate Director for Diabetes who would report directly to the Director of the Institute and who, under the supervision of the Director of the Institute, would be responsible for programs with regard to diabetes mellitus within the Institute.

42 USC 289c-1a.

Approved July 23, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-894 accompanying H.R. 12417 (Comm. on Interstate and Foreign Commerce) and No. 93-1147 (Comm. of Conference).

SENATE REPORT No. 93-653 (Comm. on Labor and Public Welfare).
CONGRESSIONAL RECORD:

Vol. 119 (1973): Dec. 20, considered and passed Senate.

Vol. 120 (1974): Mar. 19, considered and passed House, amended, in lieu of H.R. 12417.

July 9, House agreed to conference report.

July 10, Senate agreed to conference report.



Public Law 93-366
93rd Congress, S. 39
August 5, 1974

An Act

To amend the Federal Aviation Act of 1958 to implement the Convention for the Suppression of Unlawful Seizure of Aircraft; to provide a more effective program to prevent aircraft piracy; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Federal Aviation
Act of 1958,
amendments.

TITLE I—ANTIHIJACKING ACT OF 1974

SEC. 101. This title may be cited as the "Antihijacking Act of 1974".

SEC. 102. Section 101(32) of the Federal Aviation Act of 1958 (49 U.S.C. 1301(32)), relating to the definition of the term "special aircraft jurisdiction of the United States", is amended to read as follows:

"(32) The term 'special aircraft jurisdiction of the United States' includes—

"(a) civil aircraft of the United States;
"(b) aircraft of the national defense forces of the United States;

"(c) any other aircraft within the United States;

"(d) any other aircraft outside the United States—

"(i) that has its next scheduled destination or last point of departure in the United States, if that aircraft next actually lands in the United States; or

"(ii) having 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft, committed aboard, if that aircraft lands in the United States with the alleged offender still aboard; and

"(e) other aircraft leased without crew to a lessee who has his principal place of business in the United States, or if none, who has his permanent residence in the United States;

while that aircraft is in flight, which is from the moment when all external doors are closed following embarkation until the moment when one such door is opened for disembarkation or in the case of a forced landing, until the competent authorities take over the responsibility for the aircraft and for the persons and property aboard."

SEC. 103. (a) Paragraph (2) of subsection (i) of section 902 of such Act (49 U.S.C. 1472), relating to the definition of the term "aircraft piracy", is amended by striking out "threat of force or violence and" inserting in lieu thereof "threat of force or violence, or by any other form of intimidation, and".

(b) Section 902 of such Act is further amended by redesignating subsections (n) and (o) as subsections (o) and (p), respectively, and by inserting immediately after subsection (m) the following new subsection:

"AIRCRAFT PIRACY OUTSIDE SPECIAL AIRCRAFT JURISDICTION OF THE UNITED STATES

"(n) (1) Whoever aboard an aircraft in flight outside the special aircraft jurisdiction of the United States commits 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft, and is afterward found in the United States shall be punished—

"(A) by imprisonment for not less than 20 years; or

"(B) if the death of another person results from the commission or attempted commission of the offense, by death or by imprisonment for life.

Antihijacking
Act of 1974.
49 USC 1301
note.
"Special air-
craft jurisdic-
tion of the
United States."
84 Stat. 921.
88 STAT. 409
88 STAT. 410

22 USC 1641.

Aircraft piracy
75 Stat. 466;
84 Stat. 921.

76 Stat. 921.

Penalty.

"(2) A person commits 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft when, while aboard an aircraft in flight, he—

"(A) unlawfully, by force or threat thereof, or by any other form of intimidation, seizes, or exercises control of, that aircraft, or attempts to perform any such act; or

"(B) is an accomplice of a person who performs or attempts to perform any such act.

"(3) This subsection shall only be applicable if the place of takeoff or the place of actual landing of the aircraft on board which the offense, as defined in paragraph (2) of this subsection, is committed is situated outside the territory of the State of registration of that aircraft.

"(4) For purposes of this subsection an aircraft is considered to be in flight from the moment when all the external doors are closed following embarkation until the moment when one such door is opened for disembarkation, or in the case of a forced landing, until the competent authorities take over responsibility for the aircraft and for the persons and property aboard."

(c) Subsection (o) of such section 902, as so redesignated by subsection (b) of this section, is amended by striking out "subsections (i) through (m)" and inserting in lieu thereof "subsections (i) through (n)".

SEC. 104. (a) Section 902(i) (1) is the Federal Aviation Act of 1958 (49 U.S.C. 1472(i) (1)) is amended to read as follows:

"(1) Whoever commits or attempts to commit aircraft piracy, as herein defined, shall be punished—

"(A) by imprisonment for not less than 20 years; or

"(B) if the death of another person results from the commission or attempted commission of the offense, by death or by imprisonment for life."

(b) Section 902(i) of such Act is further amended by adding at the end thereof the following new paragraph:

"(3) An attempt to commit aircraft piracy shall be within the special aircraft jurisdiction of the United States even though the aircraft is not in flight at the time of such attempt if the aircraft would have been within the special aircraft jurisdiction of the United States had the offense of aircraft piracy been completed."

SEC. 105. Section 903 of the Federal Aviation Act of 1958 (49 U.S.C. 1473), relating to venue and prosecution of offenses, is amended by adding at the end thereof the following new subsection:

"PROCEDURE IN RESPECT OF PENALTY FOR AIRCRAFT PIRACY

"(c) (1) A person shall be subjected to the penalty of death for any offense prohibited by section 902(i) or 902(n) of this Act only if a hearing is held in accordance with this subsection.

"(2) When a defendant is found guilty of or pleads guilty to an offense under section 902(i) or 902(n) of this Act for which one of the sentences provided is death, the judge who presided at the trial or before whom the guilty plea was entered shall conduct a separate sentencing hearing to determine the existence or nonexistence of the factors set forth in paragraphs (6) and (7), for the purpose of determining the sentence to be imposed. The hearing shall not be held if the Government stipulates that none of the aggravating factors set forth in paragraph (7) exists or that one or more of the mitigating

August 5, 1974

- 3 -

Pub. Law 93-366

factors set forth in paragraph (6) exists. The hearings shall be conducted—

“(A) before the jury which determined the defendant’s guilt;

“(B) before a jury impaneled for the purpose of the hearing if—

“(i) the defendant was convicted upon a plea of guilty;

“(ii) the defendant was convicted after a trial before the court sitting without a jury; or

“(iii) the jury which determined the defendant’s guilt has been discharged by the court for good cause; or

“(C) before the court alone, upon the motion of the defendant and with the approval of the court and of the Government. 88 STAT. 411
88 STAT. 412

“(3) In the sentencing hearing the court shall disclose to the defendant or his counsel all material contained in any presentence report, if one has been prepared, except such material as the court determines is required to be withheld for the protection of human life or for the protection of the national security. Any presentence information withheld from the defendant shall not be considered in determining the existence or the nonexistence of the factors set forth in paragraph (6) or (7). Any information relevant to any of the mitigating factors set forth in paragraph (6) may be presented by either the Government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials; but the admissibility of information relevant to any of the aggravating factors set forth in paragraph (7) shall be governed by the rules governing the admission of evidence at criminal trials. The Government and the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any of the factors set forth in paragraph (6) or (7). The burden of establishing the existence of any of the factors set forth in paragraph (7) is on the Government. The burden of establishing the existence of any of the factors set forth in paragraph (6) is on the defendant. Disclosure.
Rebuttals.

“(4) The jury or, if there is no jury, the court shall return a special verdict setting forth its findings as to the existence or nonexistence of each of the factors set forth in paragraph (6) and as to the existence or nonexistence of each of the factors set forth in paragraph (7). Special verdict

“(5) If the jury or, if there is no jury, the court finds by a preponderance of the information that one or more of the factors set forth in paragraph (7) exists and that none of the factors set forth in paragraph (6) exists, the court shall sentence the defendant to death. If the jury or, if there is no jury, the court finds that none of the aggravating factors set forth in paragraph (7) exists, or finds that one or more of the mitigating factors set forth in paragraph (6) exists, the court shall not sentence the defendant to death but shall impose any other sentence provided for the offense for which the defendant was convicted. Death sentence.

“(6) The court shall not impose the sentence of death on the defendant if the jury or, if there is no jury, the court finds by a special verdict as provided in paragraph (4) that at the time of the offense— Exceptions.

“(A) he was under the age of eighteen;

“(B) his capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired, but not so impaired as to constitute a defense to prosecution;

“(C) he was under unusual and substantial duress, although not such duress as to constitute a defense to prosecution;

“(D) he was a principal (as defined in section 2(a) of title 18 of the United States Code) in the offense, which was committed by another, but his participation was relatively minor, although not so minor as to constitute a defense to prosecution; or 65 Stat. 717.

"(E) he could not reasonably have foreseen that his conduct in the course of the commission of the offense for which he was convicted would cause, or would create a grave risk of causing death to another person.

death sentence,
imposition.
2 STAT. 412
3 STAT. 413

"(7) If no factor set forth in paragraph (6) is present, the court shall impose the sentence of death on the defendant if the jury or, if there is no jury, the court finds by a special verdict as provided in paragraph (4) that—

"(A) the death of another person resulted from the commission of the offense but after the defendant had seized or exercised control of the aircraft; or

"(B) the death of another person resulted from the commission or attempted commission of the offense, and—

"(i) the defendant has been convicted of another Federal or State offense (committed either before or at the time of the commission or attempted commission of the offense) for which a sentence of life imprisonment or death was impossible;

"(ii) the defendant has previously been convicted of two or more State or Federal offenses with a penalty of more than one year imprisonment (committed on different occasions before the time of the commission or attempted commission of the offense), involving the infliction of serious bodily injury upon another person;

"(iii) in the commission or attempted commission of the offense, the defendant knowingly created a grave risk of death to another person in addition to the victim of the offense or attempted offense; or

"(iv) the defendant committed or attempted to commit the offense in an especially heinous, cruel, or depraved manner."

SEC. 106. Title XI of such Act (49 U.S.C. 1501-1513) is amended by adding at the end thereof the following new sections:

"SUSPENSION OF AIR SERVICES

"SEC. 1114. (a) Whenever the President determines that a foreign nation is acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft, or if he determines that a foreign nation permits the use of territory under its jurisdiction as a base of operations or training or as a sanctuary for, or in any way arms, aids, or abets, any terrorist organization which knowingly uses the illegal seizure of aircraft or the threat thereof as an instrument of policy, he may, without notice or hearing and for as long as he determines necessary to assure the security of aircraft against unlawful seizure, suspend (1) the right of any air carrier or foreign air carrier to engage in foreign air transportation, and the right of any person to operate aircraft in foreign air commerce, to and from that foreign nation, and (2) the right of any foreign air carrier to engage in foreign air transportation, and the right of any foreign person to operate aircraft in foreign air commerce, between the United States and any foreign nation which maintains air service between itself and that foreign nation. Notwithstanding section 1102 of this Act, the President's authority to suspend rights under this section shall be deemed to be a condition to any certificate of public convenience and necessity or foreign air carrier or foreign aircraft permit issued by the Civil Aeronautics Board and any air carrier operating certificate or foreign air carrier operating specification issued by the Secretary of Transportation.

"(b) It shall be unlawful for any air carrier or foreign air carrier to engage in foreign air transportation, or for any person to operate

foreign nations
aiding terrorist
groups.
2 USC 1514.
3 UST 1641.

2 Stat. 797.
3 USC 1502.

August 5, 1974

- 5 -

Pub. Law 93-366

88 STAT. 414

aircraft in foreign air commerce, in violation of the suspension of rights by the President under this section.

"SECURITY STANDARDS IN FOREIGN AIR TRANSPORTATION

"SEC. 1115. (a) Not later than 30 days after the date of enactment of this section, the Secretary of State shall notify each nation with which the United States has a bilateral air transport agreement or, in the absence of such agreement, each nation whose airline or airlines hold a foreign air carrier permit or permits issued pursuant to section 402 of this Act, of the provisions of subsection (b) of this section.

49 USC 1515.

72 Stat. 757.

49 USC 1372.

"(b) In any case where the Secretary of Transportation, after consultation with the competent aeronautical authorities of a foreign nation with which the United States has a bilateral air transport agreement and in accordance with the provisions of that agreement or, in the absence of such agreement, of a nation whose airline or airlines hold a foreign air carrier permit or permits issued pursuant to section 402 of this Act, finds that such nation does not effectively maintain and administer security measures relating to transportation of persons or property or mail in foreign air transportation that are equal to or above the minimum standards which are established pursuant to the Convention on International Civil Aviation, he shall notify that nation of such finding and the steps considered necessary to bring the security measures of that nation to standards at least equal to the minimum standards of such convention. In the event of failure of that nation to take such steps, the Secretary of Transportation, with the approval of the Secretary of State, may withhold, revoke, or impose conditions on the operating authority of the airline or airlines of that nation."

61 Stat. 113

SEC. 107. The first sentence of section 901(a)(1) of such Act (49 U.S.C. 1471(a)(1)), relating to civil penalties, is amended by inserting "or of section 1114," immediately before "of this Act".

76 Stat. 149

Ante, p. 413

72 Stat. 796

SEC. 108. Subsection (a) of section 1007 of such Act (49 U.S.C. 1487), relating to judicial enforcement, is amended by inserting "or, in the case of a violation of section 1114 of this Act, the Attorney General," immediately after "duly authorized agents."

SEC. 109. (a) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading

"Sec. 902. Criminal penalties."

is amended by striking out—

"(n) Investigations by the Federal Bureau of Investigation.

"(o) Interference with aircraft accident investigation."

and inserting in lieu thereof—

"(n) Aircraft piracy outside special aircraft jurisdiction of the United States.

"(o) Investigations by Federal Bureau of Investigation.

"(p) Interference with aircraft accident investigation."

(b) That portion of such table of contents which appears under the side heading

"Sec. 903. Venue and prosecution of offenses."

is amended by adding at the end thereof the following new item:

"(c) Procedure in respect of penalty for aircraft piracy."

(c) That portion of such table of contents which appears under the center heading "TITLE XI—MISCELLANEOUS" is amended by adding at the end thereof the following new items:

"Sec. 1114. Suspension of air services.

"Sec. 1115. Security standards in foreign air transportation."

STAT. 415

Transporta-

n Security

of 1974.

JSC 1356

e.

Stat. 744.

TITLE II—AIR TRANSPORTATION SECURITY ACT OF 1974

SEC. 201. This title may be cited as the "Air Transportation Security Act of 1974".

SEC. 202. Title III of the Federal Aviation Act of 1958 (49 U.S.C. 1341-1355), relating to organization of the Federal Aviation Administration and the powers and duties of the Administrator, is amended by adding at the end thereof the following new sections:

"SCREENING OF PASSENGERS

"PROCEDURES AND FACILITIES

ulations.

USC 1356.

"SEC. 315. (a) The Administrator shall prescribe or continue in effect reasonable regulations requiring that all passengers and all property intended to be carried in the aircraft cabin in air transportation or intrastate air transportation be screened by weapon-detecting procedures or facilities employed or operated by employees or agents of the air carrier, intrastate air carrier, or foreign air carrier prior to boarding the aircraft for such transportation. One year after the date of enactment of this section or after the effective date of such regulations, whichever is later, the Administrator may alter or amend such regulations, requiring a continuation of such screening only to the extent deemed necessary to assure security against acts of criminal violence and aircraft piracy in air transportation and intrastate air transportation. The Administrator shall submit semiannual reports to the Congress concerning the effectiveness of screening procedures under this subsection and shall advise the Congress of any regulations or amendments thereto to be prescribed pursuant to this subsection at least 30 days in advance of their effective date, unless he determines that an emergency exists which requires that such regulations or amendments take effect in less than 30 days and notifies the Congress of his determination.

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ification
Congress.

"EXEMPTION AUTHORITY

"(b) The Administrator may exempt from the provisions of this section, in whole or in part, air transportation operations, other than those scheduled passenger operations performed by air carriers engaging in interstate, overseas, or foreign air transportation under a certificate of public convenience and necessity issued by the Civil Aeronautics Board under section 401 of this Act or under a foreign air carrier permit issued by the Board under section 402 of this Act.

Stat. 754;

Stat. 867.

USC 1371.

USC 1372.

"AIR TRANSPORTATION SECURITY

"RULES AND REGULATIONS

USC 1357.

"SEC. 316. (a)(1) The Administrator of the Federal Aviation Administration shall prescribe such reasonable rules and regulations requiring such practices, methods, and procedures, or governing the design, materials, and construction of aircraft, as he may deem necessary to protect persons and property aboard aircraft operating in air transportation or intrastate air transportation against acts of criminal violence and aircraft piracy.

"(2) In prescribing and amending rules and regulations under paragraph (1) of this subsection, the Administrator shall—

"(A) consult with the Secretary of Transportation, the Attorney General, and such other Federal, State, and local agencies as he may deem appropriate;

August 5, 1974

- 7 -

Pub. Law 93-366

88 STAT. 416

"(B) consider whether any proposed rule or regulation is consistent with protection of passengers in air transportation or intrastate air transportation against acts of criminal violence and aircraft piracy and the public interest in the promotion of air transportation and intrastate air transportation;

"(C) to the maximum extent practicable, require uniform procedures for the inspection, detention, and search of persons and property in air transportation and intrastate air transportation to assure their safety and to assure that they will receive courteous and efficient treatment, by air carriers, their agents and employees, and by Federal, State, and local law enforcement personnel engaged in carrying out any air transportation security program established under this section; and

"(D) consider the extent to which any proposed rule or regulation will contribute to carrying out the purposes of this section.

"PERSONNEL

"(b) Regulations prescribed under subsection (a) of this section shall require operators of airports regularly serving air carriers certificated by the Civil Aeronautics Board to establish air transportation security programs providing a law enforcement presence and capability at such airports adequate to insure the safety of persons traveling in air transportation or intrastate air transportation from acts of criminal violence and aircraft piracy. Such regulations shall authorize such airport operators to utilize the services of qualified State, local, and private law enforcement personnel whose services are made available by their employers. In any case in which the Administrator determines, after receipt of notification from an airport operator in such form as the Administrator may prescribe, that qualified State, local, and private law enforcement personnel are not available in sufficient numbers to carry out the provisions of subsection (a) of this section, the Administrator may, by order, authorize such airport operator to utilize, on a reimbursable basis, the services of—

"(1) personnel employed by any other Federal department or agency, with the consent of the head of such department or agency; and

"(2) personnel employed directly by the Administrator; at the airport concerned in such numbers and for such period of time as the Administrator may deem necessary to supplement such State, local, and private law enforcement personnel. In making the determination referred to in the preceding sentence the Administrator shall take into consideration—

"(A) the number of passengers enplaned at such airport;

"(B) the extent of anticipated risk of criminal violence and aircraft piracy at such airport or to the air carrier aircraft operations at such airport; and

"(C) the availability at such airport of qualified State or local law enforcement personnel.

"TRAINING

"(c) The Administrator may provide training for personnel employed by him to carry out any air transportation security program established under this section and for other personnel, including State, local, and private law enforcement personnel, whose services may be utilized in carrying out any such air transportation security program. The Administrator shall prescribe uniform standards with respect to training provided personnel whose services are utilized to enforce any such air transportation security program, including State, local, and

Standards.

private law enforcement personnel, and uniform standards with respect to minimum qualifications for personnel eligible to receive such training.

"RESEARCH AND DEVELOPMENT; CONFIDENTIAL INFORMATION

"(d) (1) The Administrator shall conduct such research (including behavioral research) and development as he may deem appropriate to develop, modify, test, and evaluate systems, procedures, facilities, and devices to protect persons and property aboard aircraft in air transportation or intrastate air transportation against acts of criminal violence and aircraft piracy.

Stat. 54.
gulations.

"(2) Notwithstanding section 552 of title 5, United States Code, relating to freedom of information, the Administrator shall prescribe such regulations as he may deem necessary to prohibit disclosure of any information obtained or developed in the conduct of research and development activities under this subsection if, in the opinion of the Administrator, the disclosure of such information—

"(A) would constitute an unwarranted invasion of personal privacy (including, but not limited to, information contained in any personnel, medical, or similar file);

"(B) would reveal trade secrets or privileged or confidential commercial or financial information obtained from any person; or

"(C) would be detrimental to the safety of persons traveling in air transportation.

Nothing in this subsection shall be construed to authorize the withholding of information from the duly authorized committees of the Congress.

"OVERALL FEDERAL RESPONSIBILITY

"(e) (1) Except as otherwise specifically provided by law, no power, function, or duty of the Administrator of the Federal Aviation Administration under this section shall be assigned or transferred to any other Federal department or agency.

"(2) Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration shall have exclusive responsibility for the direction of any law enforcement activity affecting the safety of persons aboard aircraft in flight involved in the commission of an offense under section 902(i) or 902(n) of this Act. Other Federal departments and agencies shall, upon request by the Administrator, provide such assistance as may be necessary to carry out the purposes of this paragraph.

te, p. 410.

"(3) For the purposes of this subsection, an aircraft is considered in flight from the moment when all external doors are closed following embarkation until the moment when one such door is opened for disembarkation.

"DEFINITION

"(f) For the purposes of this section, the term 'law enforcement personnel' means individuals—

"(1) authorized to carry and use firearms,

"(2) vested with such police power of arrest as the Administrator deems necessary to carry out this section, and

"(3) identifiable by appropriate indicia of authority."

Stat. 466;
Stat. 921.
USC 1472.

SEC. 203. Section 902(1) of the Federal Aviation Act of 1958 is amended to read as follows:

"CARRYING WEAPONS OR EXPLOSIVES ABOARD AIRCRAFT

"(1) (1) Whoever, while aboard, or while attempting to board, any aircraft in, or intended for operation in, air transportation or intra-

August 5, 1974

- 9 -

Pub. Law 93-366

88 STAT. 416

state air transportation, has on or about his person or his property a concealed deadly or dangerous weapon, which is, or would be, accessible to such person in flight, or any person who has on or about his person, or who has placed, attempted to place, or attempted to have placed aboard such aircraft any bomb, or similar explosive or incendiary device, shall be fined not more than \$1,000 or imprisoned not more than one year, or both. Penalty.

“(2) Whoever willfully and without regard for the safety of human life, or with reckless disregard for the safety of human life, shall commit an act prohibited by paragraph (1) of this subsection, shall be fined not more than \$5,000 or imprisoned not more than five years, or both. Penalty.

“(3) This subsection shall not apply to law enforcement officers of any municipal or State government, or the Federal Government, who are authorized or required within their official capacities to carry arms, or to persons who may be authorized, under regulations issued by the Administrator, to carry deadly or dangerous weapons in air transportation or intrastate air transportation; not shall it apply to persons transporting weapons contained in baggage which is not accessible to passengers in flight if the presence of such weapons has been declared to the air carrier.” Exceptions.

SEC. 204. Section 1111 of the Federal Aviation Act of 1958 (49 U.S.C. 1511), relating to authority to refuse transportation, is amended to read as follows: 72 Stat. 806;
75 Stat. 467.

“AUTHORITY TO REFUSE TRANSPORTATION

“SEC. 1111. (a) The Administrator shall, by regulation, require any air carrier, intrastate air carrier, or foreign air carrier to refuse to transport—

“(1) any person who does not consent to a search of his person, as prescribed in section 315(a) of this Act, to determine whether he is unlawfully carrying a dangerous weapon, explosive, or other destructive substance, or Ante, p. 415.

“(2) any property of any person who does not consent to a search or inspection of such property to determine whether it unlawfully contains a dangerous weapon, explosive, or other destructive substance.

Subject to reasonable rules and regulations prescribed by the Administrator, any such carrier may also refuse transportation of a passenger or property when, in the opinion of the carrier, such transportation would or might be inimical to safety of flight.

“(b) Any agreement for the carriage of persons or property in air transportation or intrastate air transportation by an air carrier, intrastate air carrier, or foreign air carrier for compensation or hire shall be deemed to include an agreement that such carriage shall be refused when consent to search such persons or inspect such property for the purposes enumerated in subsection (a) of this section is not given.”

SEC. 205. Title XI of the Federal Aviation Act of 1958 (49 U.S.C. 1501-1513) is amended by adding at the end thereof the following new section: Ante, p. 413

“LIABILITY FOR CERTAIN PROPERTY

“SEC. 1116. The Civil Aeronautics Board shall issue such regulations or orders as may be necessary to require that any air carrier receiving for transportation as baggage any property of a person traveling in air transportation, which property cannot lawfully be carried by such person in the aircraft cabin by reason of any Federal law or regulation, shall assume liability to such person, at a reasonable charge and sub- Regulations.
49 USC 1516.

ject to reasonable terms and conditions, within the amount declared to the air carrier by such person, for the full actual loss or damage to such property caused by such air carrier."

initions.

e, r. 409.

SEC. 206. Section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301), relating to definitions, is amended by redesignating paragraphs (22) through (36) as paragraphs (24) through (38), respectively, and by inserting immediately after paragraph (21) the following new paragraphs:

"(22) 'Intrastate air carrier' means any citizen of the United States who undertakes, whether directly or indirectly or by a lease or any other arrangement, to engage solely in intrastate air transportation.

"(23) 'Intrastate air transportation' means the carriage of persons or property as a common carrier for compensation or hire, by turbojet-powered aircraft capable of carrying thirty or more persons, wholly within the same State of the United States."

SEC. 207. (a) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the center heading: "TITLE III—ORGANIZATION OF AGENCY AND POWERS AND DUTIES OF ADMINISTRATOR" is amended by adding at the end thereof the following new items:

"Sec. 315. Screening of passengers in air transportation.

"(a) Procedures and facilities.

"(b) Exemption authority.

"Sec. 316. Air transportation security.

"(a) Rules and regulations.

"(b) Personnel.

"(c) Training.

"(d) Research and development; confidential information.

"(e) Overall Federal responsibility.

"(f) Definition.

(b) That portion of such table of contents which appears under the side heading

"Sec. 902. Criminal penalties."

is amended by striking out—

"(1) Carrying weapons aboard aircraft."

and inserting in lieu thereof—

"(1) Carrying weapons or explosives aboard aircraft."

(c) That portion of such table of contents which appears under the center heading "TITLE XI—MISCELLANEOUS" is amended by adding at the end thereof the following new item:

"Sec. 1116. Liability for certain property."

Approved August 5, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-885 accompanying H.R. 3858 (Comm. on Interstate and Foreign Commerce and No. 93-1194 (Comm. of Conference).
SENATE REPORT No. 93-13 (Comm. on Commerce).

CONGRESSIONAL RECORD:

Vol. 119 (1973): Feb. 21, considered and passed Senate.

Vol. 120 (1974): Mar. 13, considered and passed House, amended, in lieu of H.R. 3858.

July 17, House agreed to conference report.

July 23, Senate agreed to conference report.



Public Law 93-380
93rd Congress, H. R. 69
August 21, 1974

An Act

86 STAT. 484

To extend and amend the Elementary and Secondary Education Act of 1965, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Education Amendments of 1974".

Education Amend-
ments of 1974.
20 USC 821
note.

TABLE OF CONTENTS

Sec. 2. General provisions.

TITLE I—AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Sec. 101. Amendments to title I of the Elementary and Secondary Education Act of 1965—special educational programs and projects for educationally deprived children.

- (a) (1) Extension of the program.
- (2) Amendments relating to allocation of basic grants.
- (3) Amendment relating to incentive grants.
- (4) Amendments relating to special grants.
- (5) Amendments relating to applications.
- (6) Amendments relating to participation of children enrolled in private schools.
- (7) Amendments relating to adjustments where necessitated by appropriations.
- (8) Amendments relating to allocation of funds within the school district of a local educational agency and program evaluation.
- (9) Technical amendments.
- (10) Provision with respect to additional authorizations for certain local educational agencies.
- (b) Effective date.

Sec. 102. School library resources, textbooks, and other instructional materials.

Sec. 103. Supplementary educational centers and services; guidance, counseling, and testing.

Sec. 104. Strengthening State and local educational agencies.

Sec. 105. Bilingual educational programs.

Sec. 106. Statute of limitations.

Sec. 107. Dropout prevention projects.

Sec. 108. School nutrition and health services.

Sec. 109. Correction education services.

Sec. 110. Open meetings of educational agencies.

Sec. 111. Ethnic heritage studies centers.

TITLE II—EQUAL EDUCATIONAL OPPORTUNITIES AND THE TRANSPORTATION OF STUDENTS

Sec. 201. Short title.

PART A—EQUAL EDUCATIONAL OPPORTUNITIES

Subpart 1—Policy and Purpose

Sec. 202. Declaration of policy.

Sec. 203. Findings.

Subpart 2—Unlawful Practices

Sec. 204. Denial of equal educational opportunity prohibited.

Sec. 205. Balance not required.

Sec. 206. Assignment on neighborhood basis not a denial of equal educational opportunity.

Subpart 3—Enforcement

Sec. 207. Civil actions.

Sec. 208. Effect of certain population changes on certain actions.

Sec. 209. Jurisdiction of district courts.

Sec. 210. Intervention by Attorney General.

Sec. 211. Suits by the Attorney General.

Subpart 4—Remedies

- Sec. 213. Formulating remedies; applicability.
- Sec. 214. Priority of remedies.
- Sec. 215. Transportation of students.
- Sec. 216. District lines.
- Sec. 217. Voluntary adoption of remedies.
- Sec. 218. Reopening proceedings.
- Sec. 219. Limitation on orders.

Subpart 5—Definitions

- Sec. 221. Definitions.

Subpart 6—Miscellaneous Provisions

- Sec. 222. Repealer.
- Sec. 223. Separability of provisions.

PART B—OTHER PROVISIONS RELATING TO THE ASSIGNMENT AND TRANSPORTATION OF STUDENTS

- Sec. 251. Prohibition against assignment or transportation of students to overcome racial imbalance.
- Sec. 252. Prohibition against use of appropriated funds for busing.
- Sec. 253. Provision relating to court appeals.
- Sec. 254. Provision requiring that rules of evidence be uniform.
- Sec. 255. Application of proviso of section 407(a) of the Civil Rights Act of 1964 to the entire United States.
- Sec. 256. Additional priority of remedies.
- Sec. 257. Remedies with respect to school district lines.
- Sec. 258. Prohibition of forced busing during the school year.
- Sec. 259. Reasonable time for developing voluntary plan for desegregating schools.

TITLE III—FEDERAL IMPACT AID PROGRAMS

- Sec. 301. Duration of payments under Public Law 815, Eighty-first Congress.
- Sec. 302. Amendments to Public Law 815, Eighty-first Congress.
- Sec. 303. Duration of payments under title I of Public Law 874, Eighty-first Congress except section 3 thereof.
- Sec. 304. Amendments to Public Law 874, Eighty-first Congress for fiscal year 1975.
- Sec. 305. Amendments to sections 3, 5, and 7 of Public Law 874, Eighty-first Congress.

TITLE IV—CONSOLIDATION OF CERTAIN EDUCATION PROGRAMS

- Sec. 401. Consolidation of library, and learning resources, educational innovation, and support programs.
- Sec. 402. Consolidation of certain federally operated educational programs.
 - (a) The Special Projects Act.
 - (b) (1) Priorities and preferences under the Special Projects Act.
 - (2) Apportionment of reserved funds.
 - (3) Uses of reserved funds.
 - (4) Limitation on duplicate appropriations.
 - (c) (1) Effective date.
 - (2) Amendments repealing section 306 of the Elementary and Secondary Education Act of 1965.
 - (3) Amendments repealing section 809 of the Elementary and Secondary Education Act of 1965.
- Sec. 403. Education for the use of the metric system of measurement.
- Sec. 404. Gifted and talented children.
- Sec. 405. Community schools.
- Sec. 406. Career education.
- Sec. 407. Consumers' education.
- Sec. 408. Women's educational equity.
- Sec. 409. Elementary and secondary school education in the arts.
- Sec. 410. Effective date.

August 21, 1974

- 3 -

Pub. Law 93-380

88 STAT. 485

TITLE V—EDUCATION ADMINISTRATION

- Sec. 501. National center for education statistics.
- Sec. 502. General provisions relating to officers in the education division.
- Sec. 503. Amendments with respect to the Office of Education; regional offices.
- Sec. 504. Amendments with respect to the education division.
- Sec. 505. Amendment with respect to application, authorization of appropriations, and other general matters.
- Sec. 506. Revision of appropriations and evaluations provisions.
- Sec. 507. Applicability of part C.
- Sec. 508. Publication of indexed compilation of innovative projects; review of applications.
- Sec. 509. Amendments to section 431 of the General Education Provisions Act relating to rules, regulations, and other requirements of general applicability.
- Sec. 510. Audits and recordkeeping.
- Sec. 511. Simplified State application.
- Sec. 512. Furnishing information.
- Sec. 513. Protection of the rights and privacy of parents and students.
- Sec. 514. Protection of pupil rights.
- Sec. 515. Limitation on withholding of Federal funds.
- Sec. 516. Appointment of members of and functioning of advisory councils.
- Sec. 517. Other amendments relating to advisory councils.
- Sec. 518. Relation to other laws.
- Sec. 519. Office of Libraries and Learning Resources.

TITLE VI—EXTENSION AND REVISION OF RELATED ELEMENTARY AND SECONDARY EDUCATION PROGRAMS

PART A—ADULT EDUCATION

- Sec. 601. Definition of "community school program".
- Sec. 602. Special projects reservation eliminated.
- Sec. 603. New State plan requirements.
- Sec. 604. Use of funds for special projects.
- Sec. 605. Clearinghouse on adult education.
- Sec. 606. State advisory councils.
- Sec. 607. Amendments relating to bilingual education.
- Sec. 608. Extension of authorizations of appropriations; technical amendments.
- Sec. 609. Effective dates.

PART B—EDUCATION OF THE HANDICAPPED

- Sec. 611. Short title.
- Sec. 612. Bureau for the education and training of the handicapped.
- Sec. 613. Advisory Committee.
- Sec. 614. State entitlements.
- Sec. 615. Additional State plan requirement.
- Sec. 616. Regional education programs for deaf and other handicapped persons.
- Sec. 617. Centers and services.
- Sec. 618. Personnel training.
- Sec. 619. Research.
- Sec. 620. Instructional media.
- Sec. 621. Specific learning disabilities.

PART C—INDIAN EDUCATION

- Sec. 631. Extension of programs for the education of Indian children.
- Sec. 632. Revision of programs relating to Indian education.

PART D—EMERGENCY SCHOOL AID

- Sec. 641. Extension of the Emergency School Aid Act.
- Sec. 642. Repeal of reservation for certain metropolitan projects.
- Sec. 643. Amendment with respect to eligibility.
- Sec. 644. Special projects for the teaching of mathematics.
- Sec. 645. Amendment relating to nonprofit groups.
- Sec. 646. Effective date.

PART E—NATIONAL DEFENSE EDUCATION

Sec. 651. Extension of title III.

TITLE VII—NATIONAL READING IMPROVEMENT PROGRAM

Sec. 701. Statement of purpose.

PART A—READING IMPROVEMENT PROJECTS

Sec. 705. Projects authorized.

PART B—STATE READING IMPROVEMENT PROGRAMS

- Sec. 711. Statement of purpose.
- Sec. 712. Applicability and effective date.
- Sec. 713. Allotments to States.
- Sec. 714. Agreements with State educational agencies.

PART C—OTHER READING IMPROVEMENT PROGRAMS

- Sec. 721. Special emphasis projects.
- Sec. 722. Reading training on public television.
- Sec. 723. Reading academies.

PART D—GENERAL PROVISIONS

- Sec. 731. Evaluation.
- Sec. 732. Authorization of appropriations.

TITLE VIII—MISCELLANEOUS PROVISIONS

PART A—POLICY STATEMENTS AND WHITE HOUSE CONFERENCE ON EDUCATION

- Sec. 801. National policy with respect to equal educational opportunity.
- Sec. 802. Policy with respect to advance funding of education programs.
- Sec. 803. Policy of the United States with respect to museums as educational institutions.
- Sec. 804. White House Conference on Education.

PART B—EDUCATIONAL STUDIES AND SURVEYS

- Sec. 821. Study of purposes and effectiveness of compensatory education programs.
- Sec. 822. Survey and study for updating number of children counted.
- Sec. 823. Study of the measure of poverty used under title I of the Elementary and Secondary Education Act of 1965.
- Sec. 824. Study of late funding of elementary and secondary education programs.
- Sec. 825. Safe school study.
- Sec. 826. Study of athletic injuries.

PART C—AMENDMENTS TO THE HIGHER EDUCATION ACT OF 1965

- Sec. 831. Community service and continuing education amendments.
- Sec. 832. Developing institutions amendment.
- Sec. 833. Bilingual education amendments.
- Sec. 834. Veterans cost of instruction payments amendments.
- Sec. 835. Teacher corps amendments.
- Sec. 836. Amendment to title IX respecting training in the legal profession.
- Sec. 837. Community college and occupational education amendment.

PART D—OTHER MISCELLANEOUS PROVISIONS

- Sec. 841. Amendments to the Library Services and Construction Act and the Vocational Education Act of 1963 relating to bilingual education and vocational training.
- Sec. 842. Assistance to States for State equalization plans.
- Sec. 843. Treatment of Puerto Rico as a State.
- Sec. 844. Provision relating to sex discrimination.
- Sec. 845. Extension of advisory councils.
- Sec. 846. Separability.

August 21, 1974

- 5 -

Pub. Law 93-380

88 STAT. 488

GENERAL PROVISIONS

SEC. 2. (a) As used in this Act—

Definitions.

(1) the term "Secretary" means the Secretary of Health, Education, and Welfare;

(2) the term "Assistant Secretary" means the Assistant Secretary of Health, Education, and Welfare for Education; and

(3) the term "Commissioner" means the Commissioner of Education;

unless the context of such use requires another meaning.

(b) Unless otherwise specified, the redesignation of a title, part, section, subsection, or other designation by any amendment in this Act shall include the redesignation of all references to such title, part, section, subsection, or other designation in any Act or regulation, however styled.

(c)(1) Unless otherwise specified, each provision of this Act and each amendment made by this Act shall be effective on and after the sixtieth day after the enactment of this Act.

Effective
dates.
20 USC 241b
note.

(2) In any case where the effective date for an amendment made by this Act is expressly stated to be effective after June 30, 1973, or on July 1, 1973, such amendment shall be deemed to have been enacted on June 30, 1973.

TITLE I—AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

AMENDMENTS TO TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965—SPECIAL EDUCATIONAL PROGRAMS AND PROJECTS FOR EDUCATIONALLY DEPRIVED CHILDREN

SEC. 101. (a) (1) Section 102 of title I of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

79 Stat. 27;
81 Stat. 787;
84 Stat. 121.
20 USC 241b.

"DURATION OF ASSISTANCE

"SEC. 102. During the period beginning July 1, 1973, and ending June 30, 1978, the Commissioner shall, in accordance with the provisions of this title, make payments to State educational agencies for grants made on the basis of entitlements created under this title."

(2) (A) (i) (I) Such title I is amended by inserting immediately after the heading of part A the following new heading:

"Subpart 1—Grants to Local Educational Agencies".

(II) Section 103(a) of such title I is amended to read as follows:

"SEC. 103. (a) (1) There is authorized to be appropriated for each fiscal year for the purpose of this paragraph 1 per centum of the amount appropriated for such year for payments to States under section 143(a) (other than payments under such section to jurisdictions excluded from the term 'State' by this subsection, and payments pursuant to section 124), and there shall be authorized to be appropriated such additional sums as will assure at least the same level of funding under this title as in fiscal year 1973 for Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and to the Secretary of the Interior for payments pursuant to paragraphs (1) and (2) of subsection (d). The amount appropriated pursuant to this paragraph shall be allotted by the Commissioner (A) among Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective need for grants under this part, and (B) to the Secretary of the Interior in the

79 Stat. 27;
84 Stat. 126;
20 USC 241c.
Appropriation.
79 Stat. 28;
81 Stat. 787;
86 Stat. 338,
352.
20 USC 241c.
Post, p. 500.
Post, p. 494.

STAT. 489

amount necessary (i) to make payments pursuant to paragraph (1) of subsection (d), and (ii) to make payments pursuant to paragraph (2) of subsection (d). The grant which a local educational agency in Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands is eligible to receive shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this title.

"(2) In any case in which the Commissioner determines that satisfactory data for that purpose are available, the grant which a local educational agency in a State shall be eligible to receive under this subpart for a fiscal year shall (except as provided in paragraph (3)) be determined by multiplying the number of children counted under subsection (c) by 40 per centum of the amount determined under the next sentence. The amount determined under this sentence shall be the average per pupil expenditure in the State except that (A) if the average per pupil expenditure in the State is less than 80 per centum of the average per pupil expenditure in the United States, such amount shall be 80 per centum of the average per pupil expenditure in the United States, or (B) if the average per pupil expenditure in the State is more than 120 per centum of the average per pupil expenditure in the United States, such amount shall be 120 per centum of the average per pupil expenditure in the United States. In any case in which such data are not available, subject to paragraph (3), the grant for any local educational agency in a State shall be determined on the basis of the aggregate amount of such grants for all such agencies in the county or counties in which the school district of the particular agency is located, which aggregate amount shall be equal to the aggregate amount determined under the two preceding sentences for such county or counties, and shall be allocated among those agencies upon such equitable basis as may be determined by the State educational agency in accordance with basic criteria prescribed by the Commissioner.

"(3) (A) Upon determination by the State educational agency that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children described in clause (C) of paragraph (1) of subsection (c), who are living in institutions for neglected or delinquent children, the State educational agency shall, if it assumes responsibility for the special educational needs of such children, be eligible to receive the portion of the allocation to such local educational agency which is attributable to such neglected or delinquent children, but if the State educational agency does not assume such responsibility, any other State or local public agency, as determined by regulations established by the Commissioner, which does assume such responsibility shall be eligible to receive such portion of the allocation.

"(B) In the case of local educational agencies which serve in whole or in part the same geographical area, and in the case of a local educational agency which provides free public education for a substantial number of children who reside in the school district of another local educational agency, the State educational agency may allocate the amount of the grants for those agencies among them in such manner as it determines will best carry out the purposes of this title.

"(C) The grant which Puerto Rico shall be eligible to receive under this subpart for a fiscal year shall be the amount arrived at by multiplying the number of children counted under subsection (c) by 40 per centum of (i) the average per pupil expenditure in Puerto Rico or (ii) in the case where such average per pupil expenditure is more than 120 per centum of the average per pupil expenditure in the United States, 120 per centum of the average per pupil expenditure in the United States.

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August 21, 1974

- 7 -

Pub. Law 93-380

88 STAT. 490

"(4) For purposes of this subsection, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands."

(ii) Section 103(b) of such title I is amended by striking out "aged five to seventeen, inclusive, described in clauses (A), (B), and (C) of the first sentence of paragraph (2) of subsection (a)" and inserting in lieu thereof "counted under subsection (c)".

79 Stat. 29;
80 Stat. 119;
81 Stat. 787;
20 USC 241c.
79 Stat. 29;
81 Stat. 787;
84 Stat. 126.

(B) Section 103(c) of such title I is amended to read as follows:

"(c) (1) The number of children to be counted for purposes of this section is the aggregate of (A) the number of children aged five to seventeen, inclusive, in the school district of the local educational agency from families below the poverty level as determined under paragraph (2)(A), (B) two-thirds of the number of children aged five to seventeen, inclusive, in the school district of such agency from families above the poverty level as determined under paragraph (2)(B), and (C) the number of children aged five to seventeen, inclusive, in the school district of such agency living in institutions for neglected or delinquent children (other than such institutions operated by the United States) but not counted pursuant to section 123 for the purposes of a grant to a State agency, or being supported in foster homes with public funds."

Post, p. 494

(C)(i) Subsection (d) of section 103 is redesignated as paragraph (2) of subsection (c).

79 Stat. 29;
81 Stat. 787;
84 Stat. 122

(ii) The first sentence of such paragraph (2), as redesignated by this section, is amended to read as follows:

Supra.

"(A) For the purposes of this section, the Commissioner shall determine the number of children aged five to seventeen, inclusive, from families below the poverty level on the basis of the most recent satisfactory data available from the Department of Commerce for local educational agencies (or, if such data are not available for such agencies, for counties); and in determining the families which are below the poverty level, the Commissioner shall utilize the criteria of poverty used by the Bureau of the Census in compiling the 1970 decennial census."

(iii) The second sentence of paragraph (2) of such subsection (c) (as redesignated by this section) is repealed.

Repeal.

(iv) The third sentence of such paragraph (2) is amended to read as follows:

Supra.

"(B) For purposes of this section, the Secretary of Health, Education, and Welfare shall determine the number of children aged five to seventeen, inclusive, from families above the poverty level on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act; and in making such determinations the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the 1970 decennial census for a nonfarm family of four in such form as those criteria have been updated by increases in the Consumer Price Index. The Secretary shall determine the number of such children and the number of children of such ages living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of January of the preceding fiscal year (using, in the case of children described in the preceding sentence, the criteria of poverty and the form of such criteria required by such sentence which were determined for the second calendar year preceding such month of January) or, to the extent that such data are not available to him before April 1 of the calendar year

49 Stat. 62
85 Stat. 80
42 USC 601.

in which the Secretary's determination is made, then on the basis of the most recent reliable data available to him at the time of such determination."

Ante, p. 490.

(v) The fourth sentence of such paragraph (2) (as redesignated by this section) is amended by striking out the word "When" and inserting in lieu thereof the following:

"(C) When";

and by striking out "having an annual income less than the low-income factor (established pursuant to subsection (c))" and inserting in lieu thereof "below the poverty level (as determined under paragraph (A) of this subsection)".

Repeal.

(vi) Section 103(e) of such title I is repealed.

81 Stat. 784,
787;

(D) Section 103 of such title I is amended by adding at the end thereof the following:

84 Stat. 124.
20 USC 241c.
Out-of-State
Indian chil-
dren, pay-
ments.

"(d) (1) From the amount allotted for payments to the Secretary of the Interior under clause (B)(i) in the second sentence of subsection (a) (1), the Secretary of the Interior shall make payments to local educational agencies, upon such terms as the Commissioner determines will best carry out the purposes of this title, with respect to out-of-State Indian children in the elementary and secondary schools of such agencies under special contracts with the Department of the Interior. The amount of such payment may not exceed, for each such child, 40 per centum of (A) the average per pupil expenditure in the State in which the agency is located or (B) 120 per centum of such expenditure in the United States, whichever is the greater.

"(2) The amount allotted for payments to the Secretary of the Interior under clause (B)(ii) in the second sentence of subsection (a) (1) for any fiscal year shall be, as determined pursuant to criteria established by the Commissioner, the amount necessary to meet the special educational needs of educationally deprived Indian children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior. Such payments shall be made pursuant to an agreement between the Commissioner and the Secretary containing such assurances and terms as the Commissioner determines will best achieve the purposes of this title. Such agreement shall contain (A) an assurance that payments made pursuant to this subparagraph will be used solely for programs and projects approved by the Secretary of the Interior which meet the applicable requirements of section 141(a) and that the Department of the Interior will comply in all other respects with the requirements of this title, and (B) provision for carrying out the applicable provisions of sections 141(a) and 142(a)(3)."

Post, p. 496.

(E) Such title I is amended by inserting at the end of part A the following:

"Subpart 2—State Operated Programs

"PROGRAMS FOR HANDICAPPED CHILDREN

79 Stat. 31;
81 Stat. 787;
84 Stat. 126.
20 USC 241f.
80 Stat. 1191;
84 Stat. 121.
20 USC 241a
note.

"SEC. 121. (a) A State agency which is directly responsible for providing free public education for handicapped children (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education), shall be eligible to receive a grant under this section for any fiscal year.

Grants.
20 USC 241c-1.

"(b) Except as provided in sections 124 and 125, the grant which an agency (other than the agency for Puerto Rico) shall be eligible to receive under this section shall be an amount equal to 40 per centum of the average per pupil expenditure in the State (or (1) in the case where the average per pupil expenditure in the State is less than 80

Post, pp. 494,
495.

August 21, 1974

- 9 -

Pub. Law 93-380

88 STAT. 492

per centum of the average per pupil expenditure in the United States, of 80 per centum of the average per pupil expenditure in the United States, or (2) in the case where the average per pupil expenditure in the State is more than 120 per centum of the average per pupil expenditure in the United States, of 120 per centum of the average per pupil expenditure in the United States), multiplied by the number of such children in average daily attendance, as determined by the Commissioner, at schools for handicapped children operated or supported by the State agency, including schools providing special education for handicapped children under contract or other arrangement with such State agency, in the most recent fiscal year for which satisfactory data are available. The grant which Puerto Rico shall be eligible to receive under this section shall be the amount arrived at by multiplying the number of children in Puerto Rico counted as provided in the preceding sentence by 40 per centum of (1) the average per pupil expenditure in Puerto Rico or (2) in the case where such average per pupil expenditure is more than 120 per centum of the average per pupil expenditure in the United States, 120 per centum of the average per pupil expenditure in the United States.

"(c) A State agency shall use the payments made under this section only for programs and projects (including the acquisition of equipment and, where necessary, the construction of school facilities) which are designed to meet the special educational needs of such children, and the State agency shall provide assurances to the Commissioner that each such child in average daily attendance counted under subsection (b) will be provided with such a program, commensurate with his special needs, during any fiscal year for which such payments are made. Grants, use limitation.

"(d) In the case where such a child leaves an educational program for handicapped children operated or supported by the State agency in order to participate in such a program operated or supported by a local educational agency, such child shall be counted under subsection (b) if (1) he continues to receive an appropriately designed educational program and (2) the State agency transfers to the local educational agency in whose program such child participates an amount equal to the sums received by such State agency under this section which are attributable to such child, to be used for the purposes set forth in subsection (c).

"PROGRAMS FOR MIGRATORY CHILDREN

"Sec. 122. (a) (1) A State educational agency or a combination of such agencies, upon application, shall be entitled to receive a grant for any fiscal year under this section to establish or improve, either directly or through local educational agencies, programs of education for migratory children of migratory agricultural workers or of migratory fishermen. The Commissioner may approve such an application only upon his determination— Grants, 20 USC 241c-2. Application, approval.

"(A) that payments will be used for programs and projects (including the acquisition of equipment and where necessary the construction of school facilities) which are designed to meet the special educational needs of migratory children of migratory agricultural workers or of migratory fishermen, and to coordinate these programs and projects with similar programs and projects in other States, including the transmittal of pertinent information with respect to school records of such children;

"(B) that in planning and carrying out programs and projects there has been and will be appropriate coordination with pro-

88 STAT. 493

61 Stat. 709.
42 USC 2861.

Post, p. 496.

grams administered under part B of title III of the Economic Opportunity Act of 1964:

"(C) that such programs and projects will be administered and carried out in a manner consistent with the basic objectives of clauses (1) (B) and (3) through (12) of section 141(a); and

"(D) that, in planning and carrying out programs and projects, there has been adequate assurance that provision will be made for the preschool educational needs of migratory children of migratory agricultural workers or of migratory fishermen, whenever such agency determines that compliance with this clause will not detract from the operation of programs and projects described in clause (A) of this paragraph after considering the funds available for this purpose.

The Commissioner shall not finally disapprove an application of a State educational agency under this paragraph except after reasonable notice and opportunity for a hearing to the State educational agency.

"(2) If the Commissioner determines that a State is unable or unwilling to conduct educational programs for migratory children of migratory agricultural workers or of migratory fishermen, or that it would result in more efficient and economic administration, or that it would add substantially to the welfare or educational attainment of such children, he may make special arrangements with other public or nonprofit private agencies to carry out the purposes of this section in one or more States, and for this purpose he may use all or part of the total of grants available for any such State under this section.

"(3) For purposes of this section, with the concurrence of his parents, a migratory child of a migratory agricultural worker or of a migratory fisherman shall be deemed to continue to be such a child for a period, not in excess of five years, during which he resides in the area served by the agency carrying on a program or project under this subsection. Such children who are presently migrant, as determined pursuant to regulations of the Commissioner, shall be given priority in this consideration of programs and activities contained in applications submitted under this subsection.

grants, avail-
ability.
Post, pp. 494,
495.

"(b) Except as provided in sections 124 and 125, the total grants which shall be made available for use in any State (other than Puerto Rico) for this section shall be an amount equal to 40 per centum of the average per pupil expenditure in the State (or (1) in the case where the average per pupil expenditure in the State is less than 80 per centum of the average per pupil expenditure in the United States, of 80 per centum of the average per pupil expenditure in the United States, or (2) in the case where the average per pupil expenditure in the State is more than 120 per centum of the average per pupil expenditure in the United States, of 120 per centum of the average per pupil expenditure in the United States) multiplied by (1) the estimated number of such migratory children aged five to seventeen, inclusive, who reside in the State full time, and (2) the full-time equivalent of the estimated number of such migratory children aged five to seventeen, inclusive, who reside in the State part time, as determined by the Commissioner in accordance with regulations, except that if, in the case of any State, such amount exceeds the amount required under subsection (a), the Commissioner shall allocate such excess, to the extent necessary, to other States whose total of grants under this sentence would otherwise be insufficient for all such children to be served in such other States. The total grant which shall be made available for use in Puerto Rico shall be arrived at by multiplying the number of children in Puerto Rico counted as provided in the preceding sentence by 40 per centum of (1) the average per pupil expenditure in Puerto Rico or (2) in the case where such average per

August 21, 1974

- 11 -

Pub. Law 93-380

88 STAT. 494

pupil expenditure is more than 120 per centum of the average per pupil expenditure in the United States, 120 per centum of the average per pupil expenditure in the United States. In determining the number of migrant children for the purposes of this section the Commissioner shall use statistics made available by the migrant student record transfer system or such other system as he may determine most accurately and fully reflects the actual number of migrant students.

"PROGRAMS FOR NEGLECTED OR DELINQUENT CHILDREN

"SEC. 123. (a) A State agency which is directly responsible for providing free public education for children in institutions for neglected or delinquent children or in adult correctional institutions shall be entitled to receive a grant under this section for any fiscal year (but only if grants received under this section are used only for children in such institutions).

Grants.
20 USC 241c-3.

"(b) Except as provided in sections 124 and 125, the grant which such an agency (other than the agency for Puerto Rico) shall be eligible to receive shall be an amount equal to 40 per centum of the average per pupil expenditure in the State (or (1) in the case where the average per pupil expenditure in the State is less than 80 per centum of the average per pupil expenditure in the United States, of 80 per centum of the average per pupil expenditure in the United States, or (2) in the case where the average per pupil expenditure in the State is more than 120 per centum of the average per pupil expenditure in the United States, of 120 per centum of the average per pupil expenditure in the United States) multiplied by the number of such children in average daily attendance, as determined by the Commissioner, at schools for such children operated or supported by that agency, including schools providing education for such children under contract or other arrangement with such agency, in the most recent fiscal year for which satisfactory data are available. The grant which Puerto Rico shall be eligible to receive under this section shall be the amount arrived at by multiplying the number of children in Puerto Rico counted as provided in the preceding sentence by 40 per centum of (1) the average per pupil expenditure in Puerto Rico or (2) in the case where such average per pupil expenditure is more than 120 per centum of the average per pupil expenditure in the United States, 120 per centum of the average per pupil expenditure in the United States.

Infra.
Post, p. 495.

"(c) A State agency shall use payments under this section only for programs and projects (including the acquisition of equipment and where necessary the construction of school facilities) which are designed to meet the special educational needs of such children.

Grants, use
limitation.

"RESERVATION OF FUNDS FOR TERRITORIES

"SEC. 124. There is authorized to be appropriated for each fiscal year for purposes of each of sections 121, 122, and 123, an amount equal to not more than 1 per centum of the amount appropriated for such year for such sections for payments to Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands under each such section. The amounts appropriated for each such section shall be allotted among Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective need for such grants, based on such criteria as the Commissioner determines will best carry out the purposes of this title.

Appropriation.
20 USC 241c-4.
Ante, pp. 491,
492.
Supra.

"MINIMUM PAYMENTS FOR STATE OPERATED PROGRAMS

20 USC 241c-5.
Post, p. 611.
Ante, pp. 491,
 492, 494.

"SEC. 125. Except as provided in section 843 of the Education Amendments of 1974, no State agency shall receive in any fiscal year prior to July 1, 1978, pursuant to sections 121, 122, or 123 an amount which is less than 100 per centum of the amount which that State agency received in the prior fiscal year pursuant to such sections 121, 122, or 123, respectively."

84 Stat. 126.

20 USC 241d.

84 Stat. 127.

20 USC 241d-11.

(3) Section 121 of such title I and all references thereto are redesignated as section 126.

(4) (A) Part C of such title I is amended to read as follows:

"PART C—SPECIAL GRANTS

"ELIGIBILITY AND MAXIMUM AMOUNT OF SPECIAL GRANTS

"SEC. 131. (a) Each local educational agency in a State which is eligible for a grant under this title for any fiscal year shall be entitled to an additional grant for that fiscal year if it meets the requirements of subsection (b). The amount of such grant shall be determined in accordance with subsection (c).

"(b) (1) A local educational agency shall be entitled to a grant under this part for any fiscal year if the school district of such agency is located in a county in which—

"(A) the number of children described in paragraph (2) for such year amounts to at least 200 per centum of the average number of such children in all counties in the State in which such agency is located for that fiscal year; or

"(B) the number of children so described in such county for such year is 10,000 and amounts to 5 per centum of the total number of children in such county.

"(2) For the purposes of paragraph (1), the children counted with respect to a local educational agency shall be those children in the such county who are—

"(A) in families having an annual income of \$3,000 or less; or

"(B) in families receiving an annual income in excess of \$3,000 from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act; or

"(C) living in institutions for neglected or delinquent children or being supported in foster homes with public funds.

"(3) (A) Determinations with respect to numbers of children in any county under paragraph (2) shall be made by the Commissioner on the basis of the most recent satisfactory data available to him.

"(B) (i) The number of children determined with respect to one or more counties shall be allocated by the Commissioner, for the purposes of paragraph (2), among the local educational agencies with school districts located in such county or counties.

"(ii) In any case where—

"(I) two or more local educational agencies serve, in whole or in part, the same geographical area; or

"(II) a local educational agency provides free public education for a substantial number of children who reside in the school district of another local educational agency,

the Commissioner may allocate the number of children determined under this subsection among such agencies in such a manner as will best achieve the purposes of this section.

"(C) (i) For the purposes of paragraph (2), the Commissioner shall determine the number of children from families having an annual income of \$3,000 or less on the basis of the most recent satisfactory

49 Stat. 627;

85 Stat. 803.

42 USC 601.

August 21, 1974

- 13 -

Pub. Law 93-380

86 STAT. 496

data available from the Department of Commerce. At any time such data for a county are available in the Department of Commerce, such data shall be used in making calculations under this subsection.

"(ii) For the purposes of this subsection, the Secretary of Health, Education, and Welfare shall determine the number of children from families receiving an annual income in excess of \$3,000 from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act and the number of children living in institutions for neglected or delinquent children or being supported in foster homes with public funds, on the basis of caseload data for the month of January of the preceding fiscal year, or to the extent that such data are not available to him before April 1 of the calendar year in which the determination is made, then on the basis of the most recent data available to him at the time of such determination. For the purposes of this subsection, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

49 Stat. 627;

85 Stat. 803.

42 USC 601.

"(c) The amount of the grant to which a local educational agency shall be entitled for any fiscal year shall be—

Grant formula.

"(A) the number of children determined with respect to such agency under subsection (b); multiplied by—

"(B) 50 per centum of the average per pupil expenditure of all the local educational agencies in the State in which such agency is located.

"(d) Notwithstanding any other provision of this section, no payments for any fiscal year under this part to the local educational agencies in a single State shall exceed 12 per centum of the aggregate payments to all local educational agencies in that year under this part.

Payments, limitation.

"(e) (1) The aggregate of the amount for which all local educational agencies are eligible under this part shall not exceed \$75,000,000 for any fiscal year. If, for any fiscal year, such aggregate, as computed without regard to the preceding sentence, exceeds \$75,000,000, the amount for which each local educational agency is eligible shall be reduced ratably until such aggregate does not exceed such limitation.

"(2) For the purpose of making payments under this part there are authorized to be appropriated not in excess of \$75,000,000 for the fiscal year ending June 30, 1975.

Appropriation.

"(f) For the purposes of this section, the term—

"(1) 'State' means the fifty States and the District of Columbia; and

"State."

"(2) 'children' includes all children aged five through seventeen, inclusive."

"Children."

(B) Effective July 1, 1975, part C of such title I is repealed.

Repeal; effective date.

(5) (A) Section 141(a) (1) of such title I is amended by striking out so much thereof as precedes clause (B) and inserting in lieu thereof the following:

Ante, p. 495.

Excess costs.

79 Stat. 30;

81 Stat. 787;

84 Stat. 126.

20 USC 241e.

"(1) that payments under this title will be used for the excess costs of programs and projects (including the acquisition of equipment, payments to teachers of amounts in excess of regular salary schedules as a bonus for service in schools eligible for assistance under this title, the training of teachers, and, where necessary, the construction of school facilities and plans made or to be made for such programs, projects, and facilities) (A) which are designed to meet the special educational needs of educationally deprived children in school attendance areas having high concentrations of children from low-income families and".

(B) Section 141(a) (1) (A) of such title I is amended by adding

before the "and" at the end thereof the following: "(and at the discretion of the local educational agency, in any school of such agency not located in such a school attendance area, at which the proportion of children in actual average daily attendance from low-income families is substantially the same as the proportion of such children in such an area of that agency)".

79 Stat. 30;
81 Stat. 787;
84 Stat. 126.
20 USC 241e.
Infra.

(C) Section 141(a)(2) of such title I is amended to read as follows: "(2) that the local educational agency has provided satisfactory assurance that section 141A will be complied with;"

(D) Section 141(a) of such title I is amended by striking out "and" after paragraph (12), and by striking out paragraph (13), and inserting in lieu thereof the following:

"(13) that, where a school attendance area does not meet the requirement of paragraph (1)(A) of this subsection for a fiscal year, or in the case of a local educational agency electing to allocate funds under section 140, where such an area does not meet the requirement of that section, but did meet the appropriate requirement in either of the two preceding fiscal years, that school attendance area shall be considered to meet the applicable criterion for that fiscal year; and

Advisory coun-
cils.
Establishment.

79 Stat. 31;
81 Stat. 787;
84 Stat. 126.
20 USC 241g.

"(14) that the local educational agency shall establish an advisory council for the entire school district and shall establish an advisory council for each school of such agency served by a program or project assisted under section 143(a)(2), each of which advisory councils—

"(A) has as a majority of its members parents of the children to be served,

"(B) is composed of members selected by the parents in each school attendance area,

"(C) has been given responsibility by such agency for advising it in the planning for, and the implementation and evaluation of, such programs and projects, and

"(D) is provided by such agency, in accordance with regulations of the Commissioner, with access to appropriate information concerning such programs and projects."

79 Stat. 30;
80 Stat. 1191;
81 Stat. 787;
84 Stat. 126;
86 Stat. 352.

(E) Section 141 of such title I is amended by striking out subsection (c), by redesignating subsection (b) as subsection (c), and by inserting after subsection (a) the following new subsection:

"(b) It is the intent of the Congress to encourage, where feasible, the development for each educationally deprived child participating in a program under this title of an individualized written educational plan (maintained and periodically evaluated), agreed upon jointly by the local educational agency, a parent or guardian of the child, and when appropriate, the child."

(6) Such title I is amended by inserting immediately after section 141 the following new section:

"PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS"

20 USC 241c-1.

"SEC. 141A. (a) To the extent consistent with the number of educationally deprived children in the school district of the local educational agency who are enrolled in private elementary and secondary schools, such agency shall make provision for including special educational services and arrangements (such as dual enrollment, educational radio and television, and mobile educational services and equipment) in which such children can participate and meeting the requirements of clauses (A) and (B) of paragraph (1) of subsection (a) of section 141, paragraph (2) of subsection (a) of such section, and clauses (A) and (B) of paragraph (3) of subsection (a) of such section 141.

"(b)(1) If a local educational agency is prohibited by law from

August 21, 1974

- 15 -

Pub. Law 93-380

88 STAT. 498

providing for the participation in special programs for educationally deprived children enrolled in private elementary and secondary schools as required by subsection (a), the Commissioner shall waive such requirement and the provisions of section 141(a)(2), and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of subsection (a).

Waiver.
Ante, p. 497.

"(2) If the Commissioner determines that a local educational agency has substantially failed to provide for the participation on an equitable basis of educationally deprived children enrolled in private elementary and secondary schools as required by subsection (a), he shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of subsection (a), upon which determination the provisions of paragraph (a) and section 141(a)(2) shall be waived.

"(3) When the Commissioner arranges for services pursuant to this section, he shall, after consultation with the appropriate public and private school officials, pay the cost of such services from the appropriate allocation or allocations under this title.

Costs, payment.

"(4) (A) the Commissioner shall not take any final action under this section until he has afforded the State educational agency and local educational agency affected by such action at least sixty days notice of his proposed action and an opportunity for a hearing with respect thereto on the record.

Hearing opportunity.
Review petition filing.

"(B) If a State or local educational agency is dissatisfied with the Commissioner's final action after a hearing under subparagraph (A) of this paragraph, it may within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

72 Stat. 941;
80 Stat. 1323.
Findings.

"(C) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(D) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code."

62 Stat. 926.

(7) Section 144 of such title I is amended by striking out the first sentence and inserting in lieu thereof the following: "If the sums appropriated for any fiscal year for making the payments provided in this title are not sufficient to pay in full the total amounts which all local and State educational agencies are entitled to receive under this title for such year, the amount available for each grant to a State agency eligible for a grant under section 121, 122, or 123 shall be equal to the total amount of the grant as computed under each such section. If the remainder of such sums available after the application of the preceding sentence is not sufficient to pay in full the total amounts which all local educational agencies are entitled to receive under part A of this title for such year, the allocations to such agencies and allocations under part B shall, subject to adjustments under the next sentence, be ratably reduced to the extent necessary to bring the aggregate of such allocations within the limits of the amount so appro-

Appropriation adjustments.
79 Stat. 33;
81 Stat. 785,
787;
84 Stat. 126.
20 USC 241a.
Ante, p. 491.

Ante, p. 488.
84 Stat. 126;
Ante, p. 495.

86 STAT. 499

84 Stat. 126;

Ante, p. 495.

Ante, p. 495.

Ante, p. 488.

printed, except that entitlements under such part B shall be taken into consideration only to the extent that appropriations for such title I (excluding part C thereof) exceed \$1,396,975,000 for any fiscal year and such entitlements shall not exceed \$50,000,000 in any fiscal year. The allocation of a local educational agency which would be reduced under the preceding sentence to less than 85 per centum of its allocation under part A for the preceding fiscal year, shall be increased to such amount, the total of the increases thereby required being derived by proportionately reducing the allocations of the remaining local educational agencies, under the preceding sentence, but with such adjustments as may be necessary to prevent the allocation to any remaining local educational agency from being thereby reduced to less than 85 per centum of its allocation for such year. If the aggregate of the amounts to which all States are entitled under such part B exceeds \$50,000,000 the entitlement of each State shall be reduced ratably until such aggregate does not exceed \$50,000,000 in such fiscal year."

(8) Section 150 of such title I is redesignated as section 152, and such title I is further amended by adding immediately after section 149 the following new sections:

"ALLOCATION OF FUNDS WITHIN THE SCHOOL DISTRICT OF A LOCAL EDUCATIONAL AGENCY

20 USC 241n.

Post, p. 599.

Ante, p. 497.

Ante, p. 496.

"SEC. 150. (a) For any fiscal year not more than 20 local educational agencies selected for the purpose of section 821(a)(5) of the Education Amendments of 1974 may elect, with the approval of the district-wide parent advisory council which is required to be established under section 141(a)(14) of this title, to allocate funds received from payments under this title on the basis of a method or combination of methods other than the method provided under section 141(a)(1)(A). Any method selected pursuant to this section shall be so designed and administered as to be free from racial or cultural discrimination.

"(b) Any local educational agency to which this section applies shall submit such reports to the Director of the National Institute of Education at such time and in such manner as the Director may reasonably require to carry out his responsibilities under section 821(a)(5) of the Education Amendments of 1974.

Reports to
Director of
the National
Institute of
Education.

"PROGRAM EVALUATION

20 USC 241o.

"SEC. 151. (a) The Commissioner shall provide for independent evaluations which describe and measure the impact of programs and projects assisted under this title. Such evaluations may be provided by contract or other arrangements, and all such evaluations shall be made by competent and independent persons, and shall include, whenever possible, opinions obtained from program or project participants about the strengths and weaknesses of such programs or projects.

Standards.

"(b) The Commissioner shall develop and publish standards for evaluation of program or project effectiveness in achieving the objectives of this title.

Studies.

"(c) The Commissioner shall, where appropriate, consult with State agencies in order to provide for jointly sponsored objective evaluation studies of programs and projects assisted under this title within a State.

Models.

"(d) The Commissioner shall provide to State educational agencies, models for evaluations of all programs conducted under this title, for their use in carrying out their functions under section 143(a), which shall include uniform procedures and criteria to be utilized by local

79 Stat. 32;

81 Stat. 787;

84 Stat. 126.

20 USC 241g.

August 21, 1974

- 17 -

Pub. Law 93-380

88 STAT. 500

educational agencies, as well as by the State agency in the evaluation of such programs.

"(e) The Commissioner shall provide such technical and other assistance as may be necessary to State educational agencies to enable them to assist local educational agencies in the development and application of a systematic evaluation of programs in accordance with the models developed by the Commissioner.

Technical assistance.

"(f) The models developed by the Commissioner shall specify objective criteria which shall be utilized in the evaluation of all programs and shall outline techniques (such as longitudinal studies of children involved in such programs) and methodology (such as the use of tests which yield comparable results) for producing data which are comparable on a statewide and nationwide basis.

"(g) The Commissioner shall make a report to the respective committees of the Congress having legislative jurisdiction over programs authorized by this title and the respective Committees on Appropriations concerning his progress in carrying out this section not later than January 31, 1975, and thereafter he shall report to such committees no later than January 31 of each calendar year the results of the evaluations of programs and projects required under this section, which shall be comprehensive and detailed, as up-to-date as possible, and based to the maximum extent possible on objective measurements, together with any other related findings and evaluations, and his recommendations with respect to legislation.

Report to congressional committees.

Annual reports.

"(h) The Commissioner shall also develop a system for the gathering and dissemination of results of evaluations and for the identification of exemplary programs and projects, or of particularly effective elements of programs and projects, and for the dissemination of information concerning such programs and projects or such elements thereof to State and local educational agencies responsible for the design and conduct of programs and projects under this title, and to the education profession and the general public.

Information gathering and dissemination systems.

"(i) The Commissioner is authorized, out of funds appropriated to carry out this title in any fiscal year, to expend such sums as may be necessary to carry out the provisions of this section, but not to exceed one-half of 1 per centum of the amount appropriated for such program, of which \$5,000,000 for each fiscal year ending prior to July 1, 1977, shall be available only for the surveys and studies authorized by section 821 of the Education Amendments of 1974."

Appropriations, limitation.

Post, p. 589.

(9) (A) Section 141(a) (4) of such title is amended by striking out "section 145" and inserting in lieu thereof "section 433 of the General Education Provisions Act".

79 Stat. 30;
81 Stat. 787;
84 Stat. 126,
20 USC 241e,
20 USC 1221

(B) Section 141(a) (1) (B) of such title is amended by striking out "maximum".

note,
20 USC 241e,
20 USC 241g,
20 USC 241f.

(C) Section 143(a) (2) of such title is amended by striking out "maximum".

(D) Section 142 of such title is amended by striking out "described in section 141(c)" and inserting in lieu thereof "provided for in section 122".

Ante, p. 492.

(E) Section 142(a) (1) of such title is amended by striking out "section 103(a) (5)" and inserting in lieu thereof "section 121".

(F) Section 143(a) (2) of such title is amended by striking out "or section 131".

(G) Section 143(b) (1) of such title is amended to read as follows:

"(1) 1 per centum of the amount allocated to the State and its local educational agencies as determined for that year under this title; or".

(H) The third and fourth sentences of section 144 of such title are each amended by striking out "section 103(a) (6)" and inserting in lieu thereof "section 122".

20 USC 241h.

88 STAT. 501

79 Stat. 33;
81 Stat. 786,
787;84 Stat. 126.
20 USC 241j.Ante, p. 492.
79 Stat. 33;81 Stat. 786,
787;84 Stat. 126.
20 USC 241k.

Ante, p. 492.

64 Stat. 1107;

79 Stat. 35;

86 Stat. 334.

20 USC 244.

"Average per
pupil expend-
iture."

"Excess costs."

Appropriation.

20 USC 241b-1.

Effective date.

20 USC 241b

note.

80 Stat. 1191;

84 Stat. 130.

20 USC 821.

(I) Section 146 of such title is amended by striking out "section 141 (c)" and inserting in lieu thereof "section 122".

(J) Section 147 of such title is amended by striking out "section 141 (c)" and inserting in lieu thereof "section 122".

(K) Section 403 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by adding at the end thereof the following new paragraphs:

"(16) For purposes of title II, the 'average per pupil expenditure' in a State, or in the United States, shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made (or if satisfactory data for that year are not available at the time of computation, then during the most recent preceding fiscal year for which satisfactory data are available), of all local educational agencies as defined in section 403(6)(B) in the State, or in the United States (which for the purposes of this subsection means the fifty States, and the District of Columbia), as the case may be, plus any direct current expenditures by the State for operation of such agencies (without regard to the source of funds from which either of such expenditures are made), divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

"(17) For the purposes of title II, 'excess costs' means those costs directly attributable to programs and projects which exceed the average per pupil expenditure of a local educational agency in the most recent year for which satisfactory data are available for pupils in the grade or grades included in such programs or projects (but not including expenditures for any comparable State or local special programs for educationally deprived children or expenditures for bilingual programs or special education for handicapped children or children with specific learning disabilities, if such expenditures for bilingual education and special education are used to provide, to children of limited English-speaking ability and handicapped children, and children with specific learning disabilities who reside in title I project areas, services which are comparable to those provided to similarly disadvantaged children residing in nonproject areas)."

(10) There is authorized to be appropriated for each fiscal year a sum not to exceed \$15,700,000 to be allocated at the discretion of the Commissioner to assist those local education agencies whose total allocation under part A of title I of the Elementary and Secondary Education Act of 1965 is 90 per centum or less than such allocation under such part A during the preceding fiscal year.

(b) Except as otherwise specifically provided, the amendments made by subsection (a) and the provisions of paragraph (10) of such subsection shall be effective on and after July 1, 1974.

SCHOOL LIBRARY RESOURCES, TEXTBOOKS, AND OTHER INSTRUCTIONAL MATERIALS

Sec. 102. (a) Section 201(b) of the Elementary and Secondary Education Act of 1965 is amended by inserting before the period at the end thereof the following: "and each of the five succeeding fiscal years, except that no funds are authorized to be appropriated for obligation by the Commissioner during any year for which funds are available for obligation by the Commissioner for carrying out part B of title IV".

August 21, 1974

- 19 -

Pub. Law 93-380

88 STAT. 502

(b) The third sentence of section 202(a)(1) of the Act is amended by striking out "for the fiscal year ending June 30, 1968, and each of the succeeding fiscal years ending prior to July 1, 1973,".

86 Stat. 341.
20 USC 822.

(c) The amendments made by this section shall be effective on and after July 1, 1973.

Effective date.
20 USC 821
note.

SUPPLEMENTARY EDUCATIONAL CENTERS AND SERVICES; GUIDANCE,
COUNSELING, AND TESTING

SEC. 103. (a) (1) The first sentence of section 301(b) of the Elementary and Secondary Education Act of 1965 is amended by inserting before the period at the end thereof the following: ", and each of the five succeeding fiscal years, except that no funds are authorized to be appropriated for obligation by the Commissioner during any year for which funds are available for obligation by the Commissioner for carrying out part C of title IV".

84 Stat. 130.
20 USC 841.

(2) The second sentence of such Act is amended by inserting before the period at the end thereof the following: ", and each of the five succeeding fiscal years, except that no funds are authorized to be appropriated for obligation by the Commissioner during any year for which funds are available for obligation by the Commissioner for carrying out part C of title IV".

(b) The third sentence of section 302(a)(1) of such Act is amended by striking out "for each fiscal year ending prior to July 1, 1973,".

86 Stat. 341.
20 USC 842.

(c) The first sentence of section 305(c) of the Act is amended by striking out "1973" and inserting in lieu thereof "1978".

84 Stat. 138.
20 USC 844.

(d) Section 307 of such Act is amended by adding at the end thereof the following new subsection:

84 Stat. 139.
20 USC 845.

"(g)(1) The Commissioner shall not take any final action under subsection (f) until he has afforded the State educational agency and the local educational agency affected by such action at least sixty days notice of his proposed action and an opportunity for a hearing with respect thereto on the record.

Hearing opportunity.

"(2) If a State or local educational agency is dissatisfied with the Commissioner's final action after a hearing under paragraph (1) of this paragraph, it may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

Review petition, filing.

"(3) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

72 Stat. 941;
80 Stat. 1323.
Findings.

"(4) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code."

Jurisdiction.

(e) The amendments made by subsections (a), (b), and (c) of this section shall be effective on and after July 1, 1973, and the amendment

62 Stat. 928.
Effective date.
20 USC 841
note.

made by subsection (d) shall be effective on the date of enactment of this Act.

STRENGTHENING STATE AND LOCAL EDUCATIONAL AGENCIES

80 Stat. 1203;
84 Stat. 141.
20 USC 861.

SEC. 104. (a) Section 501(b) of the Elementary and Secondary Education Act of 1965 is amended by inserting before the period at the end thereof the following: "and each of the five succeeding fiscal years, except that no funds are authorized to be appropriated for obligation by the Commissioner during any year for which funds are available for obligation by the Commissioner for carrying out part C of title IV".

84 Stat. 142.
20 USC 866.

(b) Section 521(b) of such Act is amended by inserting before the period at the end thereof the following: "and each of the five succeeding fiscal years, except that no funds are authorized to be appropriated for obligation by the Commissioner during any year for which funds are available for obligation by the Commissioner for carrying out part C of title IV".

20 USC 867.

(c) Section 531(b) of such Act is amended by inserting before the period at the end thereof the following: "and each of the five succeeding fiscal years, except that no funds are authorized to be appropriated for obligation during any year for which funds are available for obligation for carrying out part C of title IV".

Effective date.
20 USC 861
note.

(d) The amendments made by this section shall be effective on and after July 1, 1973.

BILINGUAL EDUCATIONAL PROGRAMS

81 Stat. 816;
84 Stat. 151.
20 USC 880b.
Bilingual Edu-
cation Act.
20 USC 880b
note.

SEC. 105. (a)(1) Title VII of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"TITLE VII—BILINGUAL EDUCATION

"SHORT TITLE

"SEC. 701. This title may be cited as the 'Bilingual Education Act'.

"POLICY; APPROPRIATIONS

20 USC 880b.

"SEC. 702. (a) Recognizing—

"(1) that there are large numbers of children of limited English-speaking ability;

"(2) that many of such children have a cultural heritage which differs from that of English-speaking persons;

"(3) that a primary means by which a child learns is through the use of such child's language and cultural heritage;

"(4) that, therefore, large numbers of children of limited English-speaking ability have educational needs which can be met by the use of bilingual educational methods and techniques; and

"(5) that, in addition, children of limited English-speaking ability benefit through the fullest utilization of multiple language and cultural resources.

the Congress declares it to be the policy of the United States, in order to establish equal educational opportunity for all children (A) to encourage the establishment and operation, where appropriate, of educational programs using bilingual educational practices, techniques, and methods, and (B) for that purpose, to provide financial assistance to local educational agencies, and to State educational agencies for certain purposes, in order to enable such local educational agencies

to develop and carry out such programs in elementary and secondary schools, including activities at the preschool level, which are designed to meet the educational needs of such children; and to demonstrate effective ways of providing, for children of limited English-speaking ability, instruction designed to enable them, while using their native language, to achieve competence in the English language.

"(b) (1) Except as is otherwise provided in this title, for the purpose of carrying out the provisions of this title, there are authorized to be appropriated \$135,000,000 for the fiscal year ending June 30, 1974; \$135,000,000 for the fiscal year ending June 30, 1975; \$140,000,000 for the fiscal year ending June 30, 1976; \$150,000,000 for the fiscal year ending June 30, 1977; and \$160,000,000 for the fiscal year ending June 30, 1978. Appropriation.

"(2) There are further authorized to be appropriated to carry out the provisions of section 721(b) (3) \$6,750,000 for the fiscal year ending June 30, 1974; \$7,250,000 for the fiscal year ending June 30, 1975; \$7,750,000 for the fiscal year ending June 30, 1976; \$8,750,000 for the fiscal year ending June 30, 1977; and \$9,750,000 for the fiscal year ending June 30, 1978. Post, p. 507.

"(3) From the sums appropriated under paragraph (1) for any fiscal year—

"(A) the Commissioner shall reserve \$16,000,000 of that part thereof which does not exceed \$70,000,000 for training activities carried out under clause (3) of subsection (a) of section 721, and shall reserve for such activities 33⅓ per centum of that part thereof which is in excess of \$70,000,000; and

"(B) the Commissioner shall reserve from the amount not reserved pursuant to clause (A) of this paragraph such amounts as may be necessary, but not in excess of 1 per centum thereof, for the purposes of section 732. Post, p. 510.

"DEFINITIONS; REGULATIONS

"SEC. 703. (a) The following definitions shall apply to the terms used in this title: 20 USC 880b-1.

"(1) The term 'limited English-speaking ability', when used with reference to an individual, means—

"(A) individuals who were not born in the United States or whose native language is a language other than English, and

"(B) individuals who come from environments where a language other than English is dominant, as further defined by the Commissioner by regulations;

and, by reason thereof, have difficulty speaking and understanding instruction in the English language.

"(2) The term 'native language', when used with reference to an individual of limited English-speaking ability, means the language normally used by such individuals, or in the case of a child, the language normally used by the parents of the child.

"(3) The term 'low-income' when used with respect to a family means an annual income for such a family which does not exceed the low annual income determined pursuant to section 103 of title I of the Elementary and Secondary Education Act of 1965. Ante, p. 488.

"(4) (A) The term 'program of bilingual education' means a program of instruction, designed for children of limited English-speaking ability in elementary or secondary schools, in which, with respect to the years of study to which such program is applicable—

"(i) there is instruction given in, and study of, English and, to the extent necessary to allow a child to progress effectively through

the educational system, the native language of the children of limited English-speaking ability, and such instruction is given with appreciation for the cultural heritage of such children, and, with respect to elementary school instruction, such instruction shall, to the extent necessary, be in all courses or subjects of study which will allow a child to progress effectively through the educational system; and

"(ii) the requirements in subparagraphs (B) through (E) of this paragraph and established pursuant to subsection (b) of this section are met.

English-speaking
children, en-
rollment.

"(B) A program of bilingual education may make provision for the voluntary enrollment to a limited degree therein, on a regular basis, of children whose language is English, in order that they may acquire an understanding of the cultural heritage of the children of limited English-speaking ability for whom the particular program of bilingual education is designed. In determining eligibility to participate in such programs, priority shall be given to the children whose language is other than English. In no event shall the program be designed for the purpose of teaching a foreign language to English-speaking children.

"(C) In such courses or subjects of study as art, music, and physical education, a program of bilingual education shall make provision for the participation of children of limited English-speaking ability in regular classes.

"(D) Children enrolled in a program of bilingual education shall, if graded classes are used, be placed, to the extent practicable, in classes with children of approximately the same age and level of educational attainment. If children of significantly varying ages or levels of educational attainment are placed in the same class, the program of bilingual education shall seek to insure that each child is provided with instruction which is appropriate for his or her level of educational attainment.

Application.

"(E) An application for a program of bilingual education shall be developed in consultation with parents of children of limited English-speaking ability, teachers, and, where applicable, secondary school students, in the areas to be served, and assurances shall be given in the application that, after the application has been approved under this title, the applicant will provide for participation by a committee composed of, and selected by, such parents, and, in the case of secondary schools, representatives of secondary school students to be served.

Definitions.

"(5) The term 'Office' means the Office of Bilingual Education.

"(6) The term 'Director' means the Director of the Office of Bilingual Education.

"(7) The term 'Council' means the National Advisory Council on Bilingual Education.

"(b) The Commissioner, after receiving recommendations from State and local educational agencies and groups and organizations involved in bilingual education, shall establish, publish, and distribute, with respect to programs of bilingual education, suggested models with respect to pupil-teacher ratios, teacher qualifications, and other factors affecting the quality of instruction offered in such programs.

"(c) In prescribing regulations under this section, the Commissioner shall consult with State and local educational agencies, appropriate organizations representing parents and children of limited English-speaking ability, and appropriate groups and organizations representing teachers and educators involved in bilingual education.

Model pro-
grams.

August 21, 1974

- 23 -

Pub. Law 93-380 88 STAT. 806

"PART A—FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION
PROGRAMS

"BILINGUAL EDUCATION PROGRAMS

"Sec. 721. (a) Funds available for grants under this part shall be used for—

Grants.
20 USC 880b-7.

"(1) the establishment, operation, and improvement of programs of bilingual education:

"(2) auxiliary and supplementary community and educational activities designed to facilitate and expand the implementation of programs described in clause (1), including such activities as (A) adult education programs related to the purposes of this title, particularly for parents of children participating in programs of bilingual education, and carried out, where appropriate, in coordination with programs assisted under the Adult Education Act, and (B) preschool programs preparatory and supplementary to bilingual education programs;

80 Stat. 1191;
Post, p. 576.
20 USC 1201
note.

"(3) (A) the establishment, operation, and improvement of training programs for personnel preparing to participate in, or personnel participating in, the conduct of programs of bilingual education and (B) auxiliary and supplementary training programs, which shall be included in each program of bilingual education, for personnel preparing to participate in, or personnel participating in, the conduct of such programs; and

"(4) planning, and providing technical assistance for, and taking other steps leading to the development of, such programs.

"(b) (1) A grant may be made under this section only upon application therefor by one or more local educational agencies or by an institution of higher education, including a junior or community college, applying jointly with one or more local educational agencies (or, in the case of a training activity described in clause (3) (A) of subsection (a) of this section, by eligible applicants as defined in section 723). Each such application shall be made to the Commissioner at such time, in such manner, and containing such information as the Commissioner deems necessary, and

Application.

"(A) include a description of the activities set forth in one or more of the clauses of subsection (a) which the applicant desires to carry out; and

"(B) provide evidence that the activities so described will make substantial progress toward making programs of bilingual education available to the children having need thereof in the area served by the applicant.

Post, p. 506.

"(2) An application for a grant under this part may be approved only if—

Approval.

"(A) the provision of assistance proposed in the application is consistent with criteria established by the Commissioner, after consultation with the State educational agency, for the purpose of achieving an equitable distribution of assistance under this part within the State in which the applicant is located, which criteria shall be developed by him taking into consideration (i) the geographic distribution of children of limited English-speaking ability, (ii) the relative need of persons in different geographic areas within the State for the kinds of services and activities described in subsection (a), (iii) with respect to grants

to carry out programs described in clauses (1) and (2) of subsection (a) of section 721, the relative ability of particular local educational agencies within the State to provide such services and activities, and (iv) with respect to such grants, the relative numbers of persons from low-income families sought to be benefitted by such programs;

"(B) in the case of applications from local educational agencies to carry out programs of bilingual education under clause (1) of subsection (a) of section 721, the Commissioner determines that not less than 15 per centum of the amounts paid to the applicant for the purposes of such programs shall be expended for auxiliary and supplementary training programs in accordance with the provisions of clause (3) (B) of such subsection and section 723:

"(C) the Commissioner determines (i) that the program will use the most qualified available personnel and the best resources and will substantially increase the educational opportunities for children of limited English-speaking ability in the area to be served by the applicant, and (ii) that, to the extent consistent with the number of children enrolled in nonprofit, nonpublic schools in the area to be served whose educational needs are of the type which the program is intended to meet, provision has been made for participation of such children; and

"(D) the State educational agency has been notified of the application and has been given the opportunity to offer recommendations thereon to the applicant and to the Commissioner.

"(3) (A) Upon an application from a State educational agency, the Commissioner shall make provision for the submission and approval of a State program for the coordination by such State agency of technical assistance to programs of bilingual education in such State assisted under this title. Such State program shall contain such provisions, agreements, and assurances as the Commissioner shall, by regulation, determine necessary and proper to achieve the purposes of this title, including assurances that funds made available under this section for any fiscal year will be so used as to supplement, and to the extent practical, increase the level of funds that would, in the absence of such funds be made available by the State for the purposes described in this section, and in no case to supplant such funds.

"(B) Except as is provided in the second sentence of this subparagraph, the Commissioner shall pay from the amounts authorized for these purposes pursuant to section 702 for each fiscal year to each State educational agency which has a State program submitted and approved under subparagraph (A) such sums as may be necessary for the proper and efficient conduct of such State program. The amount paid by the Commissioner to any State educational agency under the preceding sentence for any fiscal year shall not exceed 5 per centum of the aggregate of the amounts paid under this part to local educational agencies in the State of such State educational agency in the fiscal year preceding the fiscal year in which this limitation applies.

"(c) In determining the distribution of funds under this title, the Commissioner shall give priority to areas having the greatest need for programs assisted under this title.

"INDIAN CHILDREN IN SCHOOLS

"SEC. 722. (a) For the purpose of carrying out programs under this part for individuals served by elementary and secondary schools operated predominantly for Indian children, a nonprofit institution or organization of the Indian tribe concerned which operates any

August 21, 1974

- 25 -

Pub. Law 93-380

88 STAT. 508

such school and which is approved by the Commissioner for the purposes of this section may be considered to be a local educational agency as such term is used in this title.

"(b) From the sums appropriated pursuant to section 702(b), the Commissioner is authorized to make payments to the Secretary of the Interior to carry out programs of bilingual education for children on reservations served by elementary and secondary schools for Indian children operated or funded by the Department of the Interior. The terms upon which payments for such purpose may be made to the Secretary of the Interior shall be determined pursuant to such criteria as the Commissioner determines will best carry out the policy of section 702(a).

Payments.
Ante, p. 503.

"(c) The Secretary of the Interior shall prepare and, not later than November 1 of each year, shall submit to the Congress and the President an annual report detailing a review and evaluation of the use, during the preceding fiscal year, of all funds paid to him by the Commissioner under subsection (b) of this section, including complete fiscal reports, a description of the personnel and information paid for in whole or in part with such funds, the allocation of such funds, and the status of all programs funded from such payments. Nothing in this subsection shall be construed to relieve the Director of any authority or obligation under this part.

Annual report
to Congress
and Presi-
dent.

"(d) The Secretary of the Interior shall, together with the information required in the preceding subsection, submit to the Congress and the President, an assessment of the needs of Indian children with respect to the purposes of this title in schools operated or funded by the Department of the Interior, including those State educational agencies and local educational agencies receiving assistance under the Johnson-O'Malley Act (25 U.S.C. 452 et seq.) and an assessment of the extent to which such needs are being met by funds provided to such schools for educational purposes through the Secretary of the Interior.

Assessment of
needs of Indi-
an children,
submittal to
Congress and
President.

49 Stat. 1458

"TRAINING

"Sec. 723. (a) (1) In carrying out the provisions of clauses (1) and (3) of subsection (a) of section 721, with respect to training, the Commissioner shall, through grants to, and contracts with, eligible applicants, as defined in subsection (b), provide for—

20 USC 880b-6
Ante, p. 506.

"(A) (i) training, carried out in coordination with any other programs training auxiliary educational personnel, designed (I) to prepare personnel to participate in, or for personnel participating in, the conduct of programs of bilingual education, including programs emphasizing opportunities for career development, advancement, and lateral mobility, (II) to train teachers, administrators, paraprofessionals, teacher aides, and parents, and (III) to train persons to teach and counsel such persons, and (ii) special training programs designed (I) to meet individual needs, and (II) to encourage reform, innovation, and improvement in applicable education curricula in graduate education, in the structure of the academic profession, and in recruitment and retention of higher education and graduate school facilities, as related to bilingual education; and

"(B) the operation of short-term training institutes designed to improve the skills of participants in programs of bilingual education in order to facilitate their effectiveness in carrying out responsibilities in connection with such programs.

"(2) In addition the Commissioner is authorized to award fellowships for study in the field of training teachers for bilingual edu-

Fellowships.

Report to congressional committees.

Stipends.

ation. For the fiscal year ending June 30, 1975, not less than 100 fellowships leading to a graduate degree shall be awarded under the preceding sentence for preparing individuals to train teachers for programs of bilingual education. Such fellowships shall be awarded in proportion to the need for teachers of various groups of individuals with limited English-speaking ability. For each fiscal year after June 30, 1975, and prior to July 1, 1978, the Commissioner shall report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Public Welfare of the Senate on the number of fellowships in the field of training teachers for bilingual education which he recommends will be necessary for that fiscal year.

"(3) The Commissioner shall include in the terms of any arrangement described in paragraphs (1) and (2) of subsection (a) of this section provisions for the payment, to persons participating in training programs so described, of such stipends (including allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(4) In making grants or contracts under this section, the Commissioner shall give priority to eligible applicants with demonstrated competence and experience in the field of bilingual education. Funds provided under grants or contracts for training activities described in this section to or with a State educational agency, separately or jointly, shall in no event exceed in the aggregate in any fiscal year 15 per centum of the total amount of funds obligated for training activities pursuant to clauses (1) and (3) of subsection (a) of section 721 in such year.

"(5) An application for a grant or contract for preservice or inservice training activities described in clause (A) (i) (I) and clause (A) (ii) (I) and in subsection (a) (1) (B) of this section shall be considered an application for a program of bilingual education for the purposes of subsection (a) (4) (E) of section 703.

"(b) For the purposes of this section, the term 'eligible applicants' means—

"(1) institutions of higher education (including junior colleges and community colleges) which apply, after consultation with, or jointly with, one or more local educational agencies;

"(2) local educational agencies; and

"(3) State educational agencies.

"PART B—ADMINISTRATION

"OFFICE OF BILINGUAL EDUCATION

establishment.
O USC 880b-10.

"SEC. 731. (a) There shall be, in the Office of Education, an Office of Bilingual Education (hereafter in this section referred to as the 'Office') through which the Commissioner shall carry out his functions relating to bilingual education.

"(b) (1) The Office shall be headed by a Director of Bilingual Education, appointed by the Commissioner, to whom the Commissioner shall delegate all of his delegable functions relating to bilingual education.

"(2) The Office shall be organized as the Director determines to be appropriate in order to enable him to carry out his functions and responsibilities effectively.

"(c) The Commissioner, in consultation with the Council, shall prepare and, not later than November 1 of 1975, and of 1977, shall submit to the Congress and the President a report on the condition of bilingual education in the Nation and the administration and operation of this

Report to congressional committees.

Stipends.

ante, p. 506.

ante, p. 504.
"Eligible applicants."

establishment.
O USC 880b-10.

Report to Congress and President.

August 21, 1974

- 27 -

Pub. Law 93-380

86 STAT. 510

title and of other programs for persons of limited English-speaking ability. Such report shall include—

Contents.

"(1) a national assessment of the educational needs of children and other persons with limited English-speaking ability and of the extent to which such needs are being met from Federal, State, and local efforts, including (A) not later than July 1, 1977, the results of a survey of the number of such children and persons in the States, and (B) a plan, including cost estimates, to be carried out during the five-year period beginning on such date, for extending programs of bilingual education and bilingual vocational and adult education programs to all such preschool and elementary school children and other persons of limited English-speaking ability, including a phased plan for the training of the necessary teachers and other educational personnel necessary for such purpose:

"(2) a report on and an evaluation of the activities carried out under this title during the preceding fiscal year and the extent to which each of such activities achieves the policy set forth in section 702(a):

"(3) a statement of the activities intended to be carried out during the succeeding period, including an estimate of the cost of such activities:

"(4) an assessment of the number of teachers and other educational personnel needed to carry out programs of bilingual education under this title and those carried out under other programs for persons of limited English-speaking ability and a statement describing the activities carried out thereunder designed to prepare teachers and other educational personnel for such programs, and the number of other educational personnel needed to carry out programs of bilingual education in the States and a statement describing the activities carried out under this title designed to prepare teachers and other educational personnel for such programs: and

"(5) a description of the personnel, the functions of such personnel, and information available at the regional offices of the Department of Health, Education, and Welfare dealing with bilingual programs within that region.

"NATIONAL ADVISORY COUNCIL ON BILINGUAL EDUCATION

"SEC. 732. (a) Subject to part D of the General Education Provisions Act, there shall be a National Advisory Council on Bilingual Education composed of fifteen members appointed by the Secretary, one of whom he shall designate as Chairman. At least eight of the members of the Council shall be persons experienced in dealing with the educational problems of children and other persons who are of limited English-speaking ability, at least one of whom shall be representative of persons serving on boards of education operating programs of bilingual education. At least three members shall be experienced in the training of teachers in programs of bilingual education. At least two members shall be persons with general experience in the field of elementary and secondary education. At least two members shall be classroom teachers of demonstrated teaching abilities using bilingual methods and techniques. The members of the Council shall be appointed in such a way as to be generally representative of the significant segments of the population of persons of limited English-speaking ability and the geographic areas in which they reside.

Establishment.
20 USC 880b-11.
Post, p. 575.
Membership.

88 STAT. 511

84 Stat. 172;
86 Stat. 326.
20 USC 1233e.
Duties.

Report to
Congress and
President.
Ante, p. 509.

Personnel
procurement.

Post, p. 575.

"(b) The Council shall meet at the call of the Chairman, but, notwithstanding the provisions of section 446(a) of the General Education Provisions Act, not less often than four times in each year.

"(c) The Council shall advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration and operation of this title, including the development of criteria for approval of applications, and plans under this title, and the administration and operation of other programs for persons of limited English-speaking ability. The Council shall prepare and, not later than November 1 of each year, submit a report to the Congress and the President on the condition of bilingual education in the Nation and on the administration and operation of this title, including those items specified in section 731(c), and the administration and operation of other programs for persons of limited English-speaking ability.

"(d) The Commissioner shall procure temporary and intermittent services of such personnel as are necessary for the conduct of the functions of the Council, in accordance with section 445, of the General Education Provisions Act, and shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities effectively.

"PART C—SUPPORTIVE SERVICES AND ACTIVITIES

"ADMINISTRATION

20 USC 880b-12.

"SEC. 741. (a) The provisions of this part shall be administered by the Assistant Secretary, in consultation with—

"(1) the Commissioner, through the Office of Bilingual Education; and

"(2) the Director of the National Institute of Education, notwithstanding the second sentence of section 405(b)(1) of the General Education Provisions Act;

in accordance with regulations.

"(b) The Assistant Secretary shall, in accordance with clauses (1) and (2) of subsection (a), develop and promulgate regulations for this part and then delegate his functions under this part, as may be appropriate under the terms of section 742.

Infra.

"RESEARCH AND DEMONSTRATION PROJECTS

Bilingual
education
research.

"SEC. 742. (a) The National Institute of Education shall, in accordance with the provisions of section 405 of the General Education Provisions Act, carry out a program of research in the field of bilingual education in order to enhance the effectiveness of bilingual education programs carried out under this title and other programs for persons of limited English-speaking ability.

Competitive
contracts.

"(b) In order to test the effectiveness of research findings by the National Institute of Education and to demonstrate new or innovative practices, techniques, and methods for use in such bilingual education programs, the Director and the Commissioner are authorized to make competitive contracts with public and private educational agencies, institutions, and organizations for such purpose.

"(c) In carrying out their responsibilities under this section, the Commissioner and the Director shall, through competitive contracts with appropriate public and private agencies, institutions, and organizations—

"(1) undertake studies to determine the basic educational needs and language acquisition characteristics of, and the most effective

August 21, 1974

- 29 -

Pub. Law 93-380

88 STAT. 512

conditions for educating children of limited English-speaking ability:

"(2) develop and disseminate instructional materials and equipment suitable for use in bilingual education programs; and

"(3) establish and operate a national clearinghouse of information for bilingual education, which shall collect, analyze, and disseminate information about bilingual education and such bilingual education and related programs.

"(d) In carrying out their responsibilities under this section, the Commissioner and the Director shall provide for periodic consultation with representatives of State and local educational agencies and appropriate groups and organizations involved in bilingual education.

"(e) There is authorized to be appropriated for each fiscal year prior to July 1, 1978, \$5,000,000 to carry out the provisions of this section."

(2)(A) The amendment made by this subsection shall be effective upon the date of enactment of this Act, except that the provisions of part A of title VII of the Elementary and Secondary Education Act of 1965 (as amended by subsection (a) of this section) shall become effective on July 1, 1975, and the provisions of title VII of the Elementary and Secondary Education Act of 1965 in effect immediately prior to the date of enactment of this Act shall remain in effect through June 30, 1975, to the extent not inconsistent with the amendment made by this section.

(B) The National Advisory Council on Bilingual Education, for which provision is made in section 732 of such Act, shall be appointed within ninety days after the enactment of this Act.

(b) Section 703(a) of title VII of such Act is amended by adding at the end thereof the following:

"(s) The term 'other programs for persons of limited English-speaking ability' when used in sections 731 and 732 means the program authorized by section 708(c) of the Emergency School Aid Act and the programs carried out in coordination with the provisions of this title pursuant to section 122(a)(4)(C) and part J of the Vocational Education Act of 1963, and section 306(a)(11) of the Adult Education Act, and programs and projects serving areas with high concentrations of persons of limited English-speaking ability pursuant to section 6 (b)(4) of the Library Services and Construction Act."

STATUTE OF LIMITATIONS

SEC. 106. Title VIII of the Elementary and Secondary Education Act of 1965 is amended by inserting after section 803 the following new section:

"STATUTE OF LIMITATIONS ON REFUND OF PAYMENTS

"SEC. 804. No State or local educational agency shall be liable to refund any payment made to such agency under this Act (including title I of this Act) which was subsequently determined to be unauthorized by law, if such payment was made more than five years before such agency received final written notice that such payment was unauthorized."

DROPOUT PREVENTION PROJECTS

SEC. 107. (a) Section 807(c) of the Elementary and Secondary Education Act of 1965 is amended by inserting before the period at the end thereof the following: ", and each of the five succeeding fiscal

Appropriations.

Effective date.
20 USC 880b
note.

Ante, p. 505.

81 Stat. 816;
84 Stat. 151.
20 USC 880b.20 USC 880b-11
note.

Ante, p. 505.

"Other programs
for persons of
limited English-
speaking abili-
ty."Ante, p. 504.
86 Stat. 360.

20 USC 1607.

Post, p. 607.

Post, p. 578.

Post, p. 609.

79 Stat. 57;
81 Stat. 816;
84 Stat. 152.
20 USC 881.

20 USC 984.

Ante, p. 488.

84 Stat. 152.
20 USC 887.

Effective
date.
88 USC 887
note.

years, except that no funds are authorized to be appropriated for obligation during any year for which funds are available for obligation for carrying out part C of title IV".

(b) The amendments made by this section shall be effective on and after July 1, 1973.

SCHOOL NUTRITION AND HEALTH SERVICES

84 Stat. 153.
88 USC 887a.

SEC. 108. (a) Section 808(d) of the Elementary and Secondary Education Act of 1965 is amended by inserting before the period at the end thereof the following: "; and each of the five succeeding fiscal years, except that no funds are authorized to be appropriated for obligation during any year for which funds are available for obligation for carrying out part C of title IV".

(b) The amendments made by this section shall be effective on and after July 1, 1973.

Effective
date.
88 USC 887a
note.

CORRECTION EDUCATION SERVICES

84 Stat. 154.
88 USC 887b.

SEC. 109. (a) Section 809 of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new subsection:

"(c) For the purpose of carrying out this section, there is authorized to be appropriated \$500,000 for the fiscal year ending June 30, 1974, and for the succeeding fiscal year."

(b) The amendments made by this section shall be effective on and after July 1, 1974.

Effective
date.
88 USC 887b
note.

OPEN MEETINGS OF EDUCATIONAL AGENCIES

79 Stat. 55;
84 Stat. 153.
88 USC 881.

SEC. 110. Title VIII of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new section:

"OPEN MEETINGS OF EDUCATIONAL AGENCIES"

"SEC. 812. No application for assistance under this Act may be considered unless the local educational agency making such application certifies to the Commissioner that members of the public have been afforded the opportunity upon reasonable notice to testify or otherwise comment regarding the subject matter of the application. The Commissioner is authorized and directed to establish such regulations as necessary to implement this section."

88 USC 887e.

ETHNIC HERITAGE STUDIES CENTERS

84 Stat. 346.
88 USC 900a-5.

SEC. 111. (a) (1) Section 907 of the Elementary and Secondary Education Act of 1965 is amended by striking out "the fiscal year ending June 30, 1973" and inserting in lieu thereof "each of the fiscal years ending prior to July 1, 1975".

(2) The amendments made by this subsection shall be effective on and after July 1, 1973.

Effective
date.
88 USC 900a-5
note.

(b) Section 903 of such Act is amended by—

8 Stat. 347.
88 USC 900a-1.

(1) striking out "elementary and secondary schools and institutions of higher education" in clause (1) of such section, and inserting in lieu thereof "elementary or secondary schools or institutions of higher education";

(2) striking out "elementary and secondary schools and institutions of higher education" in clause (2) of such section and inserting in lieu thereof "elementary or secondary schools or institutions of higher education";

August 21, 1974

- 31 -

Pub. Law 93-380

88 STAT. 514

- (3) inserting the word "or" after clause (1) of such section; 86 Stat. 347.
and 20 USC 960a-1.
(4) inserting the word "or" at the end of clause (2) of such section.

TITLE II—EQUAL EDUCATIONAL OPPORTUNITIES AND THE TRANSPORTATION OF STUDENTS

Equal Edu-
cational Op-
portunities
Act of 1974.

SHORT TITLE

SEC. 201. This title may be cited as the "Equal Educational Oppor- 20 USC 1701
tunities Act of 1974". note.

PART A—EQUAL EDUCATIONAL OPPORTUNITIES

Subpart 1—Policy and Purpose

DECLARATION OF POLICY

SEC. 202. (a) The Congress declares it to be the policy of the United 20 USC 1701.
States that—

(1) all children enrolled in public schools are entitled to equal educational opportunity without regard to race, color, sex, or national origin; and

(2) the neighborhood is the appropriate basis for determining public school assignments.

(b) In order to carry out this policy, it is the purpose of this part to specify appropriate remedies for the orderly removal of the vestiges of the dual school system.

FINDINGS

SEC. 203. (a) The Congress finds that—

20 USC 1702.

(1) the maintenance of dual school systems in which students are assigned to schools solely on the basis of race, color, sex, or national origin denies to those students the equal protection of the laws guaranteed by the fourteenth amendment;

(2) for the purpose of abolishing dual school systems and eliminating the vestiges thereof, many local educational agencies have been required to reorganize their school systems, to reassign students, and to engage in the extensive transportation of students;

(3) the implementation of desegregation plans that require extensive student transportation has, in many cases, required local educational agencies to expend large amount of funds, thereby depleting their financial resources available for the maintenance or improvement of the quality of educational facilities and instruction provided;

(4) transportation of students which creates serious risks to their health and safety, disrupts the educational process carried out with respect to such students, and impinges significantly on their educational opportunity, is excessive;

(5) the risks and harms created by excessive transportation are particularly great for children enrolled in the first six grades; and

(6) the guidelines provided by the courts for fashioning remedies to dismantle dual school systems have been, as the Supreme Court of the United States has said, "incomplete and imperfect," and have not established, a clear, rational, and uniform standard for determining the extent to which a local educational agency is required to reassign and transport its students in order to eliminate the vestiges of a dual school system.

88 STAT. 515

Dual school
systems, elim-
ination.
USC prec.
title 1.

(b) For the foregoing reasons, it is necessary and proper that the Congress, pursuant to the powers granted to it by the Constitution of the United States, specify appropriate remedies for the elimination of the vestiges of dual school systems, except that the provisions of this title are not intended to modify or diminish the authority of the courts of the United States to enforce fully the fifth and fourteenth amendments to the Constitution of the United States.

Subpart 2—Unlawful Practices

DENIAL OF EQUAL EDUCATIONAL OPPORTUNITY PROHIBITED

20 USC 1703.

SEC. 204. No State shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by—

(a) the deliberate segregation by an educational agency of students on the basis of race, color, or national origin among or within schools;

(b) the failure of an educational agency which has formerly practiced such deliberate segregation to take affirmative steps, consistent with subpart 4 of this title, to remove the vestiges of a dual school system;

(c) the assignment by an educational agency of a student to a school, other than the one closest to his or her place of residence within the school district in which he or she resides, if the assignment results in a greater degree of segregation of students on the basis of race, color, sex, or national origin among the schools of such agency than would result if such student were assigned to the school closest to his or her place of residence within the school district of such agency providing the appropriate grade level and type of education for such student;

(d) discrimination by an educational agency on the basis of race, color, or national origin in the employment, employment conditions, or assignment to schools of its faculty or staff, except to fulfill the purposes of subsection (f) below;

(e) the transfer by an educational agency, whether voluntary or otherwise, of a student from one school to another if the purpose and effect of such transfer is to increase segregation of students on the basis of race, color, or national origin among the schools of such agency; or

(f) the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.

BALANCE NOT REQUIRED

20 USC 1704.

SEC. 205. The failure of an educational agency to attain a balance, on the basis of race, color, sex, or national origin, of students among its schools shall not constitute a denial of equal educational opportunity, or equal protection of the laws.

ASSIGNMENT ON NEIGHBORHOOD BASIS NOT A DENIAL OF EQUAL EDUCATIONAL OPPORTUNITY

20 USC 1705.

SEC. 206. Subject to the other provisions of this part, the assignment by an educational agency of a student to the school nearest his place of residence which provides the appropriate grade level and type of education for such student is not a denial of equal educational opportunity or of equal protection of the laws unless such assignment is for

August 21, 1974

- 33 -

Pub. Law 93-380

88 STAT. 516

the purpose of segregating students on the basis of race, color, sex, or national origin, or the school to which such student is assigned was located on its site for the purpose of segregating students on such basis.

Subpart 3—Enforcement

CIVIL ACTIONS

SEC. 207. An individual denied an equal educational opportunity, as defined by this part may institute a civil action in an appropriate district court of the United States against such parties, and for such relief, as may be appropriate. The Attorney General of the United States (hereinafter in this title referred to as the "Attorney General"), for or in the name of the United States, may also institute such a civil action on behalf of such an individual. 20 USC 1706.

EFFECT OF CERTAIN POPULATION CHANGES ON CERTAIN ACTIONS

SEC. 208. When a court of competent jurisdiction determines that a school system is desegregated, or that it meets the constitutional requirements, or that it is a unitary system, or that it has no vestiges of a dual system, and thereafter residential shifts in population occur which result in school population changes in any school within such a desegregated school system, such school population changes so occurring shall not, per se, constitute a cause for civil action for a new plan of desegregation or for modification of the court approved plan. 20 USC 1707.

JURISDICTION OF DISTRICT COURTS

SEC. 209. The appropriate district court of the United States shall have and exercise jurisdiction of proceedings instituted under section 207. 20 USC 1708.

INTERVENTION BY ATTORNEY GENERAL

SEC. 210. Whenever a civil action is instituted under section 207 by an individual, the Attorney General may intervene in such action upon timely application. 20 USC 1709.

SUITS BY THE ATTORNEY GENERAL

SEC. 211. The Attorney General shall not institute a civil action under section 207 before he— 20 USC 1710.

(a) gives to the appropriate educational agency notice of the condition or conditions which, in his judgment, constitute a violation of subpart 2 of this part; and

(b) certifies to the appropriate district court of the United States that he is satisfied that such educational agency has not, within a reasonable time after such notice, undertaken appropriate remedial action.

Subpart 4—Remedies

FORMULATING REMEDIES; APPLICABILITY

SEC. 213. In formulating a remedy for a denial of equal educational opportunity or a denial of the equal protection of the laws, a court, department, or agency of the United States shall seek or impose only such remedies as are essential to correct particular denials of equal educational opportunity or equal protection of the laws. 20 USC 1712.

PRIORITY OF REMEDIES

20 USC 1713.

SEC. 214. In formulating a remedy for a denial of equal educational opportunity or a denial of the equal protection of the laws, which may involve directly or indirectly the transportation of students, a court, department, or agency of the United States shall consider and make specific findings on the efficacy in correcting such denial of the following remedies and shall require implementation of the first of the remedies set out below, or of the first combination thereof which would remedy such denial:

(a) assigning students to the schools closest to their places of residence which provide the appropriate grade level and type of education for such students, taking into account school capacities and natural physical barriers;

(b) assigning students to the schools closest to their places of residence which provide the appropriate grade level and type of education for such students, taking into account only school capacities;

(c) permitting students to transfer from a school in which a majority of the students are of their race, color, or national origin to a school in which a minority of the students are of their race, color, or national origin;

(d) the creation or revision of attendance zones or grade structures without requiring transportation beyond that described in section 215;

(e) the construction of new schools or the closing of inferior schools;

(f) the construction or establishment of magnet schools; or

(g) the development and implementation of any other plan which is educationally sound and administratively feasible, subject to the provisions of sections 215 and 216 of this part.

TRANSPORTATION OF STUDENTS

20 USC 1714.

SEC. 215. (a) No court, department, or agency of the United States shall, pursuant to section 214, order the implementation of a plan that would require the transportation of any student to a school other than the school closest or next closest to his place of residence which provides the appropriate grade level and type of education for such student.

(b) No court, department, or agency of the United States shall require directly or indirectly the transportation of any student if such transportation poses a risk to the health of such student or constitutes a significant impingement on the educational process with respect to such student.

(c) When a court of competent jurisdiction determines that a school system is desegregated, or that it meets the constitutional requirements, or that it is a unitary system, or that it has no vestiges of a dual system, and thereafter residential shifts in population occur which result in school population changes in any school within such a desegregated school system, no educational agency because of such shifts shall be required by any court, department, or agency of the United States to formulate, or implement any new desegregation plan, or modify or implement any modification of the court approved desegregation plan, which would require transportation of students to compensate wholly or in part for such shifts in school population so occurring.

August 21, 1974

- 35 -

Pub. Law 93-380

88 STAT. 518

DISTRICT LINES

SEC. 216. In the formulation of remedies under section 213 or 214 of this part the lines drawn by a State, subdividing its territory into separate school districts, shall not be ignored or altered except where it is established that the lines were drawn for the purpose, and had the effect, of segregating children among public schools on the basis of race, color, sex, or national origin. 20 USC 1715.

VOLUNTARY ADOPTION OF REMEDIES

SEC. 217. Nothing in this part prohibits an educational agency from proposing, adopting, requiring, or implementing any plan of desegregation, otherwise lawful, that is at variance with the standards set out in this part nor shall any court, department, or agency of the United States be prohibited from approving implementation of a plan which goes beyond what can be required under this part, if such plan is voluntarily proposed by the appropriate educational agency. 20 USC 1716.

REOPENING PROCEEDINGS

SEC. 218. A parent or guardian of a child, or parents or guardians of children similarly situated, transported to a public school in accordance with a court order, or an educational agency subject to a court order or a desegregation plan under title VI of the Civil Rights Act of 1964 in effect on the date of the enactment of this part and intended to end segregation of students on the basis of race, color, or national origin, may seek to reopen or intervene in the further implementation of such court order, currently in effect, if the time or distance of travel is so great as to risk the health of the student or significantly impinge on his or her educational process. 20 USC 1717.
78 Stat. 252.
42 USC 2000d.

LIMITATION ON ORDERS

SEC. 219. Any court order requiring, directly or indirectly, the transportation of students for the purpose of remedying a denial of the equal protection of the laws may, to the extent of such transportation, be terminated if the court finds the defendant educational agency has satisfied the requirements of the fifth or fourteenth amendments to the Constitution, whichever is applicable, and will continue to be in compliance with the requirements thereof. The court of initial jurisdiction shall state in its order the basis for any decision to terminate an order pursuant to this section, and the termination of any order pursuant to this section shall be stayed pending a final appeal or, in the event no appeal is taken, until the time for any such appeal has expired. No additional order requiring such educational agency to transport students for such purpose shall be entered unless such agency is found not to have satisfied the requirements of the fifth or fourteenth amendments to the Constitution, whichever is applicable. Court order, termination. 20 USC 1718.

Subpart 5—Definitions

SEC. 221. For the purposes of this part—

(a) The term "educational agency" means a local educational agency or a "State educational agency" as defined by section 801(k) of the Elementary and Secondary Education Act of 1965. 20 USC 1720.
79 Stat. 55.

(b) The term "local educational agency" means a local educational agency as defined by section 801(f) of the Elementary and Secondary Education Act of 1965. 20 USC 881.

(c) The term "segregation" means the operation of a school system in which students are wholly or substantially separated among the schools of an educational agency on the basis of race, color, sex, or national origin or within a school on the basis of race, color, or national origin.

(d) The term "desegregation" means desegregation as defined by section 401(b) of the Civil Rights Acts of 1964.

(e) An educational agency shall be deemed to transport a student if any part of the cost of such student's transportation is paid by such agency.

Subpart 6—Miscellaneous Provisions

REPEALER

Repeal. SEC. 222. Section 709(a)(3) of the Emergency School Aid Act is hereby repealed.

SEPARABILITY OF PROVISIONS

SEC. 223. If any provision of this part or of any amendment made by this part, or the application of any such provision to any person or circumstance, is held invalid, the remainder of the provisions of this part and of the amendments made by this part and the application of such provision to other persons or circumstances shall not be affected thereby.

PART B—OTHER PROVISIONS RELATING TO THE ASSIGNMENT AND TRANSPORTATION OF STUDENTS

PROHIBITION AGAINST ASSIGNMENT OR TRANSPORTATION OF STUDENTS TO OVERCOME RACIAL IMBALANCE

SEC. 251. No provision of this Act shall be construed to require the assignment or transportation of students or teachers in order to overcome racial imbalance.

PROHIBITION AGAINST USE OF APPROPRIATED FUNDS FOR BUSING

SEC. 252. Part B of the General Education Provisions Act, as amended by title V of this Act, is amended by adding at the end thereof the following new section:

"PROHIBITION AGAINST USE OF APPROPRIATED FUNDS FOR BUSING

SEC. 420. No funds appropriated for the purpose of carrying out any applicable program may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system, except for funds appropriated pursuant to title I of the Act of September 30, 1950 (P.L. 874, 81st Congress), but not including any portion of such funds as are attributable to children counted under subparagraph (C) of section 3(d)(2) or section 403(1)(C) of that Act."

PROVISION RELATING TO COURT APPEALS

SEC. 253. Notwithstanding any other law or provision of law, in the case of any order on the part of any United States district court which requires the transfer or transportation of any student or students from

August 21, 1974

- 37 -

Pub. Law 93-380

88 STAT. 520

any school attendance area prescribed by competent State or local authority for the purposes of achieving a balance among students with respect to race, sex, religion, or socioeconomic status, the effectiveness of such order shall be postponed until all appeals in connection with such order have been exhausted or, in the event no appeals are taken, until the time for such appeals has expired. This section shall expire at midnight on June 30, 1978.

PROVISION REQUIRING THAT RULES OF EVIDENCE BE UNIFORM

SEC. 254. The rules of evidence required to prove that State or local authorities are practicing racial discrimination in assigning students to public schools shall be uniform throughout the United States. 20 USC 1753.

APPLICATION OF PROVISIO OF SECTION 407 (2) OF THE CIVIL RIGHTS ACT OF 1964 TO THE ENTIRE UNITED STATES

SEC. 255. The proviso of section 407(a) of the Civil Rights Act of 1964 providing in substance that no court or official of the United States shall be empowered to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards shall apply to all public school pupils and to every public school system, public school and public school board, as defined by title IV, under all circumstances and conditions and at all times in every State, district, territory, Commonwealth, or possession of the United States, regardless of whether the residence of such public school pupils or the principal offices of such public school system, public school or public school board is situated in the northern, eastern, western, or southern part of the United States. 20 USC 1754.
78 Stat. 248.
42 USC 2000c-6.

ADDITIONAL PRIORITY OF REMEDIES

SEC. 256. Notwithstanding any other provision of law, after June 30, 1974 no court of the United States shall order the implementation of any plan to remedy a finding of de jure segregation which involves the transportation of students, unless the court first finds that all alternative remedies are inadequate. 20 USC 1755.
De jure seg-
regation.

REMEDIES WITH RESPECT TO SCHOOL DISTRICT LINES

SEC. 257. In the formulation of remedies under this title the lines drawn by a State subdividing its territory into separate school districts, shall not be ignored or altered except where it is established that the lines were drawn, or maintained or crossed for the purpose, and had the effect of segregating children among public schools on the basis of race, color, sex, or national origin, or where it is established that, as a result of discriminatory actions within the school districts, the lines have had the effect of segregating children among public schools on the basis of race, color, sex, or national origin. 20 USC 1756.

PROHIBITION OF FORCED BUSING DURING SCHOOL YEAR

SEC. 258. (a) The Congress finds that— 20 USC 1757.
(1) the forced transportation of elementary and secondary school students in implementation of the constitutional requirement for the desegregation of such schools is controversial and difficult under the best planning and administration; and

(2) the forced transportation of elementary and secondary school students after the commencement of an academic school year is educationally unsound and administratively inefficient.

(b) Notwithstanding any other provisions of law, no order of a court, department, or agency of the United States, requiring the transportation of any student incident to the transfer of that student from one elementary or secondary school to another such school in a local educational agency pursuant to a plan requiring such transportation for the racial desegregation of any school in that agency, shall be effective until the beginning of an academic school year.

"Academic
school year."

(c) For the purpose of this section, the term "academic school year" means, pursuant to regulations promulgated by the Commissioner, the customary beginning of classes for the school year at an elementary or secondary school of a local educational agency for a school year that occurs not more often than once in any twelve-month period.

(d) The provisions of this section apply to any order which was not implemented at the beginning of the 1974-1975 academic year.

REASONABLE TIME FOR DEVELOPING VOLUNTARY PLAN FOR DESEGREGATING SCHOOLS

20 USC 1758.

SEC. 259. Notwithstanding any other law or provision of law, no court or officer of the United States shall enter, as a remedy for a denial of equal educational opportunity or a denial of equal protection of the laws, any order for enforcement of a plan of desegregation or modification of a court-approved plan, until such time as the local educational agency to be affected by such order has been provided notice of the details of the violation and given a reasonable opportunity to develop a voluntary remedial plan. Such time shall permit the local educational agency sufficient opportunity for community participation in the development of a remedial plan.

TITLE III—FEDERAL IMPACT AID PROGRAMS

DURATION OF PAYMENTS UNDER PUBLIC LAW 815, EIGHTY-FIRST CONGRESS

94 Stat. 154.
20 USC 633.

SEC. 301. (a) (1) The first sentence of section 3 of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress) is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1978".

20 USC 645.

(2) Section 15(15) of such Act is amended by striking out "1968-1969" and inserting in lieu thereof "1973-1974".

20 USC 646.

(b) Section 16(a) of such Act is amended in clause (1) (A) thereof, by striking out "July 1, 1973" and inserting in lieu thereof "July 1, 1978".

Effective date.
20 USC 633
note.

(c) The amendments made by this section shall be effective on and after July 1, 1973.

AMENDMENTS TO PUBLIC LAW 815, EIGHTY-FIRST CONGRESS

90 Stat. 1214.
20 USC 635.

SEC. 302. (a) (1) Section 5(a) (1) of such Act of September 23, 1950 (Public Law 815, Eighty-first Congress) is amended by striking out "(A) who so resided with a parent employed on Federal property (situated in whole or in part in the same State as the school district of such agency or within reasonable commuting distance from such school district), or (B) who had a parent who was on active duty in the uniformed services (as defined in section 102 of the Career Compensation Act of 1949)."

93 Stat. 802.

August 21, 1974

- 39 -

Pub. Law 93-380

88 STAT. 522

(2) Section 5(a) (2) of such Act is amended by striking out "residing on Federal property, or (B)" and by redesignating clause (C) as clause (B).

72 Stat. 548.
20 USC 635.

(b) Section 16(a) of such Act is amended by inserting before the last sentence thereof the following new sentence: "For the purpose of the preceding sentence, the phrase 'cost of construction incident to the restoration or replacement of the school facilities' includes such additional amounts as the Commissioner may approve in order to assure that the facilities, as restored or replaced, will afford appropriate protection against personal injuries resulting from a disaster."

81 Stat. 810.
20 USC 646.

DURATION OF PAYMENTS UNDER TITLE I OF PUBLIC LAW 874, EIGHTY-FIRST CONGRESS EXCEPT SECTION 3 THEREOF

SEC. 303. (a) (1) Section 2(a) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) is amended by striking out "July 1, 1973" and inserting in lieu thereof "July 1, 1978".

72 Stat. 559;
84 Stat. 154.
20 USC 237.
20 USC 239.

(2) Section 4(a) of such Act is amended, in that part thereof which precedes clause (1), by striking out "July 1, 1973" and inserting in lieu thereof "July 1, 1978".

(3) Section 7(a) of such Act is amended—

81 Stat. 811.
20 USC 241-1.

(A) in clause (1) (A), by striking out "July 1, 1973," and inserting in lieu thereof "July 1, 1978,"; and

(B) in clause (1) (B), by inserting after "seriously damaged" the following: "prior to July 1, 1978".

(b) The amendments made by this section shall be effective on and after July 1, 1973.

Effective date.
20 USC 237
note.

AMENDMENTS TO PUBLIC LAW 874, EIGHTY-FIRST CONGRESS FOR FISCAL YEAR 1975

SEC. 304. (a) (1) Section 3(b) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) is amended by striking out "July 1, 1973" and inserting in lieu thereof "July 1, 1975".

72 Stat. 548;
84 Stat. 154.
20 USC 238.
Effective date.
20 USC 238
note.

(2) The amendments made by this subsection shall be effective on and after July 1, 1973.

(b) (1) Section 3 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by adding at the end thereof the following new subsection:

"(f) Notwithstanding any other provision of title I of this Act (including the provisions of section 5(c)), a local educational agency with respect to which the number of children determined for any fiscal year under subsection (a) amounts to at least 25 per centum of the total number of children who were in average daily attendance at the schools of such agency during such fiscal year and for whom such agency provided free public education, shall receive an amount equal to 100 per centum of the amounts to which such agency would be otherwise entitled under subsection (a) of this section."

20 USC 236.

(2) The amendment made by this subsection shall be effective on and after July 1, 1974.

Effective date.
20 USC 238
note.

(c) (1) Section 5(d) (2) of such Act is amended by striking out "No" and inserting in lieu thereof "Except as provided in paragraph (3), no".

82 Stat. 1097.
20 USC 240.

(2) Section 5(d) of such Act is further amended by adding at the end thereof the following new paragraph:

80 Stat. 1212.

"(3) (A) Notwithstanding paragraph (2) of this subsection, if a State has in effect a program of State aid for free public education for any fiscal year, which is designed to equalize expenditures for free public education among the local educational agencies of that State,

payments under this title for any fiscal year may be taken into consideration by such State in determining the relative—

“(i) financial resources available to local educational agencies in that State; and

“(ii) financial need of such agencies for the provision of free public education for children served by such agency, provided that a State may consider as local resources funds received under this title only in proportion to the share that local revenues covered under a State equalization program are of total local revenues.

Notice; opportunity.

Definitions.

Whenever a State educational agency or local educational agency will be adversely affected by any decision of the Commissioner pursuant to this subsection, such agency shall be afforded notice and an opportunity for a hearing prior to the implementation of such decision.

“(B) The terms ‘State aid’ and ‘equalize expenditures’ as used in this subsection shall be defined by the Commissioner by regulation after consultation with State and local educational agencies affected provided that, the term ‘equalize expenditures’ shall not be construed in any manner adverse to a program of State aid for free public education which provides for taking into consideration the additional cost of providing free public education for particular groups or categories of pupils in meeting the special educational needs of such children as handicapped children, economically disadvantaged, those who need bilingual education, and gifted and talented children.”

Effective date.
20 USC 240
note.

(3) The amendments made by this subsection shall be effective for fiscal year 1975 only.

64 Stat. 1108;
86 Stat. 334.
20 USC 244.

(d) (1) Section 403(1) of such Act is amended by adding at the end thereof the following: “Real property which qualifies as Federal property under clause (A) of this paragraph shall not lose such qualification because it is used for a low-rent housing project.”

84 Stat. 156.
20 USC 240.

(2) Clause (A) of section 5(c) (1) of such Act is amended by inserting after “Economic Opportunity Act of 1964” the following: “(other than any such property which is Federal property described in section 403(1) (A))”.

AMENDMENTS TO SECTIONS 3, 5, AND 7 OF PUBLIC LAW 874, EIGHTY-FIRST CONGRESS

64 Stat. 1102;
70 Stat. 970.
84 Stat. 154,
155.
20 USC 238.

SEC. 305. (a) (1) Section 3 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended to read as follows:

“CHILDREN RESIDING ON, OR WHOSE PARENTS ARE EMPLOYED ON, FEDERAL PROPERTY

“Children of Persons Who Reside and Work on Federal Property

“SEC. 3. (a) For the purpose of computing the amount to which a local educational agency is entitled under this section for any fiscal year, the Commissioner shall determine the number of children who were in average daily attendance at the schools of such agency, and for whom such agency provided free public education, during such fiscal year, and who, while in attendance at such schools, resided on Federal property and—

“(1) did so with a parent employed on Federal property situated (A) in whole or in part in the county in which the school district of such agency is located, or (B) if not in such county, in whole or in part in the same State as the school district of such agency; or

August 21, 1974

- 41 -

Pub. Law 93-380

88 STAT. 524

"(2) had a parent who was on active duty in the uniformed services (as defined in section 101 of title 37, United States Code). In making a determination under clause (2) of the preceding sentence with respect to a local educational agency for any fiscal year, the Commissioner shall include the number of children who were in average daily attendance at the schools of such agency, and for whom such agency provided free public education, during such year, and who, while in attendance at such schools, resided on Indian lands, as described in clause (A) of section 403(1).

76 Stat. 451;
86 Stat. 810.

64 Stat. 1108;
86 Stat. 334.
20 USC 244.

"Children of Persons Who Reside or Work on Federal Property

"(b) For the purpose of computing the amount to which a local educational agency is entitled under this section for any fiscal year ending prior to July 1, 1978, the Commissioner shall, in addition to any determination made with respect to such agency under subsection (a), determine the number of children (other than children with respect to whom a determination is made for such fiscal year under subsection (a)) who were in average daily attendance at the schools of such agency, and for whom such agency provided free public education, during such fiscal year and who, while in attendance at such schools, either—

"(1) resided on Federal property, or

"(2) resided with a parent employed on Federal property situated (A) in whole or in part in the county in which the school district of such agency is located, or (B) if not in such county, in whole or in part in the same State as the school district of such agency, or

"(3) had a parent who was on active duty in the uniformed services (as defined in section 101 of title 37, United States Code). For such purpose, with respect to a local educational agency, in the case of any fiscal year ending prior to July 1, 1978, the Commissioner shall also determine the number of children (other than children to whom subsection (a) or the preceding sentence applies) who were in average daily attendance at the schools of such agency and for whom such agency provided free public education, during such fiscal year, and who, while in attendance at such schools resided with a parent who was, at any time during the three-year period immediately preceding the beginning of the fiscal year for which the determination is made, a refugee who meets the requirements of clauses (A) and (B) of section 2(b)(3) of the Migration and Refugee Assistance Act of 1962, except that the Commissioner shall not include in his determination under this sentence for any fiscal year any child with respect to whose education a payment was made under section 2(b)(4) of such Act.

76 Stat. 121.
22 USC 2601.

"Eligibility for Payments

"(c) (1) Except as is provided in paragraph (2), no local educational agency shall be entitled to receive a payment for any fiscal year with respect to a number of children determined under subsection (a) and subsection (b), unless the number of children so determined with respect to such agency amounts to—

"(A) at least four hundred such children; or

"(B) a number of such children which equals at least 3 per centum of the total number of children who were in average daily attendance, during such year, at the schools of such agency and for whom such agency provided free public education; whichever is the lesser.

"(2) (A) (i) Clause (B) of paragraph (1) shall not operate to make any local educational agency eligible for a payment under this section for any fiscal year unless the number of children with respect to whom determination was made under subsections (a) and (b) respecting such agency for that fiscal year is at least ten.

"(ii) If a local educational agency is eligible for a payment for any fiscal year by the operation of clause (B) of paragraph (1), it shall continue to be so eligible for the two succeeding fiscal years even if such agency fails to meet the requirement of such clause (B) during such succeeding fiscal years, except that the number of children determined for the second such succeeding fiscal year with respect to such agency for the purpose of any clause in paragraph (1) of subsection (d) shall not exceed 50 per centum of the number of children determined with respect to such agency for the purpose of that clause for the last fiscal year during which such agency was so eligible.

"(iii) If the Commissioner determines with respect to any local educational agency for any fiscal year that—

"(I) such agency does not meet the requirement of clause (B) of paragraph (1); and

"(II) the application of such requirement, because of exceptional circumstances, would defeat the purposes of this title; the Commissioner is authorized to waive such requirement with respect to such agency.

"(B) No local educational agency shall be entitled to receive a payment for any fiscal year with respect to a number of children determined under the second sentence of subsection (b) unless the number of children so determined constitutes at least 20 per centum of the total number of children who were in average daily attendance at the schools of such agency and for whom such agency, during such fiscal year, provided free public education.

"Amount of Payments

"(d) (1) Except as is provided in paragraph (2), the amount to which a local educational agency shall be entitled under this section for any fiscal year shall be—

"(A) in the case of any local educational agency with respect to which the number of children determined for such fiscal year under subsection (a) amounts to at least 25 per centum of the total number of children who were in average daily attendance at the schools of such agency during such fiscal year and for whom such agency provided free public education, an amount equal to 100 per centum of the local contribution rate multiplied by the number of children determined under such subsection plus the sum of the products obtained with respect to such agency under clauses (B) (iii), (B) (iv), and (B) (v); and

"(B) in any other case, an amount equal to the sum of—

"(i) the product obtained by multiplying 100 per centum of the local contribution rate by the number of children determined with respect to such agency for such fiscal year under clause (2) of subsection (a);

"(ii) the product obtained by multiplying 90 per centum of the local contribution rate by the number of children determined with respect to such agency for such fiscal year under clause (1) of subsection (a);

"(iii) the product obtained by multiplying 50 per centum of the local contribution rate by the number of children determined with respect to such agency for such fiscal year under clause (3) of subsection (b).

"(iv) the product obtained by multiplying 45 per centum of the local contribution rate by the number of children determined with respect to such agency for such fiscal year under clauses (1) and (2) (A) of subsection (b), and

"(v) the product obtained by multiplying 40 per centum of the local contribution rate by the number of children determined with respect to such agency for such fiscal year under clause (2) (B) of subsection (b).

"(2) (A) Not later than December 1 during each fiscal year beginning after June 30, 1977, the Commissioner shall, except as is provided in clause (iii) in the third sentence of this subparagraph, determine the total number of children with respect to whom determinations are made under subsection (b) for all local educational agencies making application for payments under this section which meet the eligibility requirements set forth in subsection (c). The Commissioner shall determine the percentage which such number constitutes of the total number of children who were in average daily attendance at the schools of such agencies during such fiscal year and for whom such agencies provided free public education. In calculating the products under clauses (B) (iii), (B) (iv), and (B) (v) of paragraph (1), with respect to any local educational agency for any fiscal year, the Commissioner shall reduce the number of children with respect to whom a determination is made under subsection (b) by a number equal to one-half of the number which the percentage determined under the preceding sentence constitutes of the total number of children with respect to whom such a determination is made and who were in average daily attendance at the schools of such agency during such fiscal year and for whom such agency provided free public education, except that—

"(i) such percentage shall not exceed 4 per centum;

"(ii) the number reduced shall not exceed three hundred; and

"(iii) this subparagraph shall not apply to any local educational agency (I) with respect to which the number of children determined under subsection (b) for any fiscal year amounts to at least 10 per centum of the total number of children who were in average daily attendance at the schools of such agency during such fiscal year and for whom such agency provided free public education, or (II) during any fiscal year in which such agency receives more than 25 per centum of the funds for its current expenditures from payments under this section.

In determining the total number of children who were in average daily attendance at the schools of an agency during any fiscal year under clause (iii) (I) in the preceding sentence, the number of children in such schools with respect to whom a determination is made under subsection (a) for such year shall not be considered.

"(B) If the Commissioner determines that—

"(i) the amount computed under paragraph (1), as is otherwise provided in this subsection with respect to any local educational agency for any fiscal year, together with the funds available to such agency from State and local sources and from other sections of this title, is less than the amount necessary to enable such agency to provide a level of education equivalent to that maintained in the school districts of the State which are generally comparable to the school district of such agency;

"(ii) such agency is making a reasonable tax effort and exercising due diligence in availing itself of State and other financial assistance;

"(iii) not less than 50 per centum of the total number of children who were in average daily attendance at the schools of such agency during such fiscal year and for whom such agency provided free public education were, during such fiscal year, determined under either subsection (a) or clause (1) of subsection (b), or both; and

"(iv) the eligibility of such agency under State law for State aid with respect to free public education of children residing on Federal property, and the amount of such aid, are determined on a basis no less favorable to such agency than the basis used in determining the eligibility of local educational agencies for State aid, and the amount thereof, with respect to the free public education of other children in the State;

the Commissioner is authorized, to increase the amount computed under paragraph (1) with respect to such agency for such fiscal year to the extent necessary to enable such agency to provide a level of education equivalent to that maintained in such comparable school districts. The Commissioner shall not, under the preceding sentence, increase the amount computed under paragraph (1) with respect to any local educational agency for any fiscal year to an amount which exceeds the product of—

"(I) the amount the Commissioner determines to be the cost per pupil of providing a level of education maintained in such comparable school districts during such fiscal year, multiplied by—

"(II) the number of children determined with respect to such agency for such year under either subsection (a) or clause (1) of subsection (b), or both,

minus the amount of State aid which the Commissioner determines to be available with respect to such children for the fiscal year for which the computation is being made.

"(C) (i) The amount of the entitlement of any local educational agency under this section for any fiscal year with respect to handicapped children and children with specific learning disabilities for whom a determination is made under subsection (a) (2) or (b) (3) and for whom such local educational agency is providing a program designed to meet the special educational and related needs of such children shall be the amount determined under paragraph (1) with respect to such children for such fiscal year multiplied by 150 per centum.

"(ii) For the purposes of division (i), programs designed to meet the special educational and related needs of such children shall be consistent with criteria established under division (iii).

"(iii) The Commissioner shall by regulation establish criteria for assuring that programs (including preschool programs) provided by local educational agencies for children with respect to whom this subparagraph applies are of sufficient size, scope, and quality (taking into consideration the special educational needs of such children) as to give reasonable promise of substantial progress toward meeting those needs, and in the implementation of such regulations the Commissioner shall consult with persons in charge of special education programs for handicapped children in the educational agency of the State in which such local educational agency is located.

"(iv) For the purpose of this subparagraph the term 'handicapped children' has the same meaning as specified in section 602(1) of the Education of the Handicapped Act and the term 'children with specific learning disabilities' has the same meaning as specified in section 602(15) of such Act.

Special education programs, entitlement.

Criteria.

Definitions.

84 Stat. 175.
20 USC 1401.

"(3) (A) Except as is provided in subparagraph (B), in order to compute the local contribution rate for a local educational agency for any fiscal year, the Commissioner, after consulting with the State educational agency of the State in which the local educational agency is located and with the local educational agency, shall determine which school districts within such State are generally comparable to the school district of the local educational agency for which the computation is being made. The local contribution rate for such agency shall be the quotient of—

Local con-
tribution
rate.

Formula.

"(i) the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made, which the local educational agencies of such comparable school districts derived from local sources,

divided by—

"(ii) the aggregate number of children in average daily attendance for whom such agency provided free public education during such second preceding fiscal year.

"(B) (i) The local contribution rate for a local educational agency in any State shall not be less than—

"(I) 50 per centum of the average per pupil expenditure in such State, or

"(II) 50 per centum of such expenditures in all the States, whichever is greater, except that clause (II) shall not operate in such a manner as to make the local contribution rate for any local educational agency in any State exceed an amount equal to the average per pupil expenditure in such State.

"(ii) If the current expenditures in those school districts which the Commissioner has determined to be generally comparable to the school district of the local educational agency for which a computation is made under subparagraph (A) are not reasonably comparable because of unusual geographical factors which affect the current expenditures necessary to maintain, in the school district of such agency, a level of education equivalent to that maintained in such other school districts, the Commissioner is authorized to increase the local contribution rate for such agency by such an amount which he determines will compensate such agency for the increase in current expenditures necessitated by such unusual geographical factors.

"(iii) The local contribution rate for any local educational agency in—

"(I) Puerto Rico, Wake Island, Guam, American Samoa, or the Virgin Islands, or

"(II) any State in which a substantial proportion of the land is in unorganized territory, or

"(III) any State in which there is only one local education agency.

shall be determined for any fiscal year by the Commissioner in accordance with policies and principles which will best achieve the purposes of this section and which are consistent with the policies and principles provided in this paragraph for determining local contribution rates in States where it is possible to determine generally comparable school districts.

"(C) For the purposes of this paragraph—

"(i) the term 'State' does not include Puerto Rico, Wake Island, Guam, American Samoa, or the Virgin Islands; and

"(ii) the 'average per pupil expenditure' in a State shall be (I) the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made of all local educational agencies in the State, divided by (II) the

Definitions.

aggregate number of children in average daily attendance for whom such agencies provide free public education during such second preceding fiscal year.

"Adjustments for Decreases in Federal Activities

"(e) Whenever the Commissioner determines that—

"(1) for any fiscal year, the number of children determined with respect to any local educational agency under subsections (a) and (b) is less than 90 per centum of the number so determined with respect to such agency during the preceding fiscal year;

"(2) there has been a decrease or cessation of Federal activities within the State in which such agency is located; and

"(3) such decrease or cessation has resulted in a substantial decrease in the number of children determined under subsections (a) and (b) with respect to such agency for such fiscal year:

the amount to which such agency is entitled for such fiscal year and for any of the three succeeding fiscal years shall not be less than 90 per centum of the amount to which such agency was so entitled for the preceding fiscal year. That part of any entitlement of any local educational agency which is in excess of the amount which such entitlement would be without the operation of the preceding sentence shall be deemed to be attributable to determinations of children with respect to such agency under subsection (b) (2) (A).

"Determinations on the Basis of Estimates

"(f) Determinations with respect to a number of children by the Commissioner under this section for any fiscal year shall be made, whenever actual satisfactory data are not available, on the basis of estimates. No such determination shall operate, because of an under-estimate, to deprive any local educational agency of its entitlement to any payment (or the amount thereof) under this section to which such agency would be entitled had such determination been made on the basis of accurate data."

(2) Section 5 of such Act is amended to read as follows:

"PAYMENTS

"Applications

"Sec. 5. (a) (1) Any local educational agency desiring to receive the payments to which it is entitled for any fiscal year under sections 2, 3, or 4 shall submit an application therefor through the State educational agency of the State in which such agency is located to the Commissioner. Such applications shall be submitted at such time, in such form, and containing such information as the Commissioner may reasonably require to enable him to carry out his functions under this title and shall give adequate assurance that the applicant will submit such reports as the Commissioner may reasonably require to determine whether such agency is entitled to a payment under any of such sections and the amount of such payment.

"(2) (A) Applications submitted under paragraph (1) for payments on the basis of children determined under section 3(a) or 3(b) who reside, or reside with a parent employed, on Indian lands shall set forth adequate assurance that Indian children will participate on an equitable basis in the school program of the local educational agency.

64 Stat. 1106;
64 Stat. 156;
66 Stat. 338.
20 USC 240.

20 USC 237.
Ante, p. 523.
20 USC 239.

Reports.

August 21, 1974

- 47 -

Pub. Law 93-380

68 STAT. 530

"(B) For the purposes of this paragraph, the term 'Indian lands' means that property included within the definition of Federal property under clause (A) of section 403(1)."

64 Stat. 1108;
86 Stat. 334.
20 USC 244.

"Payments by the Commissioner

"(b) The Commissioner shall pay to each local educational agency, making application pursuant to subsection (a), the amount to which it is entitled under sections 2, 3, or 4. Sums appropriated, for any fiscal year, to enable the Commissioner to make payments pursuant to this title shall, notwithstanding any other provision of law unless enacted in express limitation of this subsection, remain available for obligation and payments with respect to amounts due local educational agencies under this title for such fiscal year, until the end of the fiscal year succeeding the fiscal year for which such sums are appropriated.

20 USC 237.
Ante, p. 523.
20 USC 239.

"Adjustments Where Necessitated by Appropriations

"(c) If the sums appropriated for any fiscal year for making payments on the basis of entitlements established under sections 2, 3, and 4 for that year are not sufficient to pay in full the total amounts which the Commissioner estimates all local educational agencies are entitled to receive under such sections for such year, the Commissioner shall allocate such sums among local educational agencies and make payments to such agencies as follows:

"(1) He shall first allocate to each local educational agency which is entitled to a payment under section 2 and section 3 an amount equal to 25 per centum of the amount to which it is entitled as computed under section 2 or section 3(d), as the case may be, for such fiscal year.

"(2) From that part of such sums which remains after the allocation required by paragraph (1) for any fiscal year, he shall allocate an additional amount—

"(A) to each local educational agency described in clause (A) of section 3(d) (1) which equals 75 per centum of the amount to which such agency is entitled, as computed under section 3(d) with respect to a determination of a number of children under section 3(a), for such fiscal year;

"(B) to each local educational agency with respect to which a number of children is determined under clause (2) of section 3(a) which equals 65 per centum of the amount to which such agency is entitled on the basis of determining such children as computed under section 3(d), for such fiscal year;

"(C) to each local educational agency with respect to which a number of children is determined under clause (1) of section 3(a) which equals 63 per centum of the amount to which such agency is entitled on the basis of determining such children, as computed under section 3(d), for such fiscal year;

"(D) to each local educational agency with respect to which a number of children is determined under clause (3) of section 3(b) which equals 35 per centum of the amount to which such agency is entitled on the basis of determining such children, as computed under section 3(d), for such fiscal year;

"(E) to each local educational agency with respect to which a number of children determined under clause (1) and clause (2) (A) of section 3(b) which equals 32 per centum of the amount to which such agency is entitled on the basis of determining such children, as computed under section 3(d) for such fiscal year;

"(F) to each local educational agency with respect to which a number of children is determined under clause (2) (B) of section 3(b) which equals 28 per centum of the amount to which such agency is entitled on the basis of determining such children, as computed under section 3(d), for such fiscal year; and

"(G) to each local educational agency with respect to the amount to which such agency is entitled under section 2 which equals 35 per centum of the amount to which such agency is entitled on the basis of computations made under section 2 for such fiscal year.

"(3) Any sums remaining after allocations are made pursuant to paragraph (2) for any fiscal year shall be allocated by the Commissioner among local educational agencies which have unsatisfied entitlements established under sections 2, 3, and 4 in proportion to the degree to which such entitlements are unsatisfied for that fiscal year, after allocations are made pursuant to paragraphs (1) and (2).

0 USC 237.
nte, p. 523.
0 USC 239.

estrictions.

No allocation may be made pursuant to paragraph (2) or (3) and no payment may be paid on the basis of any such allocation unless allocations are made pursuant to paragraph (1) and payments are made on the basis of such allocations. No allocation may be made pursuant to any clause of paragraph (2) and no payment may be made on the basis of any such allocation unless allocations are made pursuant to all of the clauses of such paragraph and payments are made on the basis of such allocations.

"Treatment of Payments by the States in Determining Eligibility for, and the Amount of, State Aid

"(d) (1) Except as provided in paragraph (2), no payments may be made under this title for any fiscal year to any local educational agency in any State (A) if that State has taken into consideration payments under this title in determining—

"(i) the eligibility of any local educational agency in that State for State aid for free public education of children; or

"(ii) the amount of such aid with respect to any such agency; during that fiscal year or the preceding fiscal year, or (B) if such State makes such aid available to local educational agencies in such a manner as to result in less State aid to any local educational agency which is eligible for payments under this title than such agency would receive if such agency were not so eligible.

"(2) (A) Notwithstanding paragraph (1) of this subsection, if a State has in effect a program of State aid for free public education for any fiscal year, which is designed to equalize expenditures for free public education among the local educational agencies of that State, payments under this title for any fiscal year may be taken into consideration by such State in determining the relative—

"(i) financial resources available to local educational agencies in that State; and

"(ii) financial need of such agencies for the provision of free public education for children served by such agency, provided that a State may consider as local resources funds received under this title only in proportion to the share that local revenues covered under a State equalization program are of total local revenues.

Whenever a State educational agency or local educational agency will be adversely affected by the operation of this subsection, such agency

August 21, 1974

- 49 -

Pub. Law 93-380

88 STAT. 532

shall be afforded notice and an opportunity for a hearing prior to the reduction or termination of payments pursuant to this subsection.

Notice;
hearing
opportunity.
Definitions.

"(B) The terms 'State aid' and 'equalize expenditures' as used in this subsection shall be defined by the Commissioner by regulation, after consultation with State and local educational agencies affected by this subsection, provided that the term 'equalize expenditures' shall not be construed in any manner adverse to a program of State aid for free public education which provides for taking into consideration the additional cost of providing free public education for particular groups or categories of pupils in meeting the special educational needs of such children as handicapped children, economically disadvantaged, those who need bilingual education, and gifted and talented children.

"Limitations on Payments with Respect to Children on, or Residing with a Parent Employed on, Federal Property Described in Section 403(1) (C)

64 Stat. 1108;
86 Stat. 334.
20 USC 244.

"(e) (1) The Commissioner shall determine that part of the entitlement of each local educational agency, for each fiscal year ending prior to July 1, 1978, which is attributable to determinations under subsections (a) and (b) of section 3 of the number of children who resided on, or resided with a parent employed on, property which is described in section 403(1) (C).

Ante, p. 523.

"(2) No allocation or payment shall be made under paragraph (2) of subsection (e) with respect to that part of any entitlement of any local educational agency which is determined with respect to such agency for such year under paragraph (1) The limitation in this paragraph shall not operate under the last two sentences of subsection (c) to prevent allocations and payments under such paragraph (2).

"(3) The amount of the payment to any local educational agency which is determined with respect to such agency under paragraph (1) shall be used for special programs and projects designed to meet the special educational needs of educationally deprived children from low income families.

"Use of Funds Paid with Respect to Entitlements Increased Under Section 3(d) (2) (C)

"(f) The amount of the payment to any local educational agency for any fiscal year which is attributable to a determination of children for increased payments under subparagraph (C) of section 3(d) (2) shall be used by such agency for special educational programs designed to meet the special educational needs of children with respect to whom such determination is made."

(3) Section 7(c) of such Act is amended by striking out the second sentence thereof and inserting in lieu thereof the following: "Pending such appropriation, the Commissioner is authorized to expend (without regard for subsections (a) and (e) of section 3679 of the Revised Statutes (31 U.S.C. 665)) from any funds appropriated to the Office of Education and at that time available to the Commissioner, such sums as may be necessary for providing immediate assistance under this section. Expenditures pursuant to the preceding sentence shall—

81 Stat. 811.
20 USC 241-1.

"(1) be reported by the Commissioner to the Committees on Appropriations and Education and Labor of the House of Representatives and the Committees on Appropriations and Labor and Public Welfare of the Senate within thirty days of the expenditure;

Report to
congressional
committees.

66 STAT. 533

Budget
estimate.64 Stat. 832;
70 Stat. 782.
Effective date.
20 USC 236
note.20 USC 236
note.

Arte, p. 523

64 Stat. 1100;
79 Stat. 27.
20 USC 236.

rte, p. 529.

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ommittees.

“(2) be reimbursed from the appropriations authorized by the first sentence of this subsection.

The report required to the Committees on Appropriations by clause (1) in the preceding sentence shall constitute a budget estimate within the meaning of section 201(a)(5) of the Act of June 10, 1921 (31 U.S.C. 11(a)(5)).”.

The amendments made by paragraphs (1) and (2) of subsection (a) shall be effective on and with respect to appropriations for fiscal years beginning on and after July 1, 1975, and the amendments made by paragraph (3) of subsection (a) shall be effective upon enactment of this Act.

(2)(A)(i) Notwithstanding any other provision of law unless enacted in express limitation of this subparagraph—

(I) in the case of any local educational agency which is entitled to a payment under section 3 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) for the fiscal year ending June 30, 1973, which constituted an amount equal to not less than 10 per centum of the current expenditures of such agency for such fiscal year, the amount paid to such agency pursuant to such Act of September 30, 1950, for any fiscal year beginning after June 30, 1974, and ending prior to July 1, 1978, on the basis of the entitlement of that agency under such section 3, shall not be less than 90 per centum of the amount paid to such agency on the basis of such entitlement for the preceding fiscal year; and

(II) in the case of any other local educational agency, the amount so paid during any fiscal year beginning after June 30, 1974, and ending prior to July 1, 1978, shall not be less than 80 per centum of the amount so paid for the preceding fiscal year.

In the case of any local educational agency which is eligible prior to July 1, 1975, for a payment under section 3 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) by reason of the 3 per centum requirement in clause (B) of section 3(c)(2) of such Act, as in effect prior to the effective date of the amendment made by paragraph (1) of subsection (a), but which fails to meet such requirement in any fiscal year ending prior to July 1, 1977, such agency shall continue to be eligible for a payment under such section 3 as then in effect for the two succeeding fiscal years, but the payment under such section during the second of such succeeding fiscal years shall not exceed 50 per centum of the amount of the payment such agency was entitled to receive during the most recent fiscal year in which it was so eligible by reason of such clause (B).

(ii) Funds appropriated for any fiscal year for making payments to local educational agencies pursuant to the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), which are increased by reason of the provisions of division (i) shall, to the extent of any such increase, be separate from funds appropriated for such fiscal year for payments pursuant to title I of such Act which are not so increased. If, for any fiscal year, a law making appropriations for payments pursuant to such title I is enacted and such law makes no express provision for payments increased by division (i)—

(I) all funds so appropriated shall be allocated and paid in accordance with section 5 of such Act of September 30, 1950, and without regard for the provisions of division (i); and

(II) not later than fifteen days after the enactment of such law, the Commissioner shall submit a report to the Committees on Appropriations and on Education and Labor of the House of Representatives and the Committees on Appropriations and

August 21, 1974

- 51 -

Pub. Law 93-380

88 STAT. 534

Labor and Public Welfare of the Senate, which report shall contain a statement detailing the dollar amounts necessary to satisfy the requirements of division (i) and constitute a budget estimate within the meaning of section 201(a)(5) of the Act of June 10, 1921 (31 U.S.C. 11(a)(5)).

(B) In the case of any local educational agency which experiences a decrease in the number of children determined by the Commissioner of Education under section 3 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) of 10 per centum or more of such number—

(i) during the fiscal year ending June 30, 1974, or the fiscal year ending June 30, 1975; or

(ii) during the period beginning July 1, 1973, and ending June 30, 1975;

as the result of a decrease in, or cessation of, Federal activities affecting military installations in the United States announced after April 16, 1973, the amount of the payment to which such agency shall be entitled under title I of such Act, as computed under section 3 of such Act, for any fiscal year ending prior to July 1, 1978, shall not be less than 90 per centum of the amount to which the agency was so entitled during the preceding fiscal year. The provisions of this subparagraph shall be effective on and after July 1, 1974, and with respect to appropriations for the fiscal year ending June 30, 1975, and succeeding fiscal years, and such provisions shall be deemed to have been enacted before the beginning of the fiscal year ending June 30, 1975. Nothing in this subparagraph shall be construed to decrease the amount of the payment to which any local educational agency is entitled for any fiscal year on the basis of entitlements created under section 3 of such Act of September 30, 1950.

(C) During the first fiscal year in which the amendments made by subsection (a) are effective and each of the succeeding fiscal years ending prior to July 1, 1978, the Commissioner shall determine with respect to each local educational agency in any State the number of children who were in average daily attendance at the schools of such agency, and for whom such agency provided free public education, during such fiscal year, and who, while in attendance at such schools resided with a parent employed on Federal property in a State or in a county other than the State or county, as the case may be, in which the school district of such agency is located but which is situated within a reasonable commuting distance from the school district of such agency. If the number of children determined under the preceding sentence is equal to at least 10 per centum of the total number of children determined with respect to such agency for such fiscal year under section 3(b) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), the amount to which such agency shall be entitled with respect to a number of children determined under such section 3(b) for such fiscal year, shall not be less than 90 per centum of the amount which such agency received with respect to the number of children so determined during the preceding fiscal year, as computed under section 3 of such Act.

(D)(i) The Commissioner shall determine for each fiscal year beginning after June 30, 1975, and ending prior to July 1, 1978, the amount which each local educational agency would be paid for that fiscal year under section 3 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) if the amount appropriated had been allocated as provided in section 5(c) of such Act without regard for entitlements (or portions thereof) which are attributable to determinations under subsections (a) and (b) of such section of the number

64 Stat. 832;
70 Stat. 782.
Decreased enrollment.
Ante, p. 523.

Effective date.

Ante, p. 529.

88 STAT. 535

64 Stat. 1108;

86 Stat. 334.

20 USC 244.

of children who resided on, or resided with a parent employed on, property which is part of a low-rent housing project described in section 403(1)(C). The Commissioner shall then determine the amount which each local educational agency is to be paid for that fiscal year under such section 3 and allocated in accordance with such section 5(c). If the amount determined with respect to any local educational agency under the first sentence of this division is greater than the amount determined with respect to the second sentence of this division, the Commissioner shall pay to that agency an amount equal to the difference between the amounts so determined.

(ii) Funds appropriated for any fiscal year for making payments pursuant to the third sentence of division (i) shall be separate from funds appropriated for such fiscal year for making payments pursuant to section 5 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress). If, for any fiscal year, a law making appropriations for payments pursuant to such section 5 is enacted, and such law makes no express provision for payments pursuant to such third sentence—

Arte, p. 529.

(I) all funds so appropriated shall be allocated and paid in accordance with such section 5, without regard for such third sentence; and

Report to
congressional
committees.

(II) not later than fifteen days after the enactment of such law, the Commissioner shall submit a report to the Committees on Appropriations and on Education and Labor of the House of Representatives and the Committees on Appropriations and Labor and Public Welfare of the Senate, which report shall contain a statement detailing the dollar amounts necessary to make the payments required under such third sentence and shall, with respect to such dollar amounts, constitute a budget estimate within the meaning of section 201(a)(5) of the Act of June 10, 1921 (31 U.S.C. 11(a)(5)).

64 Stat. 832;

70 Stat. 782.

TITLE IV—CONSOLIDATION OF CERTAIN EDUCATION PROGRAMS

CONSOLIDATION OF LIBRARY AND LEARNING RESOURCES, EDUCATIONAL INNOVATION, AND SUPPORT PROGRAMS

68 Stat. 533;

79 Stat. 44.

20 USC 331.

SEC. 401. Title IV of the Elementary and Secondary Education Act of 1965, is amended to read as follows:

“TITLE IV—LIBRARIES, LEARNING RESOURCES, EDUCATIONAL INNOVATION, AND SUPPORT

“PART A—GENERAL PROVISIONS

“AUTHORIZATION OF APPROPRIATIONS

20 USC 1801.

“SEC. 401. (a) (1) Subject to the provisions of paragraph (2), there is authorized to be appropriated the sum of \$395,000,000 for obligation by the Commissioner during the fiscal year ending June 30, 1976, and such sums as may be necessary for obligation by the Commissioner during each of the two succeeding fiscal years, for the purpose of making grants under part B (Libraries and Learning Resources) of this title.

“(2) No funds are authorized to be appropriated under this subsection for obligation by the Commissioner during any fiscal year unless—

"(A) (i) aggregate amount which would be appropriated under this subsection is at least equal to the aggregate amount appropriated for obligation by the Commissioner during the preceding fiscal year in which part B was in effect, or

"(ii) in the case of appropriations under this subsection for the first fiscal year in which part B is effective, such amount is at least equal to the aggregate amount appropriated for obligation by the Commissioner for the fiscal year ending June 30, 1974, or for the preceding fiscal year, whichever is higher, under title II and so much of title III as relates to testing, guidance, and counseling of this Act, and under title III (except for section 305) of the National Defense Education Act of 1958, and

79 Stat. 36.
20 USC 821.
84 Stat. 130.
20 USC 841.
72 Stat. 1588.
20 USC 441.

"(B) the sums appropriated pursuant to this subsection are included in an Act making appropriations for the fiscal year prior to the fiscal year in which such sums will be obligated, and are made available for expenditure prior to the beginning of such fiscal year.

"(b) (1) Subject to the provisions of paragraph (2), there is authorized to be appropriated the sum of \$350,000,000 for obligation by the Commissioner during the fiscal year ending June 30, 1976, and such sums as may be necessary for obligation by the Commissioner during each of the two succeeding fiscal years, for the purpose of making grants under part C (Educational Innovation and Support) of this title.

"(2) No funds are authorized to be appropriated under this subsection for obligation by the Commissioner during any fiscal year unless—

"(A) (i) the aggregate amount which would be appropriated under this subsection is at least equal to the aggregate amount appropriated for obligation by the Commissioner during the preceding fiscal year in which part C was in effect, or

"(ii) in the case of appropriations under this subsection for the first fiscal year in which part C is effective, such amount is at least equal to the aggregate amount appropriated for obligation by the Commissioner for fiscal year ending June 30, 1974, or for the preceding fiscal year, whichever is higher, under title III (except for programs of testing, guidance, and counseling), title V, and sections 807 and 808 of this Act, and

84 Stat. 130.
20 USC 841.

"(B) the sums appropriated pursuant to this subsection are included in an Act making appropriations for the fiscal year prior to the fiscal year in which such sums will be obligated, and are made available for expenditure prior to the beginning of such fiscal year.

79 Stat. 47;
81 Stat. 816;
84 Stat. 153.
20 USC 861,
887, 888.

"(c) (1) In the first fiscal year in which appropriations are made pursuant to part B, 50 per centum of the funds so appropriated shall be available to the States to carry out part B of this title. The remainder of such funds shall be available to the States and shall be allotted to the States, or to the Commissioner, as the case may be, in such year, pursuant to title II and so much of title III as relates to testing, guidance, and counseling under this Act, and under title III (except for section 305) of the National Defense Education Act of 1958, for each such program in an amount which bears the same ratio to such remainder as the amount appropriated for each such program for the fiscal year ending June 30, 1974, or for the fiscal year preceding the fiscal year for which the determination is made, whichever is higher, bears to the aggregate of such appropriated amounts. The amounts made available under the second sentence of this paragraph shall be subject to the provisions of law governing each such program.

88 STAT. 537

Post, p. 543.

84 Stat. 130.
20 USC 841.
79 Stat. 47;
81 Stat. 816;
84 Stat. 153.
20 USC 861,
887, 888.

"(2) In the first fiscal year in which appropriations are made pursuant to part C, 50 per centum of the funds so appropriated shall be available to carry out part C of this title. The remainder of such funds shall be available to the States and shall be allotted to the States, or to the Commissioner, as the case may be, in such year, pursuant to title III (except for programs of testing, guidance, and counseling), title V, and sections 807 and 808 of this Act, for each such program in an amount which bears the same ratio to such remainder as the amount appropriated for each such program for the fiscal year ending June 30, 1974, or for the fiscal year preceding the fiscal year for which the determination is made, whichever is higher, bears to the aggregate of such appropriated amounts. The amount made available under the second sentence of this paragraph shall be subject to the provisions of law governing each such program.

"ALLOTMENT TO THE STATES

Appropriation.
20 USC 1802.

Ante, p. 535.

Post, pp. 542,
543.

"SEC. 402. (a) (1) There is hereby authorized to be appropriated for each fiscal year for the purposes of this paragraph amounts equal to not more than 1 per centum of each of the amounts appropriated for such year under subsections (a) or (b), or both, of section 401. The Commissioner shall allot each of the amounts appropriated pursuant to this paragraph among Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under part B or part C, or both, of this title. In addition, for each fiscal year he shall allot from each of such amounts to (A) the Secretary of the Interior the amounts necessary for the programs authorized by each such part for children and teachers in elementary and secondary schools operated for Indian children by the Department of the Interior, and (B) the Secretary of Defense the amounts necessary for the programs authorized by each such part for children and teachers in the overseas dependents schools of the Department of Defense. The terms upon which payment for such purposes shall be made to the Secretary of the Interior and the Secretary of Defense shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this title.

"(2) From the amounts appropriated to carry out part B or part C, or both, of this title for any fiscal year pursuant to subsections (a) and (b) of section 401, the Commissioner shall allot to each State from each such amount an amount which bears the same ratio to such amount as the number of children aged five to seventeen, inclusive, in the State bears to the number of such children in all the States. For the purposes of this subsection, the term 'State' shall not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands. The number of children aged five to seventeen, inclusive, in a State and in all the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(b) The amount of any State's allotment under subsection (a) for any fiscal year to carry out part B or C which the Commissioner determines will not be required for such fiscal year to carry out such part shall be available for allotment from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallocated among the States

State."

allotment.

August 21, 1974

- 55 -

Pub. Law 93-380

88 STAT. 536

whose proportionate amounts were not so reduced. Any amounts reallocated to a State under this subsection during a year from funds appropriated pursuant to section 401 shall be deemed a part of its allotment under subsection (a) for such year. Ante, p. 535.

"STATE PLANS

"Sec. 403 (a) Any State which desires to receive grants under this title shall establish an advisory council as provided by subsection (b) and shall submit to the Commissioner a State plan, in such detail as the Commissioner deems necessary, which— Advisory council.
Establishment.
20 USC 1803.

"(1) designates the State educational agency as the State agency which shall, either directly or through arrangements with other State or local public agencies, act as the sole agency for the administration of the State plan;

"(2) sets forth a program under which funds paid to the State from its allotments under section 402 will be expended solely for the programs and purposes authorized by parts B and C of this title, and for administration of the State plan; Ante, p. 537.

"(3) provides assurances that the requirements of section 406 (relating to the participation of pupils and teachers in nonpublic elementary and secondary schools) will be met, or certifies that such requirements cannot legally be met in such State; Post, p. 542,
543.

"(4) provides assurances that (A) funds such agency receives from appropriations made under section 401(a) will be distributed among local educational agencies according to the enrollments in public and nonpublic schools within the school districts of such agencies, except that substantial funds will be provided to (i) local educational agencies whose tax effort for education is substantially greater than the State average tax effort for education, but whose per pupil expenditure (excluding payments made under title I of this Act) is no greater than the average per pupil expenditure in the State, and (ii) local educational agencies which have the greatest numbers or percentages of children whose education imposes a higher than average cost per child, such as children from low-income families, children living in sparsely populated areas, and children from families in which English is not the dominant language; and (B) funds such agency receives from appropriations made under section 401(b) will be distributed among local educational agencies on an equitable basis recognizing the competitive nature of the grantmaking except that the State educational agency shall provide assistance in formulating proposals and in operating programs to local educational agencies which are less able to compete due to small size or lack of local financial resources; and the State plan shall set forth the specific criteria the State educational agency has developed and will apply to meet the requirements of this paragraph; 79 Stat. 1219.
20 USC 1001.

"(5) provides that each local educational agency will be given complete discretion (subject to the provisions of section 406) in determining how the funds it receives from appropriations made under section 401(a) will be divided among the various programs described in section 421, except that, in the first year in which appropriations are made pursuant to part B, each local educational agency will be given complete discretion with respect to 50 per centum of the funds appropriated for that part attributable to that local educational agency; Post, p. 542.

Program
evaluation.

"(6) provides for the adoption of effective procedures (A) for an evaluation by the State advisory council, at least annually, of the effectiveness of the programs and projects assisted under the State plan, (B) for the appropriate dissemination of the results of such evaluations and other information pertaining to such programs or projects, and (C) for the adoption, where appropriate, of promising educational practices developed through innovative programs supported under part C;

Post, p. 543.

"(7) provides that local educational agencies applying for funds under any program under this title shall be required to submit only one application for such funds for any one fiscal year;

Ante, p. 535.

"(8) provides—

"(A) that, of the funds the State receives under section 401 for the first fiscal year for which such funds are available, such agency will use for administration of the State plan not to exceed whichever is greater (i) 5 per centum of the amount so received (\$50,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), excluding any part of such amount used for purposes of section 431(a)(3), or (ii) the amount it received for the fiscal year ending June 30, 1973, for administration of the programs referred to in sections 421(b) and 431(b), and that the remainder of such funds shall be made available to local educational agencies to be used for the purposes of parts B and C, respectively; and that, of the funds the State receives under section 401 for fiscal years thereafter, it will use for administration of the State plan not to exceed whichever is greater (i) 5 per centum of the amount so received (\$50,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), excluding any part of such amount used for purposes of section 431(a)(3), or (ii) \$225,000, and that the remainder of such funds shall be made available to local educational agencies to be used for purposes of parts B and C, respectively,

Post, p. 543.

"(B) that not less than 15 per centum of the amount received pursuant to section 401(b) in any fiscal year (not including any amount used for purposes of section 431(a)(3)) shall be used for special programs or projects for the education of children with specific learning disabilities and handicapped children, and

Post, p. 542.

"(C) that not more than the greater of (i) 15 per centum of the amount which such State receives pursuant to section 401(b) in any fiscal year, or (ii) the amount available by appropriation to such State in the fiscal year ending June 30, 1973, for purposes covered by section 431(a)(3), shall be used for purposes of section 431(a)(3) (relating to strengthening State and local educational agencies);

Facilities,
accessibility
to handi-
capped persons.

"(9) provides assurances that in the case of any project for the repair, remodeling, or construction of facilities, that the facilities shall be accessible to and usable by handicapped persons;

"(10) sets forth policies and procedures which give satisfactory assurance that Federal funds made available under this title for any fiscal year will not be commingled with State funds; and

"(11) gives satisfactory assurance that the aggregate amount to be expended by the State and its local educational agencies from funds derived from non-Federal sources for programs

August 21, 1974

- 57 -

Pub. Law 93-380

88 STAT. 540

described in section 421(a) for a fiscal year will not be less than the amount so expended for the preceding fiscal year. Post, p. 542.

"(b) (1) The State advisory council, established pursuant to subsection (a), shall—

"(A) be appointed by the State educational agency or as otherwise provided by State law and be broadly representative of the cultural and educational resources of the State (as defined in section 432) and of the public, including persons representative of— Post, p. 544.

"(i) public and private elementary and secondary schools,

"(ii) institutions of higher education, and

"(iii) fields of professional competence in dealing with children needing special education because of physical or mental handicaps, specific learning disabilities, severe educational disadvantage, and limited English-speaking ability or because they are gifted or talented, and of professional competence in guidance and counseling;

"(B) advise the State educational agency on the preparation of, and policy matters arising in the administration of, the State plan, including the development of criteria for the distribution of funds and the approval of applications for assistance under this title; Membership.

"(C) evaluate all programs and projects assisted under this title; and

"(D) prepare at least annually and submit through the State educational agency a report of its activities, recommendations, and evaluations, together with such additional comments as the State educational agency deems appropriate, to the Commissioner. Duties.

"(2) Not less than ninety days prior to the beginning of any fiscal year for which funds will be available for carrying out this title, each State shall certify the establishment of, and membership of (including the name of the person designated as Chairman), its State advisory council to the Commissioner. Report to Commissioner.

"(3) Each State advisory council shall meet within thirty days after certification has been accepted by the Commissioner and establish the time, place, and manner of its future meetings, except that such council shall have not less than one public meeting each year at which the public is given an opportunity to express views concerning the administration and operation of this title. Meetings.

"(4) Each State advisory council shall be authorized to obtain the services of such professional, technical, and clerical personnel, and to contract for such other services as may be necessary to enable them to carry out their functions under this title, and the Commissioner shall assure that funds sufficient for these purposes are made available to each council from funds available for administration of the State plan. Personnel.

"(c) The Commissioner shall approve any State plan and any modification thereof which complies with the provisions of subsections (a) and (b) of this section. State plan approval.

"ADMINISTRATION OF STATE PLANS

"Sec. 404. The Commissioner shall not finally disapprove any State plan submitted under this title, or any modification thereof, without first affording the State educational agency reasonable notice and opportunity for a hearing.

Hearing notice.
20 USC 1804.

"PAYMENTS TO STATES

20 USC 1805.

Ante, p. 537.
Post, pp. 542,
543.

"SEC. 405. From the amounts allotted to each State under section 402 for carrying out the programs authorized by parts B and C, respectively, the Commissioner shall pay to that State an amount equal to the amount expended by the State in carrying out its State plan (after withholding any amount necessary pursuant to section 406(f)).

"PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS

20 USC 1806.

"SEC. 406. (a) To the extent consistent with the number of children in the school district of a local educational agency (which is a recipient of funds under this title or which serves the area in which a program or project assisted under this title is located) who are enrolled in private nonprofit elementary and secondary schools, such agency, after consultation with the appropriate private school officials, shall provide for the benefit of such children in such schools secular, neutral, and nonideological services, materials, and equipment including the repair, minor remodeling, or construction of public school facilities as may be necessary for their provision (consistent with subsection (c) of this section), or, if such services, materials, and equipment are not feasible or necessary in one or more such private schools as determined by the local educational agency after consultation with the appropriate private school officials, shall provide such other arrangements as will assure equitable participation of such children in the purposes and benefits of this title.

Equal ex-
penditures.

"(b) Expenditures for programs pursuant to subsection (a) shall be equal (consistent with the number of children to be served) to expenditures for programs for children enrolled in the public schools of the local educational agency, taking into account the needs of the individual children and other factors (pursuant to criteria supplied by the Commissioner) which relate to such expenditures, and when funds available to a local educational agency under this title are used to concentrate programs or projects on a particular group, attendance area, or grade or age level, children enrolled in private schools who are included within the group, attendance areas, or grade or age level selected for such concentration shall, after consultation with the appropriate private school officials, be assured equitable participation in the purposes and benefits of such programs or projects.

Administra-
tion.

"(c) (1) The control of funds provided under this title and title to materials, equipment, and property repaired, remodeled, or constructed therewith shall be in a public agency for the uses and purposes provided in this title, and a public agency shall administer such funds and property.

"(2) The provision of services pursuant to this section shall be provided by employees of a public agency or through contract by such public agency with a person, an association, agency, or corporation who or which in the provision of such services is independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this title shall not be commingled with State or local funds.

Waiver.

"(d) If a State is prohibited by law from providing for the participation in programs of children enrolled in private elementary and secondary schools, as required by this section, the Commissioner may waive such requirement and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

August 21, 1974

- 59 -

Pub. Law 93-380

88 STAT. 542

"(e) If the Commissioner determines that a State or a local educational agency has substantially failed to provide for the participation on an equitable basis of children enrolled in private elementary and secondary schools as required by this section, he shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

"(f) When the Commissioner arranges for services pursuant to this section, he shall, after consultation with the appropriate public and private school officials, pay the cost of such services from the appropriate allotment of the State under this title.

"(g) (1) The Commissioner shall not take any final action under this section until he has afforded the State educational agency and local educational agency affected by such action at least sixty days notice of his proposed action and an opportunity for a hearing with respect thereto on the record.

"(2) If a State or local educational agency is dissatisfied with the Commissioner's final action after a hearing under subparagraph (A) of this paragraph, it may within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Petition for review.
Transmittal copy to Commissioner.
72 Stat. 941;
80 Stat. 1323.

"(3) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. Fact findings, modification.

"(4) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code." Jurisdiction.
62 Stat. 928.

"PART B—LIBRARIES AND LEARNING RESOURCES

"PROGRAMS AUTHORIZED

"Sec. 421. (a) The Commissioner shall carry out a program for making grants to the States (pursuant to State plans approved under section 403)— Grants to States.
20 USC 1821.

"(1) for the acquisition of school library resources, textbooks, and other printed and published instructional materials for the use of children and teachers in public and private elementary and secondary schools;

"(2) for the acquisition of instructional equipment (including laboratory and other special equipment, including audio-visual materials and equipment suitable for use in providing education in academic subjects) for use by children and teachers in elementary and secondary schools, and for minor remodeling of laboratory or other space used by such schools for such equipment; and

"(3) for (A) a program of testing students in the elementary and secondary schools, (B) programs of counseling and guidance services for students at the appropriate levels in elementary and

secondary schools designed (i) to advise students of courses of study best suited to their ability, aptitude, and skills, (ii) to advise students with respect to their decisions as to the type of educational program they should pursue, the vocation they should train for and enter, and the job opportunities in the various fields, and (iii) to encourage students to complete their secondary school education, take the necessary courses for admission to postsecondary institutions suitable for their occupational or academic needs, and enter such institutions, and such programs may include short-term sessions for persons engaged in guidance and counseling in elementary and secondary schools, and (C) programs, projects, and leadership activities designed to expand and strengthen counseling and guidance services in elementary and secondary schools.

"(b) It is the purpose of this part to combine within a single authorization, subject to the modifications imposed by the provisions and requirements of this title, the programs authorized by title II and so much of title III as relates to testing, counseling, and guidance, of this Act, and title I-I (except for section 305 thereof) of the National Defense Education Act of 1958, and funds appropriated to carry out this part must be used only for the same purposes and for the funding of the same types of programs authorized under those provisions.

"PART C—EDUCATIONAL INNOVATION AND SUPPORT

"PROGRAMS AUTHORIZED

"SEC. 431. (a) The Commissioner shall carry out a program for making grants to the States (pursuant to State plans approved under section 403)—

"(1) for supplementary educational centers and services to stimulate and assist in the provision of vitally needed educational services (including preschool education, special education, compensatory education, vocational education, education of gifted and talented children, and dual enrollment programs) not available in sufficient quantity or quality, and to stimulate and assist in the development and establishment of exemplary elementary and secondary school programs (including the remodeling, lease, or construction of necessary facilities) to serve as models for regular school programs;

"(2) for the support of demonstration projects by local educational agencies or private educational organizations designed to improve nutrition and health services in public and private elementary and secondary schools serving areas with high concentrations of children from low-income families and such projects may include payment of the cost of (A) coordinating nutrition and health service resources in the areas to be served by a project, (B) providing supplemental health, mental health, nutritional, and food services to children from low-income families when the resources for such services available to the applicant from other sources are inadequate to meet the needs of such children, (C) nutrition and health programs designed to train professional and other school personnel to provide nutrition and health services in a manner which meets the needs of children from low-income families for such services, and (D) the evaluation of projects assisted with respect to their effectiveness in improving school nutrition and health services for such children;

79 Stat. 36.
20 USC 821.
84 Stat. 130.
20 USC 841.
72 Stat. 1588.
20 USC 441.

Grants to
States.
20 USC 1831.
Ante, p. 538.

August 21, 1974

- 61 -

Pub. Law 93-380

88 STAT. 544

"(3) for strengthening the leadership resources of State and local educational agencies, and for assisting those agencies in the establishment and improvement of programs to identify and meet educational needs of States and of local school districts; and

"(4) for making arrangements with local educational agencies for the carrying out by such agencies in schools which (A) are located in urban or rural areas, (B) have a high percentage of children from low-income families, and (C) have a high percentage of such children who do not complete their secondary school education, of demonstration projects involving the use of innovative methods, systems, materials, or programs which show promise of reducing the number of such children who do not complete their secondary school education.

"(b) It is the purpose of this part to combine within a single authorization, subject to the modifications imposed by the provisions and requirements of this title, the programs authorized by title III (except for programs of testing, counseling, and guidance) and title V, and sections 807 and 808 of this Act, and funds appropriated to carry out this part must be used only for the same purposes and for the funding of the same types of programs authorized under those provisions.

20 USC 841,
861, 887,
888.

"USE OF CULTURAL AND EDUCATIONAL RESOURCES

"SEC. 432. Programs or projects supported pursuant to this part (other than those described in section 431(a)(3)) shall involve in the planning and carrying out thereof the participation of persons broadly representative of the cultural and educational resources of the area to be served. The term 'cultural and educational resources' includes State educational agencies, local educational agencies, private nonprofit elementary and secondary schools, institutions of higher education, public and nonprofit private agencies such as libraries, museums, musical and artistic organizations, educational radio and television, and other cultural and educational resources."

20 USC 1832.

"Cultural and
educational re-
sources."

CONSOLIDATION OF CERTAIN FEDERALLY OPERATED EDUCATION PROGRAMS

SEC. 402. (a) (1) The Act of July 26, 1954 (Public Law 531, Eighty-third Congress) is amended by striking out all after the enacting clause and inserting in lieu thereof the following: "That this Act may be cited as the 'Special Projects Act'.

20 USC 1851
note.
68 Stat. 533;
79 Stat. 44.
20 USC 331

"PURPOSE

"SEC. 2. It is the purpose of this Act to authorize the Commissioner of Education (hereinafter referred to as the 'Commissioner') to carry out special projects—

"(1) to experiment with new educational and administrative methods, techniques, and practices;

"(2) to meet special or unique educational needs or problems; and

"(3) to place special emphasis on national education priorities.

note.
Special Projects
Act.
20 USC 1851.

"CONTRACTING AUTHORITY

"SEC. 3. (a) The Commissioner is authorized, during the period beginning July 1, 1975, and ending June 30, 1978, to make contracts with public and private agencies, organizations, associations, institutions, and with individuals in order to carry out the purposes of this Act as set forth in section 2.

20 USC 1852.

"(b) In exercising his authority under this section, the Commissioner shall comply with such priorities and preferences as may be expressly provided by law, with respect to this section.

"APPROPRIATIONS

20 USC 1853.

"SEC. 4. (a) (1) In order to enable the Commissioner to make contracts under section 3, there is authorized, subject to subsection (b), to be appropriated to the Office of Education \$200,000,000 for the fiscal year ending June 30, 1976, and each of the two succeeding fiscal years.

"(2) Sums appropriated pursuant to paragraph (1) shall, notwithstanding any other provisions of law, unless enacted in express limitation of this paragraph, remain available until expended.

Expenditure
plan and re-
port, sub-
mittal to con-
gressional
committees.
20 USC 1861.

"(b) (1) Not later than February 1 of each year, the Commissioner shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Public Welfare of the Senate a plan in accordance with which the Commissioner has determined to expend funds to be appropriated for the succeeding fiscal year. Such plan shall be accompanied by a report describing each contract made during the calendar year preceding that fiscal year under the authority of this Act involving an expenditure in excess of \$100,000.

"(2) (A) The funds appropriated pursuant to subsection (a) for any fiscal year shall be expended in accordance with the plan submitted for that year pursuant to paragraph (1), unless prior to sixty days after the submission of such plan, either the Committee on Education and Labor of the House of Representatives or the Committee on Labor and Public Welfare of the Senate adopts a resolution disapproving such plan.

"(B) If either or both such committees adopts a resolution of disapproval as provided in subparagraph (A), the Commissioner shall, not later than fifteen days after the adoption of any such resolution, submit a new plan in accordance with paragraph (1) and subparagraph (A)."

68 Stat. 533.

"(2) The title of such Act of July 24, 1954, is amended to read as follows: "An Act to authorize special projects, surveys, and studies by the Office of Education."

20 USC 1861.

(b) (1) In carrying out his functions under section 3 of the Special Projects Act, the Commissioner shall reserve not less than 50 per centum of the sums appropriated pursuant to section 4 of such Act for the purposes given preference under paragraph (3) of this subsection and apportioned in accordance with paragraph (2) of this subsection. With respect to the funds to which this paragraph applies, the Commissioner's authority under such section 3 shall include authority to make grants as well as contracts.

Apportionment
of funds.
Post, p. 556.

"(2) Except as is otherwise provided with respect to section 409, the Commissioner shall apportion an amount for each of the purposes set forth in paragraph (3) which bears the same ratio to the sums reserved pursuant to paragraph (1) as the amount permitted to be expended for each such purpose bears to the aggregate of the amounts permitted to be expended for all such purposes.

Reserved funds.

"(3) The sums reserved pursuant to paragraph (1) shall be expended for programs otherwise authorized by an applicable statute and described in the following subparagraphs:

Education for the Use of the Metric System of Measurement

(A) A program to encourage educational agencies and institutions to prepare students to use the metric system of measurement, as provided in section 403.

August 21, 1974

- 63 -

Pub. Law 93-380

88 STAT.546

Gifted and Talented Children

(B) A program for the education of gifted and talented children through grants to the States for such purpose, as provided in section 404 (except subsection (f) thereof).

Post, p. 547.

Community Schools

(C) A program of grants to local educational agencies to assist them in planning, establishing, expanding, and operating community education programs, as provided in section 405.

Career Education

(D) A program to assess, and to encourage establishment and operation of, career education programs, as provided in section 406.

Consumers' Education

(E) A program of grants and contracts designed to provide consumer education to the public, as provided in section 811 of the Elementary and Secondary Education Act of 1965.

Post, p. 553.

Women's Equity in Education

(F) A program of grants and contracts designed to provide educational equity for women in the United States, as provided in section 408.

Post, p. 554.

Arts in Education Programs

(G) A program of grants and contracts designed to assist and encourage the use of the arts in elementary and secondary school programs as provided in section 409.

(4) No appropriation may be made for any fiscal year for the purposes of section 811 of the Elementary and Secondary Education Act of 1965 or sections 403, 404, 405, 406, 408, and 409 of this Act during which funds are available for the purposes of such sections under the provisions of this subsection.

(c) (1) The amendments made by subsection (a) and the provisions of subsection (b) shall be effective on and after July 1, 1975.

20 USC 1851 note.

(2) Effective July 1, 1975, title III of the Elementary and Secondary Education Act of 1965 is amended—

20 USC 844a note.

(i) by striking out section 305(d);

84 Stat. 135.

(ii) by striking out section 306; and

20 USC 844a.

(iii) by striking out section 307(c).

20 USC 844b.

(3) Effective July 1, 1975, section 809 of the Elementary and Secondary Education Act of 1965, is repealed.

20 USC 845.

Repeal.

84 Stat. 154.

20 USC 887b and note.

EDUCATION FOR THE USE OF THE METRIC SYSTEM OF MEASUREMENT

SEC. 403. (a) (1) The Congress finds that—

20 USC 1862.

(A) the metric system of measurement is in general use in industrially developed nations and its use is increasing;

(B) increased use of such metric system in the United States is inevitable, and such a metric system will become the dominant system of weights and measures in the United States; and

(C) there is no existing Federal program designed to teach children to use such metric system and such a program is necessary if the American people are to adapt to the use of the metric system of weights and measures.

(2) It is the policy of the United States to encourage educational agencies and institutions to prepare students to use the metric system of measurement with ease and facility as a part of the regular educational program.

(3) For the purposes of this section, the term "metric system of measurement" means the International System of Units as established by the General Conference of Weights and Measures in 1960 and interpreted or modified for the United States by the Secretary of Commerce.

(b) (1) The Commissioner shall carry out a program of grants and contracts in order to encourage educational agencies and institutions to prepare students to use the metric system of measurement.

(2) The Commissioner is authorized to make grants to, and contracts with, institutions of higher education, State and local educational agencies, and other public and private nonprofit agencies, organizations, and institutions to develop and carry out the policy set forth in subsection (a).

(c) (1) Financial assistance under this section may be made available only upon application to the Commissioner. Any such application shall be submitted at such time, in such form, and containing such information as the Commissioner shall prescribe by regulation and shall be approved only if it—

(A) provides that the activities and services for which assistance is sought will be administered by, or under the supervision of, the applicant;

(B) describes a program which holds promise of making a substantial contribution toward attaining the purposes of this section;

(C) sets forth such policies and procedures as will insure adequate evaluation of the activities intended to be carried out under the application; and

(D) contains such other provisions as the Commissioner determines necessary in order to accomplish the purposes of this title.

(2) An application from a local educational agency under this section may be approved only if the State educational agency of the State in which such local agency is located has been notified of the application and has been given a reasonable opportunity to offer recommendations with respect to the approval thereof.

(d) For the purpose of carrying out this section, the Commissioner is authorized to expend \$10,000,000 for each of the fiscal years ending prior to July 1, 1978.

GIFTED AND TALENTED CHILDREN

SEC. 404. (a) The Commissioner shall designate an administrative unit within the Office of Education to administer the programs and projects authorized by this section and to coordinate all programs for gifted and talented children and youth administered by the Office.

(b) The Commissioner shall establish or designate a clearinghouse to obtain and disseminate to the public information pertaining to the education of gifted and talented children and youth. The Commissioner is authorized to contract with public or private agencies or organizations to establish and operate the clearinghouse.

(c) (1) The Commissioner shall make grants to State educational agencies and local educational agencies, in accordance with the provisions of this subsection, in order to assist them in the planning, development, operation, and improvement of programs and projects designed to meet the special educational needs of gifted and talented children at the preschool and elementary and secondary school levels.

"Metric system of measurement."

Grants and contracts.

Financial assistance, application.

Approval.

Appropriation.

20 USC 1863.

Information clearinghouse.

Grants.

August 21, 1974

- 65 -

Pub. Law 93-380

88 STAT. 548

(2) (A) Any State educational agency or local educational agency desiring to receive a grant under this subsection shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner determines to be necessary to carry out his functions under this section. Such application shall—

(i) provide satisfactory assurance that funds paid to the applicant will be expended solely to plan, establish, and operate programs and projects which—

(I) are designed to identify and to meet the special educational and related needs of gifted and talented children, and

(II) are of sufficient size, scope, and quality as to hold reasonable promise of making substantial progress toward meeting those needs;

(ii) set forth such policies and procedures as are necessary for acquiring and disseminating information derived from educational research, demonstration and pilot projects, new educational practices and techniques, and the evaluation of the effectiveness of the program or project in achieving its purpose; and

(iii) provide satisfactory assurance that, to the extent consistent with the number of gifted and talented children in the area to be served by the applicant who are enrolled in nonpublic elementary and secondary schools, provision will be made for the participation of such children.

(B) The Commissioner shall not approve an application under this subsection from a local educational agency unless such application has been submitted to the State educational agency of the State in which the applicant is located and such State agency has had an opportunity to make recommendations with respect to approval thereof.

(3) Funds available under an application under this subsection may be used for the acquisition of instructional equipment to the extent such equipment is necessary to enhance the quality or the effectiveness of the program or project for which application is made.

(4) A State educational agency receiving assistance may carry out its functions under an approved application under this subsection directly or through local educational agencies.

(d) The Commissioner is authorized to make grants to State educational agencies to assist them in establishing and maintaining, directly or through grants to institutions of higher education, a program for training personnel engaged or preparing to engage in educating gifted and talented children or as supervisors of such personnel. Personnel training grants.

(e) The Commissioner is authorized to make grants to institutions of higher education and other appropriate nonprofit institutions or agencies to provide training to leadership personnel for the education of gifted and talented children and youth. Such leadership personnel may include, but are not limited to, teacher trainers, school administrators, supervisors, researchers, and State consultants. Grants under this subsection may be used for internships, with local, State, or Federal agencies or other public or private agencies or institutions.

(f) Notwithstanding the second sentence of section 405(b)(1) of the General Education Provisions Act, the National Institute of Education shall, in accordance with the terms and conditions of section 405 of such Act, carry out a program of research and related activities relating to the education of gifted and talented children. The Commissioner is authorized to transfer to the National Institute of Education such sums as may be necessary for the program required by this subsection. As used in the preceding sentence the term "research and related Research program. 86 Stat. 326. 20 USC 1221e. Transfer of funds. Definition.

activities" means research, research training, surveys, or demonstrations in the field of education of gifted and talented children and youth, or the dissemination of information derived therefrom, or all of such activities, including (but without limitation) experimental and model schools.

(g) In addition to the other authority of the Commissioner under this section, the Commissioner is authorized to make contracts with public and private agencies and organizations for the establishment and operation of model projects for the identification and education of gifted and talented children, including such activities as career education, bilingual education, and programs of education for handicapped children and for educationally disadvantaged children. The total of the amounts expended for projects authorized under this subsection shall not exceed 15 per centum of the total of the amounts expended under this section for any fiscal year.

(h) For the purpose of carrying out the provisions of this section, the Commissioner is authorized to expend not to exceed \$12,250,000 for each fiscal year ending prior to July 1, 1978.

COMMUNITY SCHOOLS

SEC. 405. (a) This section may be cited as the "Community Schools Act".

(b) In recognition of the fact that the school, as the prime educational institution of the community, is most effective when the school involves the people of that community in a program designed to fulfill their education needs, and that community education promotes a more efficient use of public education facilities through an extension of school buildings and equipment, it is the purpose of this section to provide educational, recreational, cultural, and other related community services, in accordance with the needs, interests, and concerns of the community, through the establishment of the community education program as a center for such activities in cooperation with other community groups.

(c) For purposes of this section and subparagraph (C) of section 402(b)(3), a "community education program" is a program in which a public building, including but not limited to a public elementary or secondary school or a community or junior college, is used as a community center operated in conjunction with other groups in the community, community organizations, and local governmental agencies, to provide educational, recreational, cultural, and other related community services for the community that center serves in accordance with the needs, interests, and concerns of that community. Nothing in this section shall be construed to prohibit any applicant under this section from carrying out any activity with funds derived from other sources.

(d) (1) In order to carry out the purposes and provisions of this section, the Commissioner is authorized to make grants to State educational agencies and to local educational agencies to pay the Federal share of the cost of planning, establishing, expanding, and operating community education programs.

(2) Fifty percent of the funds made available pursuant to clause (1) of subsection (i) shall be available for grants to State educational agencies. The remainder of such funds shall be available for grants to local educational agencies.

(3) For the purpose of paragraph (1) of this subsection, the Federal share shall be—

(A) 80 per centum of a program to establish a new community education program,

Model pro-
jects, con-
tracts.

Appropriation.

Community
Schools Act.
20 USC 1864.

"Community edu-
cation pro-
gram."
ante, p. 544.

Grants.

Federal share.

August 21, 1974

- 67 -

Pub. Law 93-380

88 STAT. 550

(B) 65 per centum of a program to expand or improve a community education program for the first year in which such program is assisted under this section, and 55 per centum in any fiscal year thereafter, and

(C) 40 per centum of a program to maintain or carry out a community education program.

(4) Any State or local educational agency desiring to receive a grant under this section for any fiscal year shall submit an application to the Commissioner at such time, in such manner, and in such form as the Commissioner shall prescribe by regulation. Each such application shall contain provisions—

(A) assuring that local community colleges, social, recreational, and health groups will be consulted with respect to programs to be offered and facilities to be used for the purpose of this section;

(B) assuring that the applicant will pay from non-Federal sources the remaining costs of carrying out the application; and

(C) containing a description of each community education program for which assistance is sought in sufficient detail to apply the appropriate Federal share specified in clause (3) of this subsection.

The Commissioner shall not approve an application submitted by a local educational agency unless the State educational agency of the State in which that local educational agency is located has been given an opportunity to review, and make comment on, such application.

(e) The Commissioner is authorized to make grants to institutions of higher education to develop and establish, or to expand, programs which will train persons to plan and operate community education programs.

(f)(1) The Commissioner shall establish or designate a clearinghouse to gather and disseminate information received from community education programs, including but not limited to information regarding new programs, methods to encourage community participation, and ways of coordinating community education programs with other community services. The Commissioner is authorized to contract with public or private agencies or organizations to establish and operate the clearinghouse.

(2) The Commissioner shall make available to each community education program such technical assistance and information as the program may require, and such technical assistance shall be coordinated with the national clearinghouse.

(g)(1) There is established, subject to part D of the General Education Provisions Act, in the Office of the Commissioner, a Community Education Advisory Council (referred to in this section as the "Advisory Council") to be composed of eleven members. The members of the Advisory Council shall be appointed by the Secretary.

(2) A substantial number of the members of the Advisory Council shall be persons experienced in the operation of community education programs and the training of such persons. The Council shall include representatives from various disciplines involved in providing services in community school programs.

(f)(1) The Commissioner shall establish or designate a clearinghouse within three months after enactment of this section.

(4) The Commissioner shall make available to the Advisory Council such staff, information, and other assistance as it may require to carry out its activities.

(5) The Advisory Council shall advise the Commissioner on policy matters relating to the interests of community schools.

Application.

Training grants.

Information clearinghouse.

Technical assistance.

Post, p. 575.
Community Education Advisory Council.
Establishment; membership.

Clearinghouse.

Policy guide-
lines.

Evaluation,
submittal to
Congress.

Appropriation.

(6) In the fiscal year ending June 30, 1975, the Advisory Council shall be responsible for advising the Commissioner regarding the establishment of policy guidelines and regulations for the operation and administration of this section. In addition, the Council shall create a system for evaluation of the programs. The Council shall present to Congress a complete and thorough evaluation of the programs and operation of this section for each fiscal year ending after June 30, 1975.

(h) In approving applications under this section the Commissioner shall insure that there is an equitable geographical distribution of community education programs throughout the United States in both urban and rural areas.

(i) The Commissioner is authorized to expend (1) for the purpose of subsection (d), \$15,000,000 for each fiscal year ending prior to July 1, 1978; and (2) for the purposes of subsection (e), \$2,000,000 for each fiscal year ending prior to July 1, 1978.

CAREER EDUCATION

20 USC 1865.

SEC. 406. (a) It is the sense of Congress that—

(1) every child should, by the time he has completed secondary school, be prepared for gainful or maximum employment and for full participation in our society according to his or her ability;

(2) it is the obligation of each local educational agency to provide that preparation for all children (including handicapped children and all other children who are educationally disadvantaged) within the school district of such agency; and

(3) each State and local educational agency should carry out a program of career education which provides every child the widest variety of career education options which are designed to prepare each child for maximum employment and participation in our society according to his or her ability.

(b) It is the purpose of this section to assist in achieving the policies set forth in subsection (a) by—

(1) developing information on the needs for career education for all children;

(2) promoting a national dialogue on career education designed to encourage each State and local educational agency to determine and adopt the approach to career education best suited to the needs of the children served by them;

(3) assessing the status of career education programs and practices, including a reassessment of the stereotyping of career opportunities by race or by sex;

(4) providing for the demonstration of the best of the current career education programs and practices by the development and testing of exemplary programs and practices using various theories, concepts, and approaches with respect to career education;

(5) providing for the training and retraining of persons for conducting career education programs; and

(6) developing State and local plans for implementing career education programs designed to insure that every child has the opportunity to gain the knowledge and skills necessary for gainful or maximum employment and for full participation in our society according to his or her ability.

(c) (1) In order to carry out the policies, purposes, and provisions of this section, there is established in the Office of Education an Office of Career Education (hereafter in this section referred to as the "Office"). The Office shall be headed by a Director.

(2) The Director of the Office shall report directly to the Commissioner.

Office of
Career Education.
Establishment.

August 21, 1974

- 69 -

Pub. Law 93-380

88 STAT. 552

(d) For the purposes of this section, the term "career education" means an education process designed— "Career education."

(1) to increase the relationship between schools and society as a whole;

(2) to provide opportunities for counseling, guidance and career development for all children;

(3) to relate the subject matter of the curricula of schools to the needs of persons to function in society;

(4) to extend the concept of the education process beyond the school into the area of employment and the community;

(5) to foster flexibility in attitudes, skills, and knowledge in order to enable persons to cope with accelerating change and obsolescence;

(6) to make education more relevant to employment and functioning in society; and

(7) to eliminate any distinction between education for vocational purposes and general or academic education.

(e) The Commissioner shall conduct a survey and assessment of the current status of career education programs, projects, curriculums, and materials in the United States and submit to the Congress, not later than November 1, 1975, a report on such survey and assessment. Such report shall include recommendations of the Advisory Council created under subsection (g) for new legislation designed to accomplish the policies and purposes set forth in subsections (a) and (b). In exercising his authority under clauses (ii) (III) and (ii) (V) of section 434(b) (1) (A) of the General Education Provisions Act, for any fiscal year, the Commissioner shall require State educational agencies and local educational agencies to report on their efforts to prepare students for gainful or maximum employment. Programs, survey and assessment. Report to Congress. Post, p. 569

(f) (1) During the period beginning with the enactment of this section and ending June 30, 1978, the Commissioner is authorized to make grants to State and local educational agencies, institutions of higher education, and other nonprofit agencies and organizations to support projects to demonstrate the most effective methods and techniques in career education and to develop exemplary career education models (including models in which handicapped children receive appropriate career education either by participation in regular or modified programs with nonhandicapped children or where necessary in specially designed programs for handicapped children whose handicaps are of such severity that they cannot benefit from regular or modified programs). Grants made under this subsection shall be consistent with the policies set forth in subsection (a) of this subsection. Career education models, grants.

(2) During the period beginning one year after the enactment of this section and ending June 30, 1977, the Commissioner is authorized to make grants to State educational agencies to enable them to develop State plans for the development and implementation of career education programs in the local educational agencies of the States. Such plans shall be designed to carry out the policies and purposes set forth in subsections (a) and (b). Local State educational program plans, grants.

(g) (1) Subject to part D of the General Education Provisions Act and within ninety days after the enactment of this section, there is established a National Advisory Council for Career Education which shall be composed of— Post, p. 575.

(A) the Assistant Secretary of Health, Education, and Welfare for Education, the Commissioner of Education, the Director of the Office of Career Education, the Director of the National Institute of Education, the Administrator of the National Center for National Advisory Council for Career Education. Establishment.

Education Statistics, the Director of the National Science Foundation, the Chairman of the National Foundation for the Arts, the Chairman of the National Foundation for the Humanities, the Chairman of the National Advisory Council for Vocational Education, all of whom shall serve in a nonvoting ex officio capacity; and

(B) not less than twelve public members broadly representative of the fields of education, the arts, the humanities, the sciences, community services, business and industry, and the general public, a majority of whom shall be engaged in education or education-related professions.

Chairman;
term.

(2) The public members shall be appointed by the Secretary. The Secretary shall select the Chairman from among the public members. The members shall serve for terms of three years with not more than four seats rotating in any one year. The Commissioner shall provide such staff and funds for the Council as deemed necessary and such staff and funds shall be in addition to those provided elsewhere in this title.

Duties.

(3) The duties of the Council shall be to advise the Commissioner on the implementation of this section and carry out such advisory functions as it deems appropriate, including reviewing the operation of this section and all other programs of the Division of Education pertaining to the development and implementation of career education throughout the United States, and in determining the need for further legislative remedy in order that all citizens may benefit from the purposes of career education as prescribed in this section.

Survey and
assessment;
report to
Congress.

(4) The Council with the assistance of the Commissioner shall conduct a survey and assessment of the current status of career education programs, projects, curricula, and materials in the United States and submit to Congress, not later than November 1, 1975, a report on such survey and assessment. Such report shall include recommendations of the Council for new legislation designed to accomplish the policies and purposes set forth in subsections (a) and (b).

Appropriation.

(h) For the purpose of carrying out the provisions of this section, the Commissioner is authorized to expend not to exceed \$15,000,000 for each fiscal year ending prior to July 1, 1978.

CONSUMERS' EDUCATION

86 Stat. 349.
20 USC 887d.

SEC. 407. (a) (1) Section 811(a) of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"SEC. 811. (a) (1) There shall be within the Office of Education an Office of Consumers' Education (hereafter in this section referred to as the 'Office') which shall be headed by a Director of Consumers' Education (hereafter in this section referred to as the 'Director') who, subject to the management of the Commissioner, shall have responsibility for carrying out the provisions of this section.

5 USC 101 et
seq.

"(2) The Director shall be appointed by the Commissioner in accordance with the provisions of title 5 of the United States Code relating to appointments to the competitive service."

(2) Such section 811(b) of such Act is amended, in clause (ii) in the second sentence of paragraph (1)(C), by striking out "paragraph (2)" and inserting in lieu thereof "subparagraph (B)".

(3) Section 811(d) of such Act is amended to read as follows:

"(d) For the purpose of carrying out this section, the Commissioner is authorized to expend not to exceed \$15,000,000 for each fiscal year ending prior to July 1, 1978."

Effective
date.
20 USC 887d
note.

(b) The amendments made by paragraph (3) of subsection (a) shall be effective on and after July 1, 1973.

WOMEN'S EDUCATIONAL EQUITY

SEC. 408. (a) This section may be cited as the "Women's Educational Equity Act of 1974."

(b) (1) The Congress hereby finds and declares that educational programs in the United States (including its possessions), as presently conducted, are frequently inequitable as such programs relate to women and frequently limit the full participation of all individuals in American society.

(2) It is the purpose of this section to provide educational equity for women in the United States.

(c) As used in this section, the term "Council" means the Advisory Council on Women's Educational Programs.

(d) (1) The Commissioner is authorized to make grants to, and enter into contracts with, public agencies and private nonprofit organizations and with individuals for activities designed to carry out the purposes of this section at all levels of education, including preschool, elementary and secondary education, higher education, and adult education. These activities shall include—

(A) the development, evaluation, and dissemination by the applicant of curricula, textbooks, and other educational materials related to educational equity;

(B) preservice and inservice training for educational personnel including guidance and counseling with special emphasis on programs and activities designed to provide educational equity;

(C) research, development, and educational activities designed to advance educational equity;

(D) guidance and counseling activities, including the development of nondiscriminatory tests, designed to assure educational equity;

(E) educational activities to increase opportunities for adult women, including continuing educational activities and programs for underemployed and unemployed women;

(F) the expansion and improvement of educational programs and activities for women in vocational education, career education, physical education and educational administration.

(2) A grant may be made and a contract may be entered into under this section only upon application to the Commissioner, at such time, in such form, and containing or accompanied by such information as the Commissioner may prescribe. Each such application shall—

(A) provide that the program or activity for which assistance is sought will be administered by or under the supervision of the applicant;

(B) describe a program for carrying out one of the purposes set forth in subsection (a) which holds promise of making a substantial contribution toward attaining such purposes; and

(C) set forth policies and procedures which insure adequate evaluation of the activities intended to be carried out under the application.

(3) The Commissioner shall approve applicants and amendments thereto which meet the requirements of paragraph (2).

(4) Nothing in this section shall be construed as prohibiting men from participating in any programs or activities assisted under this section.

(e) In addition to the authority of the Commissioner under subsection (d), the Commissioner shall carry out a program of small grants, not to exceed \$15,000, each, in order to support innovative approaches to achieving the purpose of this section; and for that

Women's Educational Equity Act of 1974.
20 USC 1866.

"Council."

Grants and contracts.

Applications.

Nondiscrimination.

Additional grants.

Advisory Council on Women's Educational Programs.
Establishment; membership.

purpose the Commissioner is authorized to make grants to public and private nonprofit agencies and to individuals.

(f) (1) There is established in the Office of Education an Advisory Council on Women's Educational Programs. The Council shall be composed of—

(A) seventeen individuals, some of whom shall be students, who shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals broadly representative of the general public who, by virtue of their knowledge or experience, are versed in the role and status of women in American society;

(B) the Chairman of the Civil Rights Commission;

(C) the Director of the Women's Bureau of the Department of Labor; and

(D) the Director of the Women's Action Program of the Department of Health, Education, and Welfare.

The Council shall elect its own Chairman.

Term.

(2) The term of office of each member of the Council appointed under clause (A) of paragraph (1) shall be three years, except that—

(A) the members first appointed under such clause shall serve as designated by the President, six for a term of one year, five for a term of two years, and six for a term of three years; and

(B) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

Duties.

(3) The Council shall—

(A) advise the Commissioner with respect to general policy matters relating to the administration of this section;

(B) advise and make recommendations to the Assistant Secretary concerning the improvement of educational equity for women;

(C) make recommendations to the Commissioner with respect to the allocation of any funds pursuant to this section, including criteria developed to insure an appropriate geographical distribution of approved programs and projects throughout the Nation; and

(D) develop criteria for the establishment of program priorities.

Sex discrimination in education, review.

(4) From the sums available for the purposes of this section, the Commissioner is authorized and directed to conduct a national, comprehensive review of sex discrimination in education, to be submitted to the Council not later than a year after the date of enactment of this section. The Council shall review the report of the Commissioner and shall make such recommendations, including recommendations for additional legislation, as it deems advisable.

Post, p. 575.

(5) The provisions of part D of the General Education Provisions Act shall apply with respect to the Council established under this subsection.

Report to President, Congress and Council.

(f) The Commissioner is directed, at the end of each fiscal year, to submit to the President and the Congress and to the Council a report setting forth the programs and activities assisted under this section, and to provide for the distribution of this report to all interested groups and individuals, including the Congress, from funds authorized under this section. After receiving the report from the Commissioner, the Council shall evaluate the programs and projects assisted under this section and include such evaluation in its annual report.

Program evaluation.

Appropriation.

(h) For the purpose of carrying out this section, the Commissioner is authorized to expend not to exceed \$30,000,000 for each fiscal year prior to July 1, 1978.

August 21, 1974

- 73 -

Pub. Law 93-380

88 STAT. 556

ELEMENTARY AND SECONDARY SCHOOL EDUCATION IN THE ARTS

SEC. 409. The Commissioner shall, during the period beginning after June 30, 1974 and ending on June 30, 1978, through arrangements made with the John F. Kennedy Center for the Performing Arts, carry out a program of grants and contracts to encourage and assist State and local educational agencies to establish and conduct programs in which the arts are an integral part of elementary and secondary school programs. Not less than \$750,000 shall be available for the purposes of this section during any fiscal year during the period for which provision is made in the preceding sentence.

20 USC 1867.

EFFECTIVE DATE

SEC. 410. Except where otherwise specified in this title, the amendments made by, and the provisions of, this title shall be effective on and after the date of enactment of this Act.

20 USC 1801 note.

TITLE V—EDUCATION ADMINISTRATION

NATIONAL CENTER FOR EDUCATION STATISTICS

SEC. 501. (a) Part A of the General Education Provisions Act is amended by adding at the end thereof the following new section:

86 Stat. 326.
20 USC 1221a.

“NATIONAL CENTER FOR EDUCATION STATISTICS

“SEC. 406. (a) There is established, within the Office of the Assistant Secretary, a National Center for Education Statistics (hereafter in this section referred to as the ‘Center’). The Center shall be headed by an Administrator who shall be appointed by the Assistant Secretary in accordance with the provisions of title 5, United States Code, relating to appointments in the competitive service.

Establishment.
20 USC 1221e-1.

“(b) The purpose of the Center shall be to collect and disseminate statistics and other data related to education in the United States and in other nations. The Center shall—

5 USC 101 et seq.

“(1) collect, collate, and, from time to time, report full and complete statistics on the conditions of education in the United States;

Functions.

“(2) conduct and publish reports on specialized analyses of the meaning and significance of such statistics;

“(3) assist State and local educational agencies in improving and automating their statistical and data collection activities; and

“(4) review and report on educational activities in foreign countries.

“(c) (1) There shall be an Advisory Council on Education Statistics which shall be composed of 7 members appointed by the Secretary and such ex officio members as are listed in subparagraph (2). Not more than 4 of the appointed members of the Council may be members of the same political party.

Advisory Council on Education Statistics.
Establishment, membership.

“(2) The ex officio members of the Council shall be—

“(A) the Commissioner of Education,

“(B) the Director of the National Institute of Education,

“(C) the Director of the Census, and

“(D) the Commissioner of Labor Statistics.

“(3) Appointed members of the Council shall serve for terms of 3 years, as determined by the Secretary, except that in the case of initially appointed members of the Council, they shall serve for shorter terms to the extent necessary that the terms of office of not more than 3 members expire in the same calendar year.

Terms.

"(4) The Assistant Secretary shall serve as the non-voting presiding officer of the Council.

"(5) (A) The Council shall meet at the call of the presiding officer, except that it shall meet—

"(i) at least four times during each calendar year; and

"(ii) in addition, whenever three voting members request in writing that the presiding officer call a meeting.

"(B) Six members of the Council shall constitute a quorum of the Council.

"(6) The provisions of section 448(b) of part D of this title shall not apply to the Council established under this subsection.

"(7) The Council shall review general policies for the operation of the Center and shall be responsible for establishing standards to insure that statistics and analyses disseminated by the Center are of high quality and are not subject to political influence.

"(d) (1) The Assistant Secretary shall, not later than March 1 of each year, submit to the Congress an annual report which—

"(A) contains a description of the activities of the Center during the then current fiscal year and a projection of its activities during the succeeding fiscal year;

"(B) sets forth estimates of the cost of the projected activities for such succeeding fiscal year; and

"(C) includes a statistical report on the condition of education in the United States during the two preceding fiscal years and a projection, for the three succeeding fiscal years, of estimated statistics related to education in the United States.

Data publication
standards.

"(2) The Center shall develop and enforce standards designed to protect the confidentiality of persons in the collection, reporting, and publication of data under this section. This subparagraph shall not be construed to protect the confidentiality of information about institutions, organizations, and agencies receiving grants from or having contracts with the Federal Government.

Grants.

"(e) In order to carry out the objectives of the Center, the Assistant Secretary is authorized, either directly or by grant or contract, to carry out the purposes set forth in subsection (b), and for that purpose the Assistant Secretary is authorized to make grants to, and contracts with public and private institutions, agencies, organizations and individuals.

Special sta-
tistical com-
pilations and
surveys, sub-
mittal to pri-
vate individ-
uals and con-
gressional
committees.

"(f) (1) (A) The Center is authorized to furnish transcripts or copies of tables and other statistical records of the Office of Education, the Assistant Secretary, and the National Institute of Education to, and to make special statistical compilations and surveys for, State or local officials, public and private organizations, or individuals. The Center shall furnish such special statistical compilations and surveys as the Committees on Labor and Public Welfare and on Appropriations of the Senate and the Committees on Education and Labor and on Appropriations of the House of Representatives may request. Such statistical compilations and surveys, other than those carried out pursuant to the preceding sentence, shall be made subject to the payment of the actual or estimated cost of such work. In the case of nonprofit organizations or agencies, the Assistant Secretary may engage in joint statistical projects, the cost of which shall be shared equitably as determined by the Assistant Secretary: *Provided*, That the purposes of such projects are otherwise authorized by law.

"(B) All funds received in payment for work or services enumerated under subparagraph (A) shall be deposited in a separate account which may be used to pay directly the costs of such work or services, to repay

August 21, 1974

- 75 -

Pub. Law 93-380

88 STAT. 558

appropriations which initially bore all or part of such costs, or to refund excess sums when necessary.

"(2) (A) The Center shall participate with other Federal agencies having a need for educational data in forming a consortium for the purpose of providing direct joint access with such agencies to all educational data received by the Center through automated data processing. The Library of Congress, General Accounting Office, and the Committees on Labor and Public Welfare and Appropriations of the Senate and the Committees on Education and Labor and Appropriations of the House of Representatives shall, for the purposes of this subparagraph, be considered Federal agencies.

Educational data consortium with other Federal agencies.

"(B) The Center shall, in accordance with regulations published for the purpose of this paragraph, provide all interested parties, including public and private agencies and individuals, direct access to data collected by the Center for purposes of research and acquiring statistical information.

"(3) The Commissioner and the National Institute of Education are directed to cooperate with the Center and make such records and data available to the Center as may be necessary to enable the Center to carry out its functions under this subsection.

"(g) (1) The amount available for salaries and expenses of the Center shall not exceed \$5,000,000 for the fiscal year ending June 30, 1975, \$10,000,000 for the fiscal year ending June 30, 1976, and \$14,000,000 for the fiscal year ending June 30, 1977.

"(2) The amount available for grants and contracts by the Assistant Secretary under subsection (e) shall not exceed \$20,000,000 for the fiscal year ending June 30, 1975, \$25,000,000 for the fiscal year ending June 30, 1976, and \$30,000,000 for the fiscal year ending June 30, 1977.

"(3) Sums appropriated for activities and expenses of the Center which are not limited by paragraph (2) of this subsection shall be appropriated apart from appropriations which are so limited, as separate line items."

(b) (1) The amendments made by subsection (a) shall be effective on the tenth day after the date of enactment of this Act.

Effective date.
20 USC 1221e-1 note.
84 Stat. 168;
86 Stat. 326.
20 USC 1231f.

(2) Section 427 of such Act is amended to read as follows:

"AUTHORIZATION TO FURNISH INFORMATION

"SEC. 427. The Commissioner is authorized to transfer transcripts or copies of other records of the Office of Education to State and local officials, public and private organizations, and individuals."

Transfer of records.

(3) (A) All functions and authority vested in the Commissioner of Education which, immediately prior to the date upon which the amendments made by subsection (a) become effective, are related to the collection, analysis, and dissemination of statistics about, and reports on the condition of, education in the Nation as determined by the Assistant Secretary are transferred, on such date to the National Center for Education Statistics established under section 406 of the General Education Provisions Act.

20 USC 1221e-1 note.

(B) The functions and authority of the Commissioner of Education under section 427 relating to statistics prior to the date upon which the amendments made by subsection (a) become effective, together with all funds deposited in any account under such section, are transferred, on such date to the National Center for Education Statistics.

Ante, p. 556.
20 USC 1231f note.
Supra.

(4) The National Center for Education Statistics shall conduct the survey required by section 731(c)(1)(A) of title VII of the Elementary and Secondary Education Act of 1965.

Survey.
20 USC 880b-10 note.
Ante, p. 509.

88 STAT. 559

GENERAL PROVISIONS RELATING TO OFFICERS IN THE EDUCATION
DIVISION

Ante, p. 556. SEC. 502. (a) (1) The General Education Provisions Act is amended by adding after section 406 the following new sections:

"RULES FOR EDUCATION OFFICERS OF THE UNITED STATES

"Education officer of the United States." 20 USC 1221e-2.

"SEC. 407. (a) For the purposes of this section, the term 'education officer of the United States' means any person appointed by the President pursuant to this part, except members of commissions, councils, and boards.

"(b) Each education officer of the United States shall serve at the pleasure of the President.

Conflict-of-interest.

"(c) No education officer of the United States shall engage in any other business, vocation, or employment while serving in the position to which he is appointed; nor may he, except with the express approval of the President in writing, hold any office in, or act in any capacity for, or have any financial interest in, any organization, agency, or institution to which an agency in the Education Division makes a grant or with which any such agency makes a contract or any other financial arrangement.

"(d) No person shall hold, or act for, more than one position as an education officer of the United States for more than a 30 day period.

"GENERAL AUTHORITY OF ADMINISTRATIVE HEADS OF EDUCATION
AGENCIES

20 USC 1221e-3.

"SEC. 408. (a) Each administrative head of an education agency, in order to carry out functions otherwise vested in him by law, is, subject to limitations as may be otherwise imposed by law, authorized—

"(1) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of operation of the agency of which he is head;

5 USC 101 et seq.

"(2) in accordance with those provisions of title 5, United States Code, relating to the appointment and compensation of personnel and subject to such limitations as are imposed in this part, to appoint and compensate such personnel as may be necessary to enable such agency to carry out its functions;

"(3) to accept unconditional gifts or donations of services, money, or property (real, personal, or mixed; tangible or intangible);

"(4) without regard for section 3648 of the Revised Statutes of the United States (31 U.S.C. 529), to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary for the conduct of such agency;

"(5) with funds expressly appropriated for such purpose, to construct such facilities as may be necessary to carry out functions vested in him or in the agency of which he is head, and to acquire and dispose of property; and

"(6) to use the services of other Federal agencies and reimburse such agencies for such services.

Delegation of functions.

"(b) Any administrative head of an education agency is, subject to any other limitations on delegations of authority provided by law, authorized to delegate any of his functions under this section to an officer or employee of that agency.

"Administrative head of an education agency."

"(c) For the purposes of this section, the term 'administrative head of an education agency' means the Commissioner and the Director of the National Institute of Education. To the extent that the Assistant

August 21, 1974

- 77 -

Pub. Law 93-380

88 STAT. 560

Secretary is directly responsible for the administration of a program and to the extent that the Assistant Secretary is responsible for the supervision of the National Center for Education Statistics, the Assistant Secretary shall, for such purposes, be considered within the meaning of such term."

(2) The General Education Provisions Act is amended—

(A) in section 402(b), by striking out the second sentence thereof;

86 Stat. 327.

20 USC 1221b.

(B) in section 405—

20 USC 1221e.

(I) by striking out that part of the first sentence of subsection (d) (1) which follows "Senate" and inserting in lieu thereof a period, and

(II) by striking out subsection (f).

(b) The amendments made by this section shall be effective on the tenth day after the date of enactment of this Act.

Effective date.

20 USC 1221e-

2 note.

AMENDMENT WITH RESPECT TO THE OFFICE OF EDUCATION; REGIONAL OFFICES

SEC. 503. (a) Section 403 of such Act is amended to read as follows: 20 USC 1221c.

"THE OFFICE OF EDUCATION

"SEC. 403. (a) There shall be an Office of Education (hereinafter in this section referred to as the 'Office') which shall be the primary agency of the Federal Government responsible for the administration of programs of financial assistance to educational agencies, institutions, and organizations. The Office shall have such responsibilities and authorities as may be vested in the Commissioner by law or delegated to the Commissioner in accordance with law.

"(b) The Office shall be headed by the Commissioner of Education who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be subject to the direction and supervision of the Secretary.

"(c) (1) The Office shall, consistent with such organization thereof which is provided by law, be divided into bureaus, and such bureaus shall be divided into divisions as the Commissioner determines appropriate.

"(2) (A) There shall be regional offices of the Office established in such places as the Commissioner, after consultation with the Assistant Secretary, shall determine. Such regional offices shall carry out such functions as are specified in subparagraph (B).

"(B) The regional offices shall serve as centers for the dissemination of information about the activities of the agencies in the Education Division and provide technical assistance to State and local educational agencies, institutions of higher education, and other educational agencies, institutions, and organizations and to individuals and other groups having an interest in Federal education activities.

"(C) The Commissioner shall not delegate to any employee in any regional office any function which was not carried out, in accordance with regulations effective prior to June 1, 1973, by employees in such offices unless the delegation of such function to employees in regional offices is expressly authorized by law enacted after the enactment of the Education Amendments of 1974.

"(3) The Commissioner shall submit to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives not later than November 1 of each year a report on the personnel needs and assignments of the Office.

Report to congressional committees.

88 STAT. 561

Such report shall include a description (A) of the manner in which the Office is organized and the personnel of the Office are assigned to the various functions of that agency and (B) of personnel needs of that agency in order to enable it to carry out its functions, as authorized by law."

Effective date.
20 USC 1221c
note.

Ante, p. 560.

(b) The provisions of the amendments made by subsection (a) shall be effective on the tenth day after the date of enactment of this Act, except that the provisions of limitation set forth in section 403(c) (2) (C) of the General Education Provisions Act shall have effect on the date of such enactment, and shall be retroactive to June 1, 1973.

AMENDMENTS WITH RESPECT TO THE EDUCATION DIVISION

86 Stat. 326.
20 USC 1221a.

SEC. 504. (a) Section 401 of the General Education Provisions Act is amended to read as follows:

"THE EDUCATION DIVISION

"SEC. 401. (a) There shall be, within the Department of Health, Education, and Welfare, an Education Division, composed of the agencies listed in subsection (b), which shall be headed by the Assistant Secretary.

"(b) (1) The Education Division shall be composed of the following agencies:

"(A) The Office of Education; and

"(B) The National Institute of Education.

"(2) In the Office of the Assistant Secretary there shall be a National Center for Education Statistics."

Effective date.
20 USC 1221a
note.

(b) The amendment made by subsection (a) shall be effective on the tenth day after the date of enactment of this Act.

AMENDMENTS WITH RESPECT TO APPLICABILITY, AUTHORIZATION OF APPROPRIATIONS, AND OTHER GENERAL MATTERS

82 Stat. 1094;
86 Stat. 326.
20 USC 1221.

SEC. 505. (a) (1) Section 400 of the General Education Provisions Act is amended to read as follows:

"SHORT TITLE; APPLICABILITY; DEFINITIONS; APPROPRIATIONS

"SEC. 400. (a) This title may be cited as the 'General Education Provisions Act'.

"(b) Except where otherwise specified, the provisions of this title shall apply to any program for which an administrative head of an education agency has administrative responsibility as provided by law or by delegation of authority pursuant to law.

"(c) (1) For the purposes of this title, the term—

"(A) 'applicable program' means any program to which this title is, under the terms of subsection (b), applicable;

"(B) 'applicable statute' means—

"(i) the Act or the title, part or section of an Act, as the case may be, which authorizes the appropriation for an applicable program;

"(ii) this title; and

"(iii) any other statute which under its terms expressly controls the administration of an applicable program;

"(C) 'Assistant Secretary' means the Assistant Secretary of Health, Education, and Welfare for Education;

"(D) 'Commissioner' means the Commissioner of Education;

August 21, 1974

- 79 -

Pub. Law 93-380

89 STAT. 562

"(E) 'Director' means the Director of the National Institute of Education; and

"(F) 'Secretary' means the Secretary of Health, Education, and Welfare.

"(2) Nothing in this title shall be construed to affect the applicability of the Civil Rights Act of 1964 to any program subject to the provisions of this title.

78 Stat. 241.
42 USC 2300a
note.

"(3) No Act making appropriations to carry out an applicable program shall be considered an applicable statute.

"(d) Except as otherwise limited in this title, there are authorized to be appropriated for any fiscal year such sums as may be necessary to carry out the provisions of this title.

Appropriations.

"(e) (1) The aggregate of the appropriations to the agencies in the Education Division and to the Office of the Assistant Secretary for any fiscal year shall not exceed the limitations set forth for that fiscal year in subparagraph (2).

Limitations.

"(2) (A) Except as is provided in subparagraph (B), the appropriations to which paragraph (1) applies—

"(i) shall not exceed \$7,500,000,000 for the fiscal year ending June 30, 1975, \$8,000,000,000 for the fiscal year ending June 30, 1976, and \$9,000,000,000 for the fiscal year ending June 30, 1977; and

"(ii) shall not exceed such amounts as may be authorized by the law and limited by this subparagraph.

"(B) The limitations set forth in subparagraph (A) shall not apply—

"(i) to uncontrollable expenditures under obligations created under part B of title IV of the Higher Education Act of 1965, parts C and D of title VII of such Act, and the Emergency Insured Student Loan Act of 1969; and

20 USC 1071.
20 USC 1132c,
1132d.
20 USC 1078a
note.

"(ii) to any other expenditure under an obligation determined by the Commissioner pursuant to, or in accordance with, law to be an uncontrollable expenditure of the Office of Education."

(2) Section 442(d) of the Education Amendments of 1972 is amended by striking out "400(c)" and inserting in lieu thereof "400(d)".

86 Stat. 343.
20 USC 1221g.

(b) The amendments made by subsection (a) shall be effective on the tenth day after the date of enactment of this Act.

Effective date.
20 USC 1221
note.

REVISION OF APPROPRIATIONS AND EVALUATIONS PROVISIONS

SEC. 506. (a) (1) Part B of the General Education Provisions Act is amended—

84 Stat. 166;
86 Stat. 326.
20 USC 1221.

(A) by inserting immediately after the heading thereof the following:

"Subpart I—Appropriations"

(B) by striking out section 411 and section 413;

20 USC 1222,
1224.

(C) by redesignating section 412 as 411;

(D) by redesignating section 414 as section 412; and

20 USC 1223.
20 USC 1225.

(E) by striking out subsection (b) of such section 412, as redesignated by this paragraph, and adding in lieu thereof the following new subsections:

"(b) Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, any funds from appropriations to carry out any programs to which this title is applicable during any fiscal year, ending prior to July 1, 1978, which are not obligated and expended by educational agencies or institutions prior to the beginning of the fiscal year succeeding the fiscal year for

which such funds were appropriated shall remain available for obligation and expenditure by such agencies and institutions during such succeeding fiscal year.

"(c) If any funds appropriated to carry out any applicable program are not obligated pursuant to a spending plan submitted in accordance with section 3679(d)(2) of the Revised Statutes and become available for obligation after the institution of a judicial proceeding seeking the release of such funds, then such funds shall be available for obligation and expenditure until the end of the fiscal year which begins after the termination of such judicial proceeding."

31 USC 665.

Ante, p. 562.

20 USC 1226.

(2) Part B of such Act is further amended—

(A) by redesignating section 415 as 413; and

(B) by adding immediately after section 413, as redesignated by this paragraph, the following new section:

"CONTINGENT EXTENSION OF PROGRAMS

20 USC 1226a.

"SEC. 414. (a) Unless the Congress in the regular session which ends prior to the beginning of the terminal fiscal year—

"(1) of the authorization of appropriations for an applicable program; or

"(2) of the duration of an applicable program;

either—

"(A) has passed or has formally rejected legislation which would have the effect of extending the authorization or duration (as the case may be) of that program; or

"(B) by action of either the House of Representatives or the Senate, approves a resolution stating that the provisions of this section shall no longer apply to such program;

such authorization or duration is hereby automatically extended for one additional fiscal year. The amount appropriated for such additional year shall not exceed the amount which the Congress could, under the terms of the law for which the appropriation is made, have appropriated for such program during such terminal year.

"(b) (1) For the purposes of clause (A) of subsection (a), the Congress shall not have been deemed to have passed legislation unless such legislation becomes law.

"(2) In any case where the Commissioner is required under an applicable statute to carry out certain acts or make certain determinations which are necessary for the continuation of an applicable program, if such acts or determinations are required during the terminal year of such program, such acts and determinations shall be required during any fiscal year in which that part of subsection (a) which follows clause (B) thereof is in operation."

(3) Part B of such Act is further amended—

(A) by redesignating section 417 as section 419,

(B) by striking out "section 400(c)" in such section 419, as redesignated by this paragraph, and inserting in lieu thereof "section 400(d)", and

(C) by adding immediately after section 414, as added by paragraph (2) of this subsection, the following:

"Subpart 2—Planning and Evaluation of Federal Education Activities

"PROGRAM PLANNING AND EVALUATION

"SEC. 416. Sums appropriated pursuant to section 400(d) may include for any fiscal year for which appropriations are otherwise

86 Stat. 333.

20 USC 1227.

Supra.

20 USC 1226b.

Ante, p. 562.

August 21, 1974

- 81 -

Pub. Law 93-380

88 STAT. 564

authorized under any applicable program not to exceed \$25,000,000 which shall be available to the Secretary, in accordance with regulations prescribed by him, for expenses, including grants, contracts, or other payments, for (1) planning for the succeeding year for any such program, and (2) evaluation of such programs.

"ANNUAL EVALUATION REPORTS

"SEC. 417. (a) (1) Not later than November 1 of each year, the Secretary shall transmit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Public Welfare of the Senate an annual evaluation report which evaluates the effectiveness of applicable programs in achieving their legislated purposes together with recommendations relating to such programs for the improvement of such programs which will result in greater effectiveness in achieving such purposes. In the case of any evaluation report evaluating specific programs and projects, such report shall—

20 USC 1226c.

"(A) set forth goals and specific objectives in qualitative and quantitative terms for all programs and projects assisted under the applicable program concerned and relate those goals and objectives to the purposes of such program;

"(B) contain information on the progress being made during the previous fiscal year toward the achievement of such goals and objectives;

"(C) describe the cost and benefits of the applicable program being evaluated during the previous fiscal year and identify which sectors of the public receive the benefits of such program and bear the costs of such program;

"(D) contain plans for implementing corrective action and recommendations for new or amended legislation where warranted;

"(E) contain a listing identifying the principal analyses and studies supporting the major conclusions and recommendations in the report; and

"(F) be prepared in concise summary form with necessary detailed data and appendices.

"(2) In the case of programs and projects assisted under title I of the Elementary and Secondary Education Act of 1965, the report under this subsection shall include a survey of how many of the children counted under section 103(c) of such Act participate in such programs and projects, and how many of such children do not, and a survey of how many educationally disadvantaged children participate in such programs and projects, and how many educationally disadvantaged children do not. For purposes of the preceding sentence, the term 'educationally disadvantaged children' refers to children who are achieving one or more years behind the achievement expected at the appropriate grade level for such children.

Ante, p. 488.Ante, p. 490.

"Educationally disadvantaged children."

"(b) Each evaluation report submitted pursuant to subsection (a) shall contain: (1) a brief description of each contract or grant for evaluation of any program (whether or not such contract or grant was made under section 416) any part of the performance of which occurred during the preceding year, (2) the name of the firm or individual who is to carry out the evaluation, and (3) the amount to be paid under the contract or grant.

"RENEWAL EVALUATION REPORTS

"SEC. 418. (a) In the case of any applicable program for which— 20 USC 1226d.

"(1) the authorization of appropriations expires; or

"(2) the time during which payments or grants are to be made expires;
not later than one year prior to the date of such expiration, the Assistant Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Public Welfare of the Senate a comprehensive evaluation report on such program.

"(b) Any comprehensive evaluation report submitted pursuant to subsection (a) shall contain—

"(1) a history of the program concerned, including—

"(A) a history of authorizations of appropriations, budget requests, appropriations, and expenditures for such programs;

"(B) a history of legislative recommendations with respect to such program made by the President and the disposition of such recommendations, and

"(C) a history of legislative changes made in applicable statutes with respect to such program;

"(2) assuming a continuation of such program, recommendations for improvements (including legislative changes and funding levels) in such program with a view toward achieving the legislative purposes of such program;

"(3) a compilation and summary of all evaluations of such program; and

"(4) a recommendation with respect to whether such program should be continued, and the date of its expiration, and the reasons for such recommendation."

Effective date. (b) The amendments made by subsection (a) of this section shall
20 USC 1223 note. become effective on the date of enactment of this Act.

APPLICABILITY OF PART C

84 Stat. 166; SEC. 507. (a) Section 421 of the General Education Provisions Act,
86 Stat. 326. and all references thereto, is redesignated as section 421A; and such
20 USC 1231. Act is amended by inserting after the heading of part C of such Act the following new section:

"APPLICABILITY

20 USC 1230. "SEC. 421. The provisions of this part shall apply to any program for which the Commissioner has administrative responsibility, as specified by law or by delegation of authority pursuant to law."

Effective date. (b) The amendment made by subsection (a) shall be effective on
20 USC 1230 note. and after July 1, 1974.

PUBLICATION OF INDEXED COMPILATION OF INNOVATIVE PROJECTS; REVIEW OF APPLICATIONS

84 Stat. 166; SEC. 508. (a) Part C of the General Education Provisions Act is
86 Stat. 326. amended by redesignating sections 424 through 427 as sections 426
20 USC 1231. through 429, respectively, and by inserting after section 423 the following new sections:

"COMPILATION OF ASSISTED INNOVATIVE PROJECTS

20 USC 1231b-1. "SEC. 424. The Assistant Secretary shall publish annually a compilation of all innovative projects assisted under programs administered in the Education Division, including title III and part C of title IV of the Elementary and Secondary Education Act of 1965, in any

20 USC 841.
Ante, p. 543.

August 21, 1974

- 83 -

Pub. Law 93-380

88 STAT. 566

year funds are used to carry out such programs. Such compilation shall be indexed according to subject, descriptive terms, and locations.

“REVIEW OF APPLICATIONS

“SEC. 425. (a) In the case of any applicable program under which financial assistance is provided to (or through) a State educational agency to be expended in accordance with a State plan approved by the Commissioner, and in the case of the program provided for in title I of the Elementary and Secondary Education Act of 1965, any applicant or recipient aggrieved by the final action of the State educational agency, and alleging a violation of State or Federal law, rules, regulations, or guidelines governing the applicable program, in (1) disapproving or failing to approve its application or program in whole or part, (2) failing to provide funds in amounts in accord with the requirements of laws and regulations, or (3) terminating further assistance for an approved program, may within thirty days request a hearing. Within thirty days after it receives such a request, the State educational agency shall hold a hearing on the record and shall review such final action. No later than ten days after the hearing the State educational agency shall issue its written ruling, including reasons therefor. If it determines such final action was contrary to Federal or State law, or the rules, regulations, and guidelines, governing such applicable program it shall rescind such final action.

20 USC 1231b-2.

20 USC 236.

“(b) Any applicant or recipient aggrieved by the failure of a State educational agency to rescind its final action after a review under such subsection (a) may appeal such action to the Commissioner. An appeal under this subsection may be taken only if notice of such appeal is filed with the Commissioner within twenty days after the applicant or recipient has been notified by the State educational agency of the results of its review under subsection (a). If, on such appeal, the Commissioner determines the final action of the State educational agency was contrary to Federal law, or the rules, regulations, and guidelines governing the applicable program, he shall issue an order to the State educational agency prescribing appropriate action to be taken by such agency. On such appeal, findings of fact of the State educational agency, if supported by substantial evidence, shall be final. The Commissioner may also issue such interim orders to State educational agencies as he may deem necessary and appropriate pending appeal or review.

Appeal.

“(c) Each State educational agency shall make available at reasonable times and places to each applicant or recipient under a program to which this section applies all records of such agency pertaining to any review or appeal such applicant or recipient is conducting under this section, including records of other applicants.

Records,
availability.

“(d) If any State educational agency fails or refuses to comply with any provision of this section, or with any order of the Commissioner under subsection (b), the Commissioner shall forthwith terminate all assistance to the State educational agency under the applicable program affected.”

Noncompliance.

(b) The amendments made by subsection (a) shall be effective on the date of enactment of this Act.

Effective date.
20 USC 1231b-1
note.

AMENDMENTS TO SECTION 431 OF THE GENERAL EDUCATION PROVISIONS
ACT RELATING TO RULES, REGULATIONS, AND OTHER REQUIREMENTS OF
GENERAL APPLICABILITY

SEC. 509. (a) (1) Section 431(b) of the General Education Provisions Act is amended by inserting “(1)” after “(b)” and by adding at the end thereof the following:

84 Stat. 169;
86 Stat. 326.
20 USC 1232.

88 STAT. 567

80 Stat. 383.

Waiver.

Ante, p. 566.

Transmittal to
Speaker of the
House and Pres-
ident of the
Senate.

Effective date.

"(2) (A) During the thirty-day period prior to the date upon which such standard, rule, regulation, or general requirement is to be effective, the Commissioner shall, in accordance with the provisions of section 553 of title 5, United States Code, offer any interested party an opportunity to make comment upon, and take exception to, such standard, rule, regulation, or general requirement and shall reconsider any such standard, rule, regulation, or general requirement upon which comment is made or to which exception is taken.

"(B) If the Commissioner determines that the thirty-day requirement in paragraph (1) will cause undue delay in the implementation of a regulation, thereby causing extreme hardship for the intended beneficiaries of an applicable program, he shall notify the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Public Welfare of the Senate. If neither committee disagrees with the determination of the Commissioner within 10 days after such notice, the Commissioner may waive such requirement with respect to such regulation."

(2) Section 431 of such Act is amended by adding at the end thereof the following new subsections:

"(d) (1) Concurrently with the publication in the Federal Register of any standard, rule, regulation, or requirement of general applicability as required in subsection (b) of this section, such standard, rule, regulation, or requirement shall be transmitted to the Speaker of the House of Representatives and the President of the Senate. Such standard, rule, regulation, or requirement shall become effective not less than forty-five days after such transmission unless the Congress shall, by concurrent resolution, find that the standard, rule, regulation, or requirement is inconsistent with the Act from which it derives its authority, and disapprove such standard, rule, regulation, or requirement.

"(2) The forty-five-day period specified in paragraph (1) shall be deemed to run without interruption except during periods when either House is in adjournment sine die, in adjournment subject to the call of the Chair, or in adjournment to a day certain for a period of more than four consecutive days. In any such period of adjournment, the forty-five days shall continue to run, but if such period of adjournment is thirty calendar days, or less, the forty-five-day period shall not be deemed to have elapsed earlier than ten days after the end of such adjournment. In any period of adjournment which lasts more than thirty days, the forty-five-day period shall be deemed to have elapsed after thirty calendar days has elapsed, unless, during those thirty calendar days, either the Committee on Education and Labor of the House of Representatives, or the Committee on Labor and Public Welfare of the Senate, or both, shall have directed its chairman, in accordance with said committee's rules, and the rules of that House, to transmit to the appropriate department or agency head a formal statement of objection to the proposed standard, rule, regulation, or requirement. Such letter shall suspend the effective date of the standard, rule, regulation, or requirement until not less than twenty days after the end of such adjournment, during which the Congress may enact the concurrent resolution provided for in this subsection. In no event shall the standard, rule, regulation, or requirement go into effect until the forty-five-day period shall have elapsed, as provided for in this subsection, for both Houses of the Congress.

"(e) Whenever a concurrent resolution of disapproval is enacted by the Congress under the provisions of this section, the agency which issued such standard, rule, regulation, or requirement may thereafter issue a modified standard, rule, regulation, or requirement to

August 21, 1974

- 85 -

Pub. Law 93-380

88 STAT. 568

govern the same or substantially identical circumstances, but shall, in publishing such modification in the Federal Register and submitting it to the Speaker of the House of Representatives and the President of the Senate, indicate how the modification differs from the proposed standard, rule, regulation, or requirement of general applicability earlier disapproved, and how the agency believes the modification disposes of the findings by the Congress in the concurrent resolution of disapproval.

"(f) For the purposes of subsections (d) and (e) of this section, activities under sections 404, 405, and 406 of this title, and under title IX of the Education Amendments of 1972 shall be deemed to be applicable programs.

"(g) Not later than sixty days after the enactment of any part of any Act affecting the administration of any applicable program, the Commissioner shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Public Welfare of the Senate a schedule in accordance with which the Commissioner has planned to promulgate rules, regulations, and guidelines implementing such Act or part of such Act. Such schedule shall provide that all such rules, regulations, and guidelines shall be promulgated within one hundred and eighty days after the submission of such schedule. Except as is provided in the following sentence, all such rules, regulations, and guidelines shall be promulgated in accordance with such schedule. If the Commissioner finds that, due to circumstances unforeseen at the time of the submission of any such schedule, he cannot comply with a schedule submitted pursuant to this subsection, he shall notify such committees of such finding and submit a new schedule. If both such committees notify the Commissioner of their approval of such new schedule, such rules, regulations, and guidelines shall be promulgated in accordance with such new schedule."

(b) The amendment made by paragraph (2) of subsection (a) shall be effective on the date of enactment of this Act and shall be effective with respect to the provisions of this Act.

20 USC 1221d,
1221e.

Ante, p. 556.
20 USC 1681.

Schedule, sub-
mittal to con-
gressional
committees.

Effective date.
20 USC 1232
note.

AUDITS AND RECORDKEEPING

SEC. 510. Section 434(a) of the General Education Provisions Act is amended to read as follows:

"SEC. 434. (a) (1) Each recipient of Federal funds under any applicable program through any grant, subgrant, contract, subcontract, loan, or other arrangement entered into (other than by formal advertising) shall keep such records as the Assistant Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such funds are given or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(2) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall, until the expiration of five years after the completion of the project or undertaking to which reference is made in paragraph (1), have access, for the purpose of audit and examination, to any books, documents, papers, and records of such recipients which, in the opinion of the Comptroller General, after consultation with the Assistant Secretary, may be related, or pertinent to, the grants, subgrants, contracts, subcontracts, loans, or other arrangements to which reference is made in paragraph (1)."

84 Stat. 169;
86 Stat. 326.
20 USC 1232c.

SIMPLIFIED STATE APPLICATION

84 Stat. 169;

86 Stat. 326,
345.

20 USC 1232c.

SEC. 511. (a) Section 434 of the General Education Provisions Act is amended by striking out subsection (b) thereof and inserting in lieu thereof the following:

"(b) (1) (A) In the case of any State which applies, contracts, or submits a plan, for participation in any applicable program in which Federal funds are made available for assistance to local educational agencies through, or under the supervision of the State educational agency of that State, such State shall submit to, and maintain on file with, the Commissioner a general application meeting the requirements of this subsection. Such general application shall (i) provide for the submission by the State and approval by the Commissioner of an annual program plan with respect to the particular programs in which the State desires to participate and (ii) provide assurances—

"(I) that the State will, through its State educational agency, provide for such methods of administration as are necessary for the proper and efficient administration of the programs to which the general application applies;

"(II) that the State will make provision for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the States under any applicable program;

"(III) that the State will make provision for making such reports as the Commissioner may require to carry out his functions;

"(IV) that the State will follow such policies and use such methods and practices of administration as will insure that non-Federal funds will not be supplanted by Federal funds; and

"(V) that the State will submit to, and have approved by, the Commissioner an annual program plan in accordance with subparagraph (B).

"(B) The annual program plan submitted by any State for any fiscal year with respect to any program to which this paragraph applies shall—

"(i) be prepared and administered in a manner consistent with specific State plan requirements of the appropriate applicable statutes affecting the program for which the annual program plan is applicable;

"(ii) set forth a statement describing the purposes for which Federal funds will be expended during the fiscal year for which the annual program plan is submitted; and

"(iii) comply in all other respects with the specific requirements of the appropriate applicable statutes.

"(2) In accordance with determinations and regulations of the Commissioner, the requirements of paragraph (1) shall be in lieu of comparable requirements for State plans in applicable statutes authorizing appropriations for programs to which paragraph (1) applies.

"(3) In the case of any application for assistance under any applicable program to which paragraph (1) does not apply and with respect to which the Commissioner determines that this section would simplify the administration of an applicable program, each such application shall be submitted to the Commissioner at such time, in such manner, and containing such information as the Commissioner shall prescribe by regulation and, as a precondition for approval, shall—

"(A) provide for such methods of administration as are necessary for the proper and efficient administration of the program or project for which application is made;

Annual pro-
gram plan.

August 21, 1974

- 87 -

Pub. Law 93-380

88 STAT. 570

"(B) make provision for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under the application; and

"(C) provide for making such reports as the Commissioner may require to carry out his functions.

"(c) Whenever the Commissioner, after reasonable notice and an opportunity for hearing, finds that there has been a failure, by any recipient of funds under any applicable program, to comply substantially with the terms to which such recipient has agreed in order to receive such funds, the Commissioner shall notify such recipient that further payments will not be made to such recipient under that program until he is satisfied that such recipient no longer fails to comply with such terms. Until the Commissioner is so satisfied, no further payments shall be made to such recipient. Pending the outcome of any termination proceeding initiated under this paragraph, the Commissioner may suspend payments to such recipient, after such recipient has been given reasonable notice and opportunity to show cause why such action should not be taken.

Noncompliance.

"(d) (1) If any State has submitted an application for funds under any applicable program under which appropriations for such program are, by the applicable statute, allotted or apportioned among the States or under which the State (or local educational agencies in that State) is entitled to a portion of an appropriation therefor and the Commissioner disapproves such application, or if the Commissioner withholds payments to a State under paragraph (1) of subsection (c), that State shall be entitled to judicial review of the actions of the Commissioner in accordance with the provisions of this paragraph.

Judicial review.

"(2) (A) If any State, under circumstances qualifying for judicial review under this paragraph, desires judicial review of the Commission's action, such State may, within sixty days of such action, file with the United States Court of Appeals for the circuit in which such State is located a petition for review of such action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based the action brought under this division, as provided in section 2112 of title 28, United States Code.

72 Stat. 941;
80 Stat. 1323.

"(B) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(C) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

62 Stat. 928.
"Application."

"(e) For the purposes of this section, the term 'application' includes—

"(1) an application for a grant;

"(2) an offer to make a contract;

"(3) a State plan for the administration of an applicable program;

"(4) State assurances with respect to the administration of such a program; and

"(5) any other methods for seeking Federal funds from the Commissioner of Education;

under which an agency, institution, organization, or other organized entity may become the recipient of Federal funds."

Effective date.
20 USC 1232c
note.

(b) (1) The amendments made by subsection (a) shall be effective on and after July 1, 1974.

5 USC 500.

(2) Nothing in the amendment made by subsection (a) shall be construed to affect the applicability of chapter 5 of title 5, United States Code, to the Office of Education or actions by the Commissioner.

FURNISHING INFORMATION

84 Stat. 166,
170;
86 Stat. 326.
20 USC 1232e.

SEC. 512. (a) Part C of the General Education Provisions Act is further amended by adding at the end thereof the following new section:

"RESPONSIBILITY OF STATES TO FURNISH INFORMATION

Report to
Commissioner.
20 USC 1232f.

"SEC. 437. (a) The Commissioner shall require that each State submit to him, within sixty days after the end of any fiscal year, a report on the uses of Federal funds in that State under any applicable program for which the State is responsible for administration. Such report shall—

"(1) list all grants and contracts made under such program to the local educational agencies and other public and private agencies and institutions within such State during such year;

"(2) include the total amount of funds available to the State under each such program for such fiscal year and specify from which appropriation Act or Acts these funds were available;

"(3) with respect to the second preceding fiscal year, include a compilation of reports from local educational agencies and other public and private agencies and institutions within such State which sets forth the amount of such Federal funds received by each such agency and the purposes for which such funds were expended;

"(4) with respect to such second preceding fiscal year, include a statistical report on the individuals served or affected by programs, projects, or activities assisted with such Federal funds; and

"(5) be made readily available by the State to local educational agencies and other public and private agencies and institutions within the State, and to the public.

Report analysis
and statistical
data, submittal
to congressional
committees.

"(b) On or before October 15 of each year, the Commissioner shall submit to the Committee on Labor and Public Welfare of the Senate and to the Committee on Education and Labor of the House of Representatives an analysis of these reports and a compilation of statistical data derived therefrom."

Effective date.
20 USC 1232f
note.

(b) The amendment made by subsection (a) shall be effective upon enactment of this Act.

PROTECTION OF THE RIGHTS AND PRIVACY OF PARENTS AND STUDENTS

Supra.

SEC. 513. (a) Part C of the General Education Provisions Act is further amended by adding at the end thereof the following new section:

"PROTECTION OF THE RIGHTS AND PRIVACY OF PARENTS AND STUDENTS

20 USC 1232g.

"SEC. 438. (a) (1) No funds shall be made available under any applicable program to any State or local educational agency, any institution of higher education, any community college, any school, agency

August 21, 1974

- 89 -

Pub. Law 93-380

68 STAT. 572

offering a preschool program, or any other educational institution which has a policy of denying, or which effectively prevents, the parents of students attending any school of such agency, or attending such institution of higher education, community college, school, preschool, or other educational institution, the right to inspect and review any and all official records, files, and data directly related to their children, including all material that is incorporated into each student's cumulative record folder, and intended for school use or to be available to parties outside the school or school system, and specifically including, but not necessarily limited to, identifying data, academic work completed, level of achievement (grades, standardized achievement test scores), attendance data, scores on standardized intelligence, aptitude, and psychological tests, interest inventory results, health data, family background information, teacher or counselor ratings and observations, and verified reports of serious or recurrent behavior patterns. Where such records or data include information on more than one student, the parents of any student shall be entitled to receive, or be informed of, that part of such record or data as pertains to their child. Each recipient shall establish appropriate procedures for the granting of a request by parents for access to their child's school records within a reasonable period of time, but in no case more than forty-five days after the request has been made.

"(2) Parents shall have an opportunity for a hearing to challenge the content of their child's school records, to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

Hearing.

"(b) (1) No funds shall be made available under any applicable program to any State or local educational agency, any institution of higher education, any community college, any school, agency offering a preschool program, or any other educational institution which has a policy of permitting the release of personally identifiable records or files (or personal information contained therein) of students without the written consent of their parents to any individual, agency, or organization, other than to the following—

Release of records, parental consent requirement.

"(A) other school officials, including teachers within the educational institution or local educational agency who have legitimate educational interests;

"(B) officials of other schools or school systems in which the student intends to enroll, upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record;

"(C) authorized representatives of (i) the Comptroller General of the United States, (ii) the Secretary, (iii) an administrative head of an education agency (as defined in section 409 of this Act), or (iv) State educational authorities, under the conditions set forth in paragraph (3) of this subsection; and

"(D) in connection with a student's application for, or receipt of, financial aid.

"(2) No funds shall be made available under any applicable program to any State or local educational agency, any institution of higher education, any community college, any school, agency offering a preschool program, or any other educational institution which has a policy or practice of furnishing, in any form, any personally identifiable information contained in personal school records, to any persons other than those listed in subsection (b) (1) unless—

"(A) there is written consent from the student's parents specifying records to be released, the reasons for such release, and to whom, and with a copy of the records to be released to the student's parents and the student if desired by the parents, or

"(B) such information is furnished in compliance with judicial order, or pursuant to any lawfully issued subpoena, upon condition that parents and the students are notified of all such orders or subpoenas in advance of the compliance therewith by the educational institution or agency.

Records, access-
ibility for
audit.

"(3) Nothing contained in this section shall preclude authorized representatives of (A) the Comptroller General of the United States, (B) the Secretary, (C) an administrative head of an education agency or (D) State educational authorities from having access to student or other records which may be necessary in connection with the audit and evaluation of Federally-supported education program, or in connection with the enforcement of the Federal legal requirements which relate to such programs: *Provided*, That, except when collection of personally identifiable data is specifically authorized by Federal law, any data collected by such officials with respect to individual students shall not include information (including social security numbers) which would permit the personal identification of such students or their parents after the data so obtained has been collected.

Written
request.

"(4) (A) With respect to subsections (c) (1) and (c) (2) and (c) (3), all persons, agencies, or organizations desiring access to the records of a student shall be required to sign a written form which shall be kept permanently with the file of the student, but only for inspection by the parents or student, indicating specifically the legitimate educational or other interest that each person, agency, or organization has in seeking this information. Such form shall be available to parents and to the school official responsible for record maintenance as a means of auditing the operation of the system.

"(B) With respect to this subsection, personal information shall only be transferred to a third party on the condition that such party will not permit any other party to have access to such information without the written consent of the parents of the student.

Surveys.

"(c) The Secretary shall adopt appropriate regulations to protect the rights of privacy of students and their families in connection with any surveys or data-gathering activities conducted, assisted, or authorized by the Secretary or an administrative head of an education agency. Regulations established under this subsection shall include provisions controlling the use, dissemination, and protection of such data. No survey or data-gathering activities shall be conducted by the Secretary, or an administrative head of an education agency under an applicable program, unless such activities are authorized by law.

"(d) For the purposes of this section, whenever a student has attained eighteen years of age, or is attending an institution of postsecondary education the permission or consent required of and the rights accorded to the parents of the student shall thereafter only be required of and accorded to the student.

"(e) No funds shall be made available under any applicable program unless the recipient of such funds informs the parents of students, or the students, if they are eighteen years of age or older, or are attending an institution of postsecondary education, of the rights accorded them by this section.

"(f) The Secretary, or an administrative head of an education agency, shall take appropriate actions to enforce provisions of this section and to deal with violations of this section, according to the provisions of this Act, except that action to terminate assistance may

August 21, 1974

- 91 -

Pub. Law 93-380

88 STAT. 574

be taken only if the Secretary finds there has been a failure to comply with the provisions of this section, and he has determined that compliance cannot be secured by voluntary means.

"(g) The Secretary shall establish or designate an office and review board within the Department of Health, Education, and Welfare for the purpose of investigating, processing, reviewing, and adjudicating violations of the provisions of this section and complaints which may be filed concerning alleged violations of this section, according to the procedures contained in sections 434 and 437 of this Act."

(b) (1) (i) The provisions of this section shall become effective ninety days after the date of enactment of section 438 of the General Education Provisions Act.

(2) (i) This section may be cited as the "Family Educational Rights and Privacy Act of 1974".

Ante, pp.568-571.

Effective date.
20 USC 1232g
note.Family Educational Rights
and Privacy Act
of 1974.

PROTECTION OF PUPIL RIGHTS

SEC. 514. (a) Part C of the General Education Provisions Act is further amended by adding after section 438 the following new section:

Ante, p. 571.

"PROTECTION OF PUPIL RIGHTS

"SEC. 439. All instructional material, including teacher's manuals, films, tapes, or other supplementary instructional material which will be used in connection with any research or experimentation program or project shall be available for inspection by the parents or guardians of the children engaged in such program or project. For the purpose of this section 'research or experimentation program or project' means any program or project in any applicable program designed to explore or develop new or unproven teaching methods or techniques."

20 USC 1232h.

Definition.

(b) The amendment made by subsection (a) shall be effective upon enactment of this Act.

Effective date.
20 USC 1232h
note.

LIMITATION ON WITHHOLDING OF FEDERAL FUNDS

SEC. 515. (a) Part C of the General Education Provisions Act is further amended by adding after section 439 the following new section:

Supra.

"LIMITATION ON WITHHOLDING OF FEDERAL FUNDS

"SEC. 440. Except as provided in section 438(b)(1)(D) of this Act, the refusal of a State or local educational agency or institution of higher education, community college, school, agency offering a pre-school program, or other educational institution to provide personally identifiable data on students or their families, as a part of any applicable program, to any Federal office, agency, department, or other third party, on the grounds that it constitutes a violation of the right to privacy and confidentiality of students or their parents, shall not constitute sufficient grounds for the suspension or termination of Federal assistance. Such a refusal shall also not constitute sufficient grounds for a denial of, a refusal to consider, or a delay in the consideration of, funding for such a recipient in succeeding fiscal years. In the case of any dispute arising under this section, reasonable notice and opportunity for a hearing shall be afforded the applicant."

20 USC 1232i.
Ante, p. 572.

(b) The amendment made by subsection (a) shall be effective upon enactment of this Act.

Effective date.
20 USC 1232i
note.

88 STAT. 575

APPOINTMENT OF MEMBERS OF AND FUNCTIONING OF ADVISORY COUNCILS

84 Stat. 171;
86 Stat. 326.
20 USC 1233b.

SEC. 516. (a) Section 443 of the General Education Provisions Act is amended by inserting "(a)" after "Sec. 433." and by adding at the end thereof the following:

"(b) Where the President fails to appoint a member to fill a vacancy in the membership of a Presidential advisory council within sixty days after it occurs (or after the effective date of the statute creating such council), then the Secretary shall immediately appoint a member to fill such vacancy."

Effective date.
20 USC 1233b
note.

(b) The amendment made by subsection (a) shall be effective upon enactment of this Act.

OTHER AMENDMENTS RELATING TO ADVISORY COUNCILS

20 USC 1233d.

SEC. 517. (a) (1) Section 445 of the General Education Provisions Act is amended by adding at the end thereof the following new subsection:

"(d) No employee of an advisory council, appointed and compensated pursuant to this section, shall be compensated at a rate in excess of that which such employee would receive if such employee were appointed subject to the appropriate provisions of title 5, United States Code, regarding appointments to, and compensation with respect to, the competitive service, except that—

5 USC 101
et seq.

"(1) executive directors of Presidential advisory councils shall be compensated at the rate specified for employees placed in grade 18 of the General Schedule set forth in section 5332 of such title 5;

5 USC 5332
note.

"(2) executive directors of all other statutory advisory councils shall be compensated at the rate provided for employees in grade 15 of such General Schedule; and

"(3) in accordance with regulations promulgated by the Assistant Secretary, other employees of advisory councils shall be compensated at such rates as may be necessary to enable such advisory councils to accomplish their purposes."

(2) Such section 445 is amended by striking out "Commissioner" where it appears and inserting in lieu thereof "Assistant Secretary."

20 USC 1233f.

(b) Section 447(b) of the General Education Provisions Act is amended by striking out "each statutory advisory council" and inserting in lieu thereof "each advisory council which is subject to the operation of this part".

RELATION TO OTHER LAWS

84 Stat. 170;
86 Stat. 326.
20 USC 1233.

SEC. 518. (a) Part D of the General Education Provisions Act is amended by adding at the end thereof the following new section:

"RELATION TO OTHER LAWS

20 USC 1233h.

"SEC. 449. (a) No provision of any law establishing, authorizing the establishment of, or controlling the operation of, an advisory council which is not consistent with the provisions of this part shall apply to any advisory council to which this part applies.

"(b) The provisions of subsections (e) and (f) of section 10 of the Federal Advisory Committee Act shall not apply to Presidential advisory councils (as defined in section 441)."

20 USC 1233h
note.

(b) The amendment made by subsection (a) shall be effective upon enactment of this Act.

August 21, 1974

- 93 -

Pub. Law 93-380

88 STAT. 576

OFFICE OF LIBRARIES AND LEARNING RESOURCES

SEC. 519. (a) There is established, in the Office of Education, an Office of Libraries and Learning Resources (hereafter in this section referred to as the "Office"), through which the Commissioner shall administer all programs in the Office of Education related to assistance for, and encouragement of, libraries and information centers and education technology.

Establishment.
20 USC 1221i.

(b) The Office shall be headed by a Director, to whom the Commissioner shall delegate his delegable functions with respect to the programs administered through the Office.

TITLE VI—EXTENSION AND REVISION OF RELATED ELEMENTARY AND SECONDARY EDUCATION PROGRAMS

PART A—ADULT EDUCATION

DEFINITION OF "COMMUNITY SCHOOL PROGRAM"

SEC. 601. Section 303 of the Adult Education Act is amended by (1) redesignating subsections (e), (f), (g), (h), and (i), and all references thereto, as subsections (f), (g), (h), (i), and (j), respectively, and (2) inserting after subsection (d) the following new subsection:

84 Stat. 159.
20 USC 1202.

"(e) The term 'community school program' is a program in which a public building, including but not limited to a public elementary or secondary school or a community or junior college, is used as a community center operated in conjunction with other groups in the community, community organizations, and local governmental agencies, to provide educational, recreational, cultural, and other related community services for the community that center serves in accordance with the needs, interests, and concerns of that community."

SPECIAL PROJECTS RESERVATION ELIMINATED

Sec. 602. Section 304 of the Adult Education Act is amended (1) by striking out subsection (a), and (2) by striking out in subsection (b) the following: "(b) From the remainder of such sums, the" and inserting in lieu thereof "The".

20 USC 1203.

NEW STATE PLAN REQUIREMENTS

SEC. 603. (a) Section 306 of the Adult Education Act is amended by redesignating clauses (6), (7), (8), and (9), and all references thereto, as clauses (8), (9), (10), and (11), respectively, and by inserting after clause (5) of such section the following new clauses:

20 USC 1205.

"(6) provide for cooperation with manpower development and training programs and occupational education programs, and for coordination of programs carried on under this title with other programs, including reading improvement programs, designed to provide reading instruction for adults carried on by State and local agencies;

"(7) provide that such agency will make available not to exceed 20 per centum of the State's allotment for programs of equivalency for a certificate of graduation from a secondary school;"

(b) Section 306(a)(1) of such Act is amended by inserting after "adult population" the following: ", including institutionalized persons," and by inserting before the semicolon at the end thereof a

comma and the following: "That not to exceed 20 per centum of the funds used to carry out this Act for any fiscal year may be used for the education of institutionalized persons".

USE OF FUNDS FOR SPECIAL PROJECTS

84 Stat. 163.
20 USC 1208.

SEC. 604. Section 309 of the Adult Education Act is amended to read as follows:

"USE OF FUNDS FOR SPECIAL EXPERIMENTAL DEMONSTRATION PROJECTS AND TEACHER TRAINING

20 USC 1204.

"SEC. 309. Of the funds allotted to a State under section 305 for a fiscal year, not less than 15 per centum shall be used for—

"(1) special projects which will be carried out in furtherance of the purposes of this title, and which—

"(A) involve the use of innovative methods, systems, materials, or programs which may have national significance or be of special value in promoting effective programs under this title, or

"(B) involve programs of adult education which are part of community school programs, carried out in cooperation with other Federal, federally assisted, State, or local programs which have unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with educational deficiencies; and

"(2) training persons engaged, or preparing to engage, as personnel in programs designed to carry out the purposes of this title."

CLEARINGHOUSE ON ADULT EDUCATION

Supra.

SEC. 605. The Adult Education Act is amended by inserting immediately after section 309 thereof the following new section:

"CLEARINGHOUSE ON ADULT EDUCATION

20 USC 1208-1.

"SEC. 309A. The Commissioner shall establish and operate a clearinghouse on adult education, which shall collect and disseminate to the public information pertaining to the education of adults and adult education programs, together with ways of coordinating adult education programs with manpower and other education programs. The Commissioner is authorized to enter into contracts with public agencies or private organizations to operate the clearinghouse established or designated under this section."

Contract
authority.

STATE ADVISORY COUNCILS

87 Stat. 59.
20 USC 1208a.

SEC. 606. The Adult Education Act is amended by inserting immediately after section 310 thereof the following new section:

"STATE ADVISORY COUNCILS

20 USC 1208b.

"SEC. 310A. (a) Any State which receives assistance under this title may establish and maintain a State advisory council, or may designate and maintain an existing State advisory council, which shall be, or has been, appointed by the Governor or, in the case of a State in which members of the State board which governs the State education agency are elected (including election by the State legislature), by such board.

August 21, 1974

- 95 -

Pub. Law 93-380

88 STAT. 578

"(b) (1) Such a State advisory council shall include as members persons who, by reason of experience or training, are knowledgeable in the field of adult education or who are officials of the State educational agency or of local educational agencies of that State, persons who are or have received adult educational services, and persons who are representative of the general public.

"(2) Such a State advisory council, in accordance with regulations prescribed by the Commissioner, shall—

"(A) advise the State educational agency on the development of, and policy matters arising in, the administration of the State plan approval pursuant to section 306;

Ante, p. 576;

"(B) advise with respect to long-range planning and studies to evaluate adult education programs, services, and activities assisted under this Act; and

Infra.

"(C) prepare and submit to the State educational agency, and to the National Advisory Council for Adult Education established pursuant to section 310, an annual report of its recommendations, accompanied by such additional comments of the State educational agency as that agency deems appropriate.

Annual report.

"(c) Upon the appointment of any such advisory council, the appointing authority under subsection (a) of this section shall inform the Commissioner of the establishment of, and membership of, its State advisory council. The Commissioner shall, upon receiving such information, certify that each such council is in compliance with the membership requirements set forth in subsection (b) (1) of this section.

87 Stat. 59.

20 USC 1208a.

"(d) Each such State advisory council shall meet within thirty days after certification has been accepted by the Commissioner under subsection (c) of this section and select from among its membership a chairman. The time, place, and manner of subsequent meetings shall be provided by the rules of the State advisory council, except that such rules shall provide that each such council meet at least four times each year, including at least one public meeting at which the public is given the opportunity to express views concerning adult education.

"(e) Each such State advisory council is authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions under this section."

AMENDMENTS RELATING TO BILINGUAL EDUCATION

SEC. 607. (a) Section 306(a) of the Adult Education Act is amended by striking out "and" at the end of clause (10) of such section, by redesignating clause (11), and all references thereto, as clause (12), and by adding after clause (10) the following new clause:

Ante, p. 576.

"(11) provide that special assistance be given to the needs of persons of limited English-speaking ability (as defined in section 703(a) of title VII of the Elementary and Secondary Education Act of 1965), by providing bilingual adult education programs in which instruction is given in English and, to the extent necessary to allow such persons to progress effectively through the adult education program, in the native language of such persons, carried out in coordination with programs of bilingual education assisted under such title VII and bilingual vocational education programs under the Vocational Education Act of 1963; and"

Ante, p. 504.

(b) (1) Section 309(b) (1) of such Act is amended by inserting a comma and "including methods for educating persons of limited English-speaking ability" immediately after "methods".

Ante, p. 503.

20 USC 1241

note.

20 USC 1208.

88 STAT. 579

Pub. Law 93-380

- 96 -

August 21, 1974

84 Stat. 163.
20 USC 1208.

(2) Section 309(b) (2) of such Act is amended by inserting a comma and "including education for persons of limited English-speaking ability" immediately after "education".

84 Stat. 163;
87 Stat. 59.
20 USC 1209.

(3) Section 311(b) of such Act is amended by inserting a comma and "including education for persons of limited English-speaking ability in which instruction is given in English and, to the extent necessary to allow such persons to progress effectively through the adult education program, in the native language of such persons" immediately after "adult education".

EXTENSION OF AUTHORIZATIONS OF APPROPRIATIONS; TECHNICAL AMENDMENTS

84 Stat. 164;
87 Stat. 59.
20 USC 1211.

SEC. 608. (a) Section 313(a) of the Adult Education Act is amended—

(1) by striking out "section 310" and inserting in lieu thereof "sections 310 and 314";

(2) by striking out the word "and" after "June 30, 1971,"; and

(3) by inserting after "June 30, 1973," the following: "\$150,000,000 for each of the fiscal years ending June 30, 1974, and June 30, 1975. \$175,000,000 for the fiscal year ending June 30, 1976, and \$200,000,000 for each of the fiscal years ending June 30, 1977, and June 30, 1978: *Provided*, That, effective with respect to fiscal years after June 30, 1974, grants to each State under section 305 shall not be less than 90 per centum of the grants made to such State agencies in fiscal year 1973."

86 Stat. 342.
20 USC 1211a.

(b) Section 314(d) of such Act, is amended by striking out "two" and inserting after "years" the following: "ending prior to July 1, 1978".

EFFECTIVE DATES

20 USC 1202
note.

SEC. 609. (a) The amendments made by this part shall be effective on the date of enactment of this Act, except that—

(1) the amendments made by section 608 shall be effective on and after July 1, 1973; and

(2) the amendments made by sections 603 and 607 shall be effective on, and with respect to appropriations for fiscal years beginning after June 30, 1973.

(b) The amendments made by sections 603 and 604 shall not take effect with respect to any multi-year program or project approved prior to the date of enactment of this Act.

PART B—EDUCATION OF THE HANDICAPPED

SHORT TITLE

Education of
the Handi-
capped Amend-
ments of 1974.
20 USC 1402
note.

SEC. 611. This title may be cited as the "Education of the Handicapped Amendments of 1974".

BUREAU FOR THE EDUCATION AND TRAINING OF THE HANDICAPPED

84 Stat. 177.
20 USC 1402.

SEC. 612. (a) Section 603 of the Education of the Handicapped Act is amended by inserting "(a)" after "Sec. 603." and by adding at the end thereof the following new subsection:

"(b) (1) The Bureau established under subsection (a) shall be headed by a Deputy Commissioner of Education who shall be appointed by the Commissioner, who shall report directly to the Commissioner, be compensated at the rate specified for, and placed in, grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code.

5 USC 5332
note.

August 21, 1974

- 97 -

Pub. Law 93-380

88 STAT. 580

"(2) In addition to such Deputy Commissioner, there shall be placed in such Bureau five positions for persons to assist the Deputy Commissioner in carrying out his duties, including the position of Associate Deputy Commissioner, and such positions shall be placed in grade 16 of the General Schedule set forth in section 5332 of title 5, United States Code."

(b) (1) The positions created by subsection (b) of section 603 of the Education of the Handicapped Act shall be in addition to the number of positions placed in the appropriate grades under section 5108 of title 5, United States Code, and such positions shall be in addition to, and without prejudice against, the number of positions otherwise placed in the Office of Education under such section 5108 or under other law. Nothing in this section shall be deemed as limiting the Commissioner from assigning additional General Schedule positions in grades 16, 17, and 18 to the Office should he determine such additions to be necessary to operate programs for educating handicapped children authorized by this Act.

(2) The amendments made by subsection (a) shall become effective upon the enactment of this Act.

5 USC 5332

note.

20 USC 1402

note.

Ante, p. 579.

80 Stat. 453.

Effective date.

ADVISORY COMMITTEE

SEC. 613. (a) Section 604(b) of the Education of the Handicapped Act is amended by adding at the end thereof the following new sentence: "The Advisory Committee shall continue to exist until July 1, 1977."

84 Stat. 177.

20 USC 1403.

(b) Section 604 of such Act is amended by adding at the end thereof the following new subsection:

"(c) There are authorized to be appropriated for the purposes of this section \$100,000 for the fiscal year ending June 30, 1974, and for each of the three succeeding fiscal years."

STATE ENTITLEMENTS

SEC. 614. (a) Effective for fiscal year 1975 only, section 611 of the Education of the Handicapped Act is amended to read as follows:

Effective date.

20 USC 1411

and note.

"GRANTS TO STATES FOR EDUCATION OF HANDICAPPED CHILDREN

"SEC. 611. (a) The Commissioner shall, in accordance with the provisions of this part, make payments to States for the purpose of assisting the States in the initiation, expansion, and improvement of programs and projects for the education of handicapped children at the pre-school, elementary school, and secondary school levels in order to provide full educational opportunities to all handicapped children. Such payments may be used for the early identification and assessment of handicapping conditions in children under three years of age.

"(b) (1) Subject to the provisions of section 612, the maximum amount of the grant to which a State shall be entitled under this part shall be equal to—

20 USC 1412.

"(A) the number of children aged three to twenty-one inclusive, in that State in the most recent fiscal year for which satisfactory data are available;

multiplied by—

"(B) \$8.75.

"(2) For the purpose of this subsection, the term 'State' does not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands."

"(c) (1) The jurisdictions to which this subsection applies are the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(2) Each jurisdiction to which this subsection applies shall, for the fiscal year ending June 30, 1975, be entitled to a grant in an amount equal to an amount determined by the Commissioner, in accordance with criteria established by regulations, needed to initiate, expand, or improve programs and projects for the education of handicapped children at the preschool, elementary school, and secondary school levels, in that jurisdiction, except that the aggregate of the amount to which such jurisdictions are so entitled for any fiscal year shall not exceed an amount equal to 2 per centum of the aggregate of the amounts to which all States are entitled under subsection (b) of this section for that fiscal year. If the aggregate of the amounts, determined by the Commissioner pursuant to the preceding sentence, to be so needed for any fiscal year exceeds an amount equal to such 2 per centum limitation, the entitlement of each such jurisdiction shall be reduced proportionately until such aggregate does not exceed such 2 per centum limitation.

Indian
reservation
schools,
assistance.

"(d) The Commissioner is authorized for the fiscal year ending June 30, 1975, to make payments to the Secretary of the Interior according to the need for such assistance for the education of handicapped children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, and the terms upon which payments for such purposes shall be made to the Secretary of the Interior shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this part. The amount of such payment for any fiscal year shall not exceed 1 per centum of the aggregate amounts to which States are entitled under subsection (b) of this section for that fiscal year."

Effective date.
84 Stat. 178.
20 USC 1412
and note.

(b) Effective for fiscal year 1975 only, section 612 of such Act is amended to read as follows:

"ALLOCATIONS OF APPROPRIATIONS

"SEC. 612. (a) Sums appropriated for the fiscal year ending June 30, 1975, shall be made available to States and allocated to each State, on the basis of unsatisfied entitlements under section 611, in an amount equal to the amount it received from the appropriation for this part for the fiscal year 1974.

Arte, p. 580.

"(b) Any sums appropriated to carry out this part for any fiscal year which remain after allocations under subsection (a) of this section shall be made to States in accordance with entitlements created under section 611 (to the extent that such entitlements are unsatisfied) ratably reduced.

"(c) In the event that funds become available for making payments under this part for any fiscal year after allocations have been made under subsections (a) and (b) for that year, the amounts reduced under subsection (b) shall be increased on the same basis as they were reduced."

20 USC 1413
and note.

(c) Effective for fiscal year 1975 only, section 613(a) of such Act is amended by striking out "desires to receive grants" in the first sentence of such subsection and inserting in lieu thereof "is entitled to receive payments".

(d) Section 613(a) of such Act is further amended by (1) striking out the word "and" at the end of paragraph (10), (2) by striking out the period at the end of paragraph (11) and inserting in lieu thereof a semicolon, and (3) by adding at the end thereof the following two paragraphs:

August 21, 1974

- 99 -

Pub. Law 93-380

88 STAT. 582

"(12) (A) establish a goal of providing full educational opportunities to all handicapped children, and (B) provide for a procedure to assure that funds expended under this part are used to accomplish the goal set forth in (A) of this paragraph and priority in the utilization of funds under this part will be given to handicapped children who are not receiving an education; and

"(13) provide procedures for insuring that handicapped children and their parents or guardians are guaranteed procedural safeguards in decisions regarding identification, evaluation and educational placement of handicapped children including, but not limited to (A) (i) prior notice to parents or guardians of the child when the local or State educational agency proposes to change the educational placement of the child, (ii) an opportunity for the parents or guardians to obtain an impartial due process hearing, examine all relevant records with respect to the classification or educational placement of the child, and obtain an independent educational evaluation of the child, (iii) procedures to protect the rights of the child when the parents or guardians are not known, unavailable, or the child is a ward of the State including the assignment of an individual (not to be an employee of the State or local educational agency involved in the education or care of children) to act as a surrogate for the parents or guardians, and (iv) provision to insure that the decisions rendered in the impartial due process hearing required by this paragraph shall be binding on all parties subject only to appropriate administrative or judicial appeal; and (B) procedures to insure that, to the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular education environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and (C) procedures to insure the testing and evaluation materials and procedures utilized for the purposes of classification and placement of handicapped children will be selected and administered so as not to be racially or culturally discriminatory."

(e) (1) Section 611(a) of the Education of the Handicapped Act is amended by inserting before the period the following: "in order to provide full educational opportunity to all handicapped children". Ante, p. 580

(2) Subsection (b) of section 611 of the Education of the Handicapped Act is amended to read as follows:

"(b) For the purpose of making grants under this part, there are authorized to be appropriated \$100,000,000 for the fiscal year ending June 30, 1976, and \$110,000,000 for the fiscal year ending June 30, 1977."

(3) The amendment made by subsection (e) shall become effective and shall be deemed to have been enacted on July 1, 1975. Effective date.

(f) (1) Section 612(a) (1) (B) of such Act is amended by striking out "1973" and inserting in lieu thereof "1977". 84 Stat. 178.
20 USC 1412.

(2) The amendment made by this subsection shall be effective on and after July 1, 1973. Effective date.
20 USC 1412
note.

ADDITIONAL STATE PLAN REQUIREMENT

SEC. 615. (a) (1) Effective on and after July 1, 1975, section 612(a) (2) of the Education of the Handicapped Act is amended by striking out "\$200,000" and inserting in lieu thereof "\$300,000". Effective date.
20 USC 1412
and note.

88 STAT 583

Effective date.

84 Stat. 178.

20 USC 1412

and note.

20 USC 1413.

Ante, p. 579.

(2) Effective on and after July 1, 1975, section 612(a) of such Act is amended by inserting at the end thereof the following new paragraph:

"(3) No State shall, in any fiscal year, be required to expend amounts allotted pursuant to this section to carry out the provisions of paragraph (1) of section 613(b) unless that State receives an amount greater than the amount allotted to that State for the fiscal year ending June 30, 1973."

(b) Section 613(a)(1) of such Act is amended by striking out "\$100,000" and inserting in lieu thereof "\$200,000".

(c) (1) Section 613 of such Act is amended by redesignating subsections (b), (c), and (d) of such section, and all references thereto, as subsections (c), (d), and (e), respectively, and by inserting after subsection (a) the following:

"(b) (1) Any State which desires to receive a grant under this part for any fiscal year beginning after June 30, 1975, shall submit to the Commissioner for approval not later than one year after the enactment of the Education of the Handicapped Amendments of 1974, through its State educational agency an amendment to the State plan required under subsection (a), setting forth in detail the policies and procedures which the State will undertake in order to assure that—

"(A) all children residing in the State who are handicapped regardless of the severity of their handicap and who are in need of special education and related services are identified, located, and evaluated, including a practical method of determining which children are currently receiving needed special education and related services and which children are not currently receiving needed special education and related services;

"(B) policies and procedures will be established in accordance with detailed criteria prescribed by the Commissioner to protect the confidentiality of such data and information by the State;

"(C) there is established (i) a goal of providing full educational opportunities to all handicapped children, (ii) a detailed timetable for accomplishing such a goal, and (iii) a description of the kind and number of facilities, personnel, and services necessary throughout the State to meet such a goal; and

"(D) the amendment submitted by the State pursuant to this subsection shall be available to parents and other members of the general public at least thirty days prior to the date of submission of the amendment to the Commissioner.

For the purpose of this part, any amendment to the State plan required by this subsection and approved by the Commissioner shall be considered, after June 30, 1975, as a required portion of the State plan.

"(2) The requirement of paragraph (1) of this subsection shall not be effective with respect to any fiscal year in which the aggregate of the amounts allotted to the States for this part for that fiscal year is less than \$45,000,000."

(2) Section 613(e)(1) of such Act (as redesignated by this section) is amended by striking out "subsection (c)" and inserting in lieu thereof "subsection (d)".

(d) The amendment made by subsections (a)(1) and (b) of this section shall be effective in any fiscal year for which the aggregate of the amounts allotted to the States for that fiscal year for carrying out part B of the Education of the Handicapped Act is \$45,000,000 or more.

Effective date.

20 USC 1412

note.

20 USC 1411.

August 21, 1974

- 101 -

Pub. Law 93-380

88 STAT. 584

REGIONAL EDUCATION PROGRAMS FOR DEAF AND OTHER HANDICAPPED
PERSONS

SEC. 616. Part C of the Education of the Handicapped Act is amended by redesignating sections 625 and 626 thereof as sections 626 and 627, respectively, and by inserting a new section as follows: 84 Stat. 181.
20 USC 1421.

"REGIONAL EDUCATION PROGRAMS

"SEC. 625. (a) The Commissioner is authorized to make grants to or contracts with institutions of higher education, including junior and community colleges, vocational and technical institutions, and other appropriate nonprofit educational agencies for the development and operation of specially designed or modified programs of vocational, technical, postsecondary, or adult education for deaf or other handicapped persons. 20 USC 1424a.

"(b) In making grants or contracts authorized by this section the Commissioner shall give priority consideration to—

"(1) programs serving multistate regions or large population centers;

"(2) programs adapting existing programs of vocational, technical, postsecondary, or adult education to the special needs of handicapped persons; and

"(3) programs designed to serve areas where a need for such services is clearly demonstrated.

"(c) For purposes of this section, the term 'handicapped persons' means persons who are mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, emotionally disturbed, crippled, or in other ways health impaired and by reason thereof require special education programming and related services." "Handicapped persons."

CENTERS AND SERVICES

SEC. 617. Section 627 of the Education of the Handicapped Act (as redesignated by section 616) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 627. There are authorized to be appropriated to carry out the provisions of section 621, \$12,500,000 for the fiscal year ending June 30, 1975, \$18,000,000 for the fiscal year ending June 30, 1976, and \$19,000,000 for the fiscal year ending June 30, 1977. There are authorized to be appropriated to carry out the provisions of section 622, \$15,000,000 for the fiscal year ending June 30, 1975, \$20,000,000 for the fiscal year ending June 30, 1976, and for the succeeding fiscal year. There are authorized to be appropriated to carry out the provisions of section 623, \$25,500,000 for the fiscal year ending June 30, 1975, \$36,000,000 for the fiscal year ending June 30, 1976, and \$38,000,000 for the fiscal year ending June 30, 1977. There are authorized to be appropriated to carry out the provisions of section 625, \$1,000,000 for the fiscal year ending June 30, 1975, and such sums as may be necessary for each of the two succeeding fiscal years." 20 USC 1426.

PERSONNEL TRAINING

SEC. 618. Section 636 of the Education of the Handicapped Act is amended to read as follows: 84 Stat. 185.
20 USC 1436.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 636. There are authorized to be appropriated for carrying out the provisions of this part (other than section 633) \$45,000,000 for the fiscal year ending June 30, 1975, \$52,000,000 for the fiscal year ending June 30, 1976, and \$54,000,000 for the fiscal year ending June 30, 1977. There are authorized to be appropriated to carry out the provisions of section 633, \$500,000 for each of the fiscal years ending June 30, 1975, and June 30, 1976, and \$1,000,000 for the fiscal year ending June 30, 1977."

RESEARCH

84 Stat. 186.
20 USC 1444.

SEC. 619. Section 644 of the Education of the Handicapped Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 644. For the purpose of carrying out this part, there are authorized to be appropriated \$15,000,000 for the fiscal year ending June 30, 1975, \$20,000,000 for each of the fiscal years ending June 30, 1976, and June 30, 1977."

INSTRUCTIONAL MEDIA

20 USC 1452.
20 USC 1454.

SEC. 620. (1) Sections 652(b)(3), 652(b)(4), and 652(b)(5) of the Education of the Handicapped Act are each amended by inserting " , by grant and contract," after "provide".

(2) Section 654 of such Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 654. For the purposes of carrying out this part there are hereby authorized to be appropriated not to exceed \$18,000,000 for the fiscal year ending June 30, 1975, and \$22,000,000 for the fiscal year ending June 30, 1976, and for each succeeding fiscal year thereafter."

SPECIFIC LEARNING DISABILITIES

20 USC 1461.

SEC. 621. Section 661(c) of the Education of the Handicapped Act is amended to read as follows:

"(c) For the purpose of making grants and contracts under this section there are authorized to be appropriated \$10,000,000 for the fiscal year ending June 30, 1975, \$20,000,000 for each of the fiscal years ending June 30, 1976, and June 30, 1977."

PART C—INDIAN EDUCATION

EXTENSION OF PROGRAMS FOR THE EDUCATION OF INDIAN CHILDREN

86 Stat. 339.
20 USC 887a.

SEC. 631. (a) Section 810(g) of the Elementary and Secondary Education Act of 1965 is amended by striking out "two succeeding fiscal years" and inserting in lieu thereof "succeeding fiscal years ending prior to July 1, 1978".

86 Stat. 335.
20 USC 241bb.

(b) Section 303(a)(1) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as added by the Indian Education Act, is amended by striking out "July 1, 1975" and inserting in lieu thereof "July 1, 1978".

Effective date.
20 USC 887a
note.

(c) The amendments made by this section shall be effective on and after July 1, 1973.

August 21, 1974

- 103 -

Pub. Law 93-380

88 STAT. 586

REVISION OF PROGRAMS RELATING TO INDIAN EDUCATION

SEC. 632. (a) Section 810(f) of the Elementary and Secondary Education Act of 1965 is amended by inserting after the third sentence the following new sentence: "The Commissioner shall not approve an application for a grant under subsection (b), (c), or (d) unless he is satisfied that such an application, to the extent consistent with the number of eligible children in the area to be served who are enrolled in private nonprofit elementary and secondary schools whose needs are of the type which the program is intended to meet, makes provision for the participation of such children on an equitable basis."

86 Stat. 339.
20 USC 887c.

(b) Section 303(b) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by striking out "5 per centum" and inserting in lieu thereof "10 per centum".

86 Stat. 335.
20 USC 241bb.

(c) Part B of the Indian Education Act is amended by adding at the end thereof the following new sections:

86 Stat. 339.
20 USC 821
note.

"SPECIAL EDUCATIONAL TRAINING PROGRAMS FOR TEACHERS OF INDIAN CHILDREN

"SEC. 422. (a) The Commissioner is authorized to make grants to and enter into contracts with institutions of higher education, Indian organizations, and Indian tribes for the purpose of preparing individuals for teaching or administering special programs and projects designed to meet the special educational needs of Indian children and to provide in-service training for persons teaching in such programs. Priority shall be given to Indian institutions and organizations. In carrying out his responsibilities under this section, the Commissioner is authorized to award fellowships and traineeships to individuals and to make grants to and to enter into contracts with institutions of higher education, Indian organizations, and Indian tribes for cost of education allowances. In awarding fellowships and traineeships under this section, the Commissioner shall give preference to Indians.

20 USC 887c-1.

"(b) In the case of traineeships and fellowships, the Commissioner is authorized to grant stipends to, and allowances for dependents of, persons receiving traineeships and fellowships.

"(c) There is authorized to be appropriated \$2,000,000 for the fiscal year ending June 30, 1975, and for each of the three succeeding fiscal years to carry out the provisions of this section.

"FELLOWSHIPS FOR INDIAN STUDENTS

"SEC. 423. (a) During the fiscal year ending June 30, 1975, and each of the three succeeding fiscal years, the Commissioner is authorized to award not to exceed two hundred fellowships to be used for study in graduate and professional programs at institutions of higher education. Such fellowships shall be awarded to Indian students in order to enable them to pursue a course of study of not less than three, nor more than four, academic years leading toward a professional or graduate degree in engineering, medicine, law, business, forestry and related fields. In addition to the fellowships authorized to be awarded in the first sentence of this subsection, the Commissioner is authorized to award a number of fellowships equal to the number previously awarded during any fiscal year under this subsection but vacated prior to the end of the period during which they were awarded, except that each fellowship so awarded shall be only for a period of study not in excess of the remainder of the period of time for which the fellowship it replaces was awarded, as the Commissioner may determine.

20 USC 887c-2.

"(b) The Commissioner shall pay to persons awarded fellowships under this subsection such stipends (including such allowances for subsistence of such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(c) The Commissioner shall pay to the institution of higher education at which the holder of a fellowship under this subsection is pursuing a course of study, in lieu of tuition charged such holder, such amounts as the Commissioner may determine to cover the cost of education for the holder of such a fellowship."

"(d) The amendments made by this section shall be effective on and after July 1, 1974.

Effective date.
20 USC 887c
note.

PART D—EMERGENCY SCHOOL AID

EXTENSION OF THE EMERGENCY SCHOOL AID ACT

SEC. 641. (a) Section 704(a) of the Emergency School Aid Act (title VII of Public Law 92-318) is amended by striking out "for the fiscal year ending June 30, 1974" and inserting in lieu thereof "for the period ending June 30, 1976".

(b) With respect to the fiscal year ending June 30, 1976, the authorization level for the Emergency School Aid Act shall, for the purposes of section 414 of the General Education Provisions Act, be equal to the amount appropriated for the purposes of the Emergency School Aid Act for the fiscal year ending June 30, 1976.

86 Stat. 355.
20 USC 1603.

20 USC 1601
note.

Ante, p. 563.

REPEAL OF RESERVATION FOR CERTAIN METROPOLITAN PROJECTS

SEC. 642. (a) Section 704(b) of the Emergency School Aid Act is amended by striking out paragraph (1) and by striking out "(2)" of such section.

(b) The matter preceding paragraph 1 of section 709(a) of such Act is amended to read as follows: "Sums available to the Secretary under section 708 for metropolitan area projects shall be available for the following purposes:"

20 USC 1608.

20 USC 1607.

AMENDMENT WITH RESPECT TO ELIGIBILITY

SEC. 643. (a) Section 706(a) of the Emergency School Aid Act is amended (1) by striking out paragraph (3), (2) by striking out the period at the end of paragraph (1)(D) and inserting, "; or" and (3) by adding at the end of such paragraph (1) the following:

"(E) which will establish or maintain one or more integrated schools as defined in section 720(7) and which—

"(i) has a sufficient number of minority group children to comprise more than 50 per centum of the number of children in attendance at the schools of such agency, and

"(ii) has agreed to apply for an equal amount of assistance under subsection (b)."

(b) Section 706(b) of such Act is amended by inserting "(1)" after "subsection (a)".

(c) Section 710(c) of such Act is amended by inserting in paragraph (2) after "(iii)" the following: "or under section 706(a) (1) (E)". In the same paragraph insert "or activity" after "plan" the second time it appears.

(d) Section 720(7) of such Act is amended by striking "section 706(a) (3)" and by inserting "section 706(a) (1) (E)".

20 USC 1605.

20 USC 1619.

20 USC 1609.

Supra.

August 21, 1974

- 105 -

Pub. Law 93-380

88 STAT. 588

SPECIAL PROJECTS FOR THE TEACHING OF MATHEMATICS

SEC. 644. Section 708(a) of such Act is amended by adding at the end thereof the following new paragraph:

86 Stat. 360.
20 USC 1607.

"(3) The Assistant Secretary is authorized to make grants to, and contracts with, one or more private, nonprofit agencies, institutions, or organizations, for the conduct, in cooperation with one or more local educational agencies, of special programs for the teaching of standard mathematics to children eligible for services under this Act through instruction in advanced mathematics by qualified instructors with bachelor degrees in mathematics, or the mathematical sciences from colleges or other institutions of higher education, or equivalent experience."

AMENDMENT RELATING TO NONPROFIT GROUPS

SEC. 645. Section 708(b) of the Elementary School Aid Act is amended by striking out "706(a)" both times it appears in such section and inserting in lieu thereof "706" in each instance.

20 USC 1605.

EFFECTIVE DATE

SEC. 646. The amendments made by and the provisions of this part shall be effective on and after July 1, 1974, and with respect to appropriations for fiscal years beginning on and after such date except that the provisions of section 641(b) shall be effective only with respect to fiscal year 1977.

20 USC 1603
note.

PART E—NATIONAL DEFENSE EDUCATION ACT

EXTENSION OF TITLE III

SEC. 651. (a) Section 301 of the National Defense Education Act of 1958 is amended by striking out "1975" both times it appears and inserting "1977" in lieu thereof, by striking out "for the fiscal year ending" after "\$130,500,000" in the first sentence, and by inserting in lieu thereof "for each of the fiscal years ending prior to", and by adding at the end thereof the following new sentence: "Notwithstanding the preceding two sentences, no funds are authorized to be appropriated for obligation during any year for which funds are available for obligation for carrying out part B of title IV of the Elementary and Secondary Education Act of 1965."

82 Stat. 1052;
86 Stat. 345.
20 USC 441.

(b) The amendment made by this section shall be effective on and after July 1, 1974.

Ante, p. 542.

Effective
date.
20 USC 441
note.

TITLE VII—NATIONAL READING IMPROVEMENT PROGRAM

STATEMENT OF PURPOSE

SEC. 701. It is the purpose of this title—

20 USC 1901.

(1) to provide financial assistance to encourage State and local educational agencies to undertake projects to strengthen reading instruction programs in elementary grades;

(2) to provide financial assistance for the development and enhancement of necessary skills of instructional and other educational staff for reading programs;

(3) to develop a means by which measurable objectives for reading programs can be established and progress toward such objectives assessed;

(4) to develop the capacity of preelementary school children for reading, and to establish and improve preelementary school programs in language arts and reading; and

(5) to provide financial assistance to promote literacy among youth and adults.

PART A—READING IMPROVEMENT PROJECTS

PROJECTS AUTHORIZED

20 USC 1921.

SEC. 705. (a) (1) The Commissioner is authorized to enter into agreements with either State educational agencies or local educational agencies, or both, for the carrying out by such agencies, in schools having large numbers or a high percentage of children with reading deficiencies, of projects involving the use of innovative methods, systems, materials, or programs which show promise of overcoming such reading deficiencies.

(2) The Commissioner is further authorized to enter into agreements with State educational agencies, local educational agencies, or with nonprofit educational or child care institutions for the carrying out by such agencies and institutions, in areas where such schools are located, of such projects for preelementary school children. Such projects are to be instituted in kindergartens, nursery schools, or other preschool institutions.

Applications,
reading pro-
gram require-
ments.

(b) No agreement may be entered into under this part, unless upon an application made to the Commissioner at such time, in such manner, and including or accompanied by such information as he may reasonably require. Each such application shall set forth a reading program which provides for—

(1) diagnostic testing designed to identify preelementary and elementary school children with reading deficiencies, including the identification of conditions which, without appropriate other treatment, can be expected to impede or prevent children from learning to read;

(2) planning for and establishing comprehensive reading programs;

(3) reading instruction for elementary school pupils whose reading achievement is less than that which would normally be expected for pupils of comparable ages and in comparable grades of school;

(4) preservice training programs for teaching personnel including teacher-aides and other ancillary educational personnel, and in-service training and development programs, where feasible, designed to enable such personnel to improve their ability to teach students to read;

(5) participation of the school faculty, school board members, administration, parents, and students in reading-related activities which stimulate an interest in reading and are conducive to the improvement of reading skills;

(6) parent participation in development and implementation of the program for which assistance is sought;

(7) local educational agency school board participation in the development of programs;

(8) periodic testing in programs for elementary school children on a sufficiently frequent basis to measure accurately reading achievement, and for programs for preelementary school children a test of reading proficiency at the conclusion, minimally, of the first-grade program into which the nursery and kindergarten programs are integrated;

(9) publication of test results on reading achievement by grade level, and where appropriate, by school, without identification of achievement of individual children;

(10) availability of test results on reading achievement on an individual basis to parents or guardians of any child being so tested;

(11) participation on an equitable basis by children enrolled in nonprofit private elementary schools in the area to be served (after consultation with the appropriate private school officials) to an extent consistent with the number of such children whose educational needs are of the kind the program is intended to meet;

(12) the use of bilingual education methods and techniques to the extent consistent with the number of elementary school-age children in the area served by a reading program who are of limited English-speaking ability;

(13) appropriate involvement of leaders of the cultural and educational resources of the area to be served, including institutions of higher education, nonprofit private schools, public and private nonprofit agencies such as libraries, museums, educational radio and television, and other cultural and education resources of the community; and

(14) assessment, evaluation, and collection of information on individual children by teachers during each year of the pre-elementary program, to be made available for teachers in the subsequent year, in order that continuity for the individual child not be lost.

(c) Each such applicant, in addition to meeting the requirements of subsection (b), shall provide assurances that—

Additional
requirements.

(1) appropriate measures have been taken by the agency to analyze the reasons why elementary school children are not reading at the appropriate grade level;

(2) the agency will develop a plan setting forth specific objectives which shall include the goals of having the children in project schools reading at the appropriate grade level at the end of grade three; and

(3) whenever appropriate, sufficient measures will be taken to coordinate each preelementary reading program with the reading program of the educational agencies or institutions which such preelementary school children will be next in attendance.

(d) No grant may be made under this part unless the application for such grant provides assurances that the provisions of this subsection are met. Each State educational agency shall—

State advisory
councils on
reading.

(1) establish an advisory council on reading appointed by such agency which shall be broadly representative of the education resources of the State and of the general public, including persons representative of—

(A) public and private nonprofit elementary and secondary schools,

(B) institutions of higher education,

(C) parents of elementary and secondary school children, and

(D) areas of professional competence relating to instruction in reading, and

(2) authorize the advisory council established under clause (1) to receive and designate priorities among applications for grants under this section in that State,

if—

(i) that State educational agency desires to receive a grant under this part, or

(ii) any local educational agency of that State desires to receive a grant under this part, and notifies the State educational agency concerned, or

(iii) in the case of a preelementary school program any non-profit educational agency or child care institution in that State desires to receive a grant under this part, and notifies the State educational agency concerned.

Application
approval.

(e) No agreement may be entered into under this part unless the application submitted to the Commissioner—

(1) has first been approved by the State educational agency, and

(2) is accompanied by assurances that such agency will supervise compliance by the local educational agency in that State with the requirements set forth in subsection (b) of this section.

(f) The Commissioner may approve any application submitted under this part which meets the requirements of subsections (b), (c), (d), and (e). In approving such applications, the Commissioner may not use any panel (other than employees of the Office of Education) for the purpose of such approval.

Equitable
distribution
of funds.

(g) In approving applications under this part the Commissioner shall, to the maximum extent feasible, assure an equitable distribution of funds throughout the United States and among urban and rural areas. Not more than 12½ percent of the funds expended under this part in any fiscal year may be expended in any State in that year.

PART B—STATE READING IMPROVEMENT PROGRAMS

STATEMENT OF PURPOSE

20 USC 1941.

SEC. 711. It is the purpose of this part to provide financial assistance to the States to enable them—

(1) to provide financial assistance for projects designed to facilitate reaching the objectives of this title;

(2) to develop comprehensive programs to improve reading proficiency and instruction in reading in the elementary schools of the State;

(3) to provide State leadership in the planning, improving, execution, and evaluation of reading programs in elementary schools; and

(4) to arrange for and assist in the training of special reading personnel and specialists needed in programs assisted under this title.

APPLICABILITY AND EFFECTIVE DATE

20 USC 1942.

SEC. 712. (a) The provisions of this part shall become effective only in any fiscal year in which appropriations made pursuant to section 732(a) exceed \$30,000,000 and then only with respect to the amount of such excess.

Post, p. 596.

(b) The provisions of this part shall be effective on and after the beginning of fiscal year 1976.

ALLOTMENTS TO STATES

20 USC 1943.

SEC. 713. (a) (1) From the sums appropriated pursuant to section 732(a) for each fiscal year which are available for carrying out this part, the Commissioner shall reserve such amount, but not in excess of 1 per centum of such sums, as he may determine, and shall

August 21, 1974

- 109 -

Pub. Law 93-380

88 STAT. 592

apportion such amount to Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this title. Of the remainder of such sums, he shall allot an amount to each State which bears the same ratio to the amount available for allotment as the number of school age children (aged 5 to 12, inclusive) in each such State bears to the total number of such children in all the States, as determined by the Commissioner on the basis of the most recent satisfactory data available to him. The allotment of a State which would be less than \$50,000 under the preceding sentence shall be increased to \$50,000, and the total of the increases thereby required shall be derived by proportionately reducing the allotments to the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotments to any such remaining States from being reduced to less than \$50,000.

(2) For the purpose of this section the term "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

(b) The amount allotted to any State under subsection (a) for any fiscal year which the Commissioner determines will not be required for that year shall be available for reallocation from time to time, on such dates during that year as the Commissioner may fix, to other States in proportion to the amounts originally allotted among those States under subsection (a) for that year, but with the proportionate amount for any of the other States being reduced to the extent it exceeds the sum the Commissioner estimates the local educational agencies of such State need and will be able to use for that year; and the total of these reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced. Any amount reallocated to a State under this subsection from funds appropriated pursuant to section 732 for any fiscal year shall be deemed part of the amount allotted to it under subsection (a) for that year.

"State."

Reallotment.

Post, p. 596.

AGREEMENTS WITH STATE EDUCATIONAL AGENCIES

SEC. 714. (a) Any State which desires to receive grants under this part shall, through its State educational agency, enter into an agreement with the Commissioner, in such detail as the Commissioner deems necessary, which—

20 USC 1944.

(1) designates the State educational agency as the sole agency for administration of the agreement;

(2) provides for the establishment of a State advisory council on reading, appointed by the State educational agency, which shall be broadly representative of the educational resources of the State and of the general public, including persons representative of—

(A) public and private nonprofit elementary school children, and

(B) institutions of higher education,

(C) parents of elementary school children, and

(D) areas of professional competence relating to instruction in reading,

to advise the State educational agency on the formulation of a standard of excellence for reading programs in the elementary schools and on the preparation of, and policy matters arising in the administration of, the agreement (including the criteria for approval of applications for assistance under such agreement) and in the evaluation of results of the program carried out pursuant to the agreement;

(3) describes the reading programs in elementary schools for which assistance is sought under this part and procedures for giving priority to reading programs which are already receiving Federal financial assistance and show reasonable promise of achieving success;

(4) sets forth procedures for the submission of applications by local educational agencies within that State, including procedures for an adequate description of the reading programs for which assistance is sought under this part;

(5) sets forth criteria for achieving an equitable distribution of that part of the assistance under this part which is made available to local educational agencies pursuant to the second sentence of subsection (b) of this section, which criteria shall—

(A) take into account the size of the population to be served, beginning with preschool, the relative needs of pupils in different population groups within the State for the program authorized by this title, and the financial ability of the local educational agency serving such pupils,

(B) assure that such distribution shall include grants to local educational agencies having high concentrations of children with low reading proficiency, and

(C) assure an equitable distribution of funds among urban and rural areas;

(6) sets forth criteria for the selection or designation and training of personnel (such as reading specialists and administrators of reading programs) engaged in programs assisted under this part, including training for private elementary school personnel, which shall include qualifications acceptable for such personnel;

(7) provides for the coordination and evaluation of programs assisted under this part;

(8) provides for technical assistance and support services for local educational agencies participating in the program;

(9) makes provision for the dissemination to the educational community and the general public of information about the objectives of the program and results achieved in the course of its implementation;

Reports to
Commissioner. (10) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to evaluate the effectiveness of the program and to carry out his other functions under this title;

Ante, p. 591. (11) provides that not more than 5 per centum of the amount allotted to the State under section 713 for any fiscal year may be retained by the State educational agency for purposes of administering the agreement; and

(12) provides that programs assisted under this part shall be of sufficient size, scope, and quality so as to give reasonable promise of substantial progress toward achieving the purposes of this title.

(b) Grants for projects to carry out the purposes of this part may be made to local educational agencies (subject to the provision of subsection (e) relating to the participation of private elementary and secondary school pupils), institutions of higher education, and other public and nonprofit private agencies and institutions. Not less than 60 per centum of the amount allotted to a State under section 713 for any fiscal year shall be made available by the State for grants to local educational agencies within that State.

August 21, 1974

- 111 -

Pub. Law 93-380

88 STAT. 594

(c) The Commissioner shall enter into an agreement which complies with the provisions of subsection (a) with any State which desires to enter into such an agreement.

(d) The Commissioner's final action with respect to entering into an agreement under subsection (a) shall be subject to the provisions of section 207 of the Elementary and Secondary Education Act of 1965, relating to judicial review.

(e) The provisions of section 141A of the Elementary and Secondary Education Act of 1965 relating to the participation of children enrolled in private elementary and secondary schools shall apply to programs assisted under this part.

79 Stat. 39.
20 USC 827.
Ante, p. 497.

PART C—OTHER READING IMPROVEMENT PROGRAMS

SPECIAL EMPHASIS PROJECTS

SEC. 721. (a) The Commissioner is authorized to contract with local educational agencies for special emphasis projects to determine the effectiveness of intensive instruction by reading specialists and reading teachers. Each such project should provide for—

Contract
authority.
20 USC 1961.

(1) the teaching of reading by a reading specialist for all children in the first and second grades of an elementary school and the teaching of reading by a reading specialist for elementary school children in grades three through six who have reading problems; and

(2) an intensive vacation reading program for elementary school children who are found to be reading below the appropriate grade level or who are experiencing problems in learning to read.

(b) No contract may be entered into under this section unless upon an application made to the Commissioner at such time, in such manner, and including or accompanied by such information as he may reasonably require. Each such application shall provide assurances that—

(1) the provisions of section 705 (b) are met; and

(2) the State educational agency has certified that individuals employed as reading specialists and reading teachers meet the requirements of subsections (e) and (f).

Ante, p. 589.

(c) No contract may be entered into under this section unless the project has been approved by the State educational agency.

(d) The Commissioner is authorized to enter into at least one arrangement with a local educational agency for a districtwide project conducted in all schools of such agencies. In selecting the districtwide project, the Commissioner shall give priority to an application from a local educational agency if the Commissioner finds that—

Districtwide
project.

(1) the local educational agency will give credit for any course to be developed for reading teachers or reading specialists under section 722 and will encourage participation by the teachers of such agency in the training;

Post, p. 595.

(2) the local public educational television station will present or distribute, in the event supplementary noncommercial telecommunication is utilized, any course to be developed under section 722 at an hour convenient for the viewing by elementary school teachers, and, if possible, at a time convenient for such teachers to take the course, as a group, at the elementary school where they teach; and

(3) the local educational agency will make arrangements with the appropriate officials of institutions of higher education to obtain academic credit for the completion of such a course.

(e) In any project assisted under this section a reading teacher may be used in lieu of a reading specialist, if the Commissioner finds that the local educational agency participating in a reading emphasis project is unable to secure individuals who meet the requirements of a reading specialist and if such reading teacher is enrolled or will enroll in a program to become a reading specialist. A regular elementary teacher may be used in lieu of a reading teacher if the Commissioner finds that the local educational agency participating in a reading emphasis project is unable to secure individuals who meet the requirements of the reading teacher, and if such regular elementary teacher is enrolled or will enroll in a program to become a reading teacher.

Infra.

"Reading specialist."

(f) For the purpose of this section and section 722 the term—

(1) "reading specialist" means an individual who has a master's degree, with a major or specialty in reading, from an accredited institution of higher education and has successfully completed three years of teaching experience, which includes reading instruction, and

"Reading teacher."

(2) "reading teacher" means an individual, with a bachelor's degree, who has successfully completed a minimum of twelve credit hours, or its equivalent, in courses of the teaching of reading at an accredited institution of higher education, and has successfully completed two years of teaching experience, which includes reading instruction.

READING TRAINING ON PUBLIC TELEVISION

20 USC 1962.

SEC. 722. (a) The Commissioner is authorized, through grants or contracts, to enter into contractual arrangements with institutions of higher education, public or private agencies or organizations, and individuals for—

(1) the preparation, production, evaluation, and distribution for use on public educational television stations of courses for elementary school teachers who are or intend to become reading teachers or reading specialists; and

(2) the preparation and distribution of informational and study course material to be used in conjunction with any such course.

Consultation with specialists.

(b) In carrying out the provisions of this section the Commissioner shall consult with recognized authorities in the field of reading, specialists in the use of the communications media for educational purposes, and with the State and local educational agencies participating in projects under this title.

READING ACADEMIES

20 USC 1963.

SEC. 723. (a) The Commissioner is authorized to make grants to and to enter into contracts with State and local educational agencies, institutions of higher education, community organizations and other nonprofit organizations, having the capacity to furnish reading assistance and instruction to youths and adults who do not otherwise receive such assistance and instruction.

(b) Grants made and contracts entered into under this section shall contain provisions to assure that such reading assistance and instruction will be provided in appropriate facilities to be known as "reading academies".

August 21, 1974

- 113 -

Pub. Law 93-380

88 STAT. 596

PART D—GENERAL PROVISIONS

EVALUATION

SEC. 731. (a) The Commissioner shall submit an evaluation report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives not later than March 31, in each fiscal year ending prior to fiscal year 1979. Each such report shall—

Report to congressional committees.
20 USC 1981.
Contents.

(1) contain a statement of specific and detailed objectives for the program assisted under the provisions of this title;

(2) include a statement of the effectiveness of the program in meeting the stated objectives, measured through the end of the preceding fiscal year;

(3) make recommendations with respect to any changes or additional legislation deemed necessary or desirable in carrying out the program;

(4) contain a list identifying the principal analyses and studies supporting the major conclusions and recommendations contained in the report; and

(5) contain an annual evaluation plan for the program through the ensuing fiscal year for which the budget was transmitted to Congress by the President, in accordance with section 201(a) of the Budget and Accounting Act, 1921.

(b) From the sums appropriated pursuant to section 732 for any fiscal year, the Commissioner may reserve such amount, not in excess of 1 per centum of such sums, as he deems necessary for evaluation, by the Commissioner or by public or private nonprofit agencies, of programs assisted under this title.

64 Stat. 832;
70 Stat. 782;
84 Stat. 1169.
31 USC 11.

AUTHORIZATION OF APPROPRIATIONS

SEC. 732. (a) There are authorized to be appropriated to carry out the provisions of parts A and B of this title \$30,000,000 for the fiscal year ending June 30, 1975, \$82,000,000 for the fiscal year ending June 30, 1976, \$88,000,000 for the fiscal year ending June 30, 1977, and \$93,000,000 for the fiscal year ending June 30, 1978.

20 USC 1982.
Ante, pp. 589,
591.

(b) There are authorized to be appropriated to carry out the provisions of section 721, relating to special emphasis projects, \$15,000,000 for the fiscal year ending June 30, 1975, \$20,000,000 for the fiscal year ending June 30, 1976, and \$25,000,000 for each of the fiscal years ending June 30, 1977 and 1978.

(c) There are authorized to be appropriated for the purpose of carrying out section 722, relating to reading training on public television, \$3,000,000 for the fiscal year ending June 30, 1975. Sums appropriated pursuant to this subsection shall remain available for obligation and expenditure through the succeeding fiscal year.

(d) There are authorized to be appropriated to carry out the provisions of section 723, relating to reading academies, \$5,000,000 for the fiscal year ending June 30, 1975, \$7,500,000 for the fiscal year ending June 30, 1976, and \$10,000,000 for each of the fiscal years ending June 30, 1977 and 1978.

TITLE VIII—MISCELLANEOUS PROVISIONS

PART A—POLICY STATEMENTS AND WHITE HOUSE CONFERENCE ON
EDUCATION

NATIONAL POLICY WITH RESPECT TO EQUAL EDUCATIONAL OPPORTUNITY

20 USC 1221-1. SEC. 801. Recognizing that the Nation's economic, political, and social security require a well-educated citizenry, the Congress (1) reaffirms, as a matter of high priority, the Nation's goal of equal educational opportunity, and (2) declares it to be the policy of the United States of America that every citizen is entitled to an education to meet his or her full potential without financial barriers.

POLICY WITH RESPECT TO ADVANCE FUNDING OF EDUCATION PROGRAMS

20 USC 1223
note.
Ante, p. 562. SEC. 802. The Congress declares it to be the policy of the United States to implement immediately and continually section 411 of the General Education Provisions Act, relating to advance funding for education programs, so as to afford responsible State, local, and Federal officers adequate notice of available Federal financial assistance for education authorized under this and other Acts of Congress.

POLICY OF THE UNITED STATES WITH RESPECT TO MUSEUMS AS
EDUCATIONAL INSTITUTIONS

20 USC 1221-2. SEC. 803. The Congress, recognizing—
(1) that museums serve as sources for schools in providing education for children,
(2) that museums provide educational services of various kinds for educational agencies and institutions and institutions of higher education, and
(3) that the expense of the educational services provided by museums is seldom borne by the educational agencies and institutions taking advantage of the museums' resources,
declares that it is the sense of the Congress that museums be considered educational institutions and that the cost of their educational services be more frequently borne by educational agencies and institutions benefiting from those services.

WHITE HOUSE CONFERENCE ON EDUCATION

20 USC 1221-1
note.
Report. SEC. 804. (a) The President is authorized to call and conduct a White House Conference on Education in 1977 (hereafter in this section referred to as the "Conference") in order to stimulate a national assessment of the condition, needs, and goals of education and to obtain from a group of citizens broadly representative of all aspects of education, both public and nonpublic, a report of findings and recommendations with respect to such assessment.

(b) (1) In carrying out the provisions of this section, participants in conferences and other activities at local, State, and Federal levels are authorized to consider all matters relevant to the purposes of the Conference set forth in subsection (a), but shall give special consideration to the following:

- (A) The implementation of the policy set forth in section 801.
- (B) The means by which educational systems are financed.
- (C) Preschool education (including child care and nutrition programs), with special attention to the needs of disadvantaged children.

(D) The adequacy of primary education in providing all children with the fundamental skills of communication (reading, writing, spelling, and other elements of effective oral and written expression) and mathematics.

(E) The effectiveness of secondary education in preparing students for careers, as well as for postsecondary education.

(F) The place of occupational education (including education in proprietary schools) in the educational structure and the role of vocational and technical education in assuring that the Nation's requirements for skilled manpower are met.

(G) The structure and needs of postsecondary education, including methods of providing adequate levels of student assistance and institutional support.

(H) The adequacy of education at all levels in meeting the special educational needs of such individuals as handicapped persons, economically disadvantaged, racially or culturally isolated children, those who need bilingual instruction, and gifted and talented children.

(I) Ways of developing and implementing expanded educational opportunities for adults at the basic and secondary education equivalency levels.

(J) The contribution of nonpublic primary and secondary education in providing alternate educational experiences for pupils and a variety of options for parents in guiding their children's development.

(2) Participants in conference activities at the State and local levels are authorized to narrow the scope of their deliberations to the educational problems which they consider to be most critical in their respective areas, but shall be encouraged by the National Conference Committee (established pursuant to subsection (c)) to consider such problems in the context of the total educational structure.

(c)(1) There is established a National Conference Committee (hereafter in this section referred to as the "Committee"), composed of not more than thirty-five members, fifteen of whom shall be appointed by the President, ten of whom shall be appointed by the President pro tempore of the Senate, and ten of whom shall be appointed by the Speaker of the House of Representatives. The Committee shall at its first meeting select a Chairman and a Vice Chairman.

National
Conference
Committee.
Establishment;
membership.

(2)(A) The Committee shall provide guidance and planning for the Conference and shall make a final report (and such interim reports as may be desirable) of the results, findings, and recommendations of the Conference to the President and to the Congress not later than December 1, 1977.

Report to
President and
Congress.

(B) The Committee is authorized to provide such assistance as may be necessary for State and local conference activities in preparation for the National Conference.

(3) The Commissioner shall support the activities of the Committee by providing technical assistance, advice, and consultation.

(4) Members of the Committee shall serve without compensation, but may receive travel expenses (including per diem in lieu of subsistence) as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently, while employed in the business of the Committee away from their homes or regular places of business.

Travel expenses.

(5) The Committee is authorized to appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, a Conference Director and such professional, technical, and clerical personnel as may be necessary to assist in carrying out its functions under this section.

80 Stat. 499;
83 Stat. 190.

5 USC 101
et seq.

Grants.

(d)(1) From the sums appropriated pursuant to subsection (e) the Commissioner is authorized to make a grant to each State, upon application of the Governor thereof, in order to assist in meeting the costs of that State's participation in the Conference program (including the conduct of conferences at the State and local levels).

(2) Grants made pursuant to paragraph (1) shall be made only with the approval of the Chairman of the Committee.

Apportionment of funds.

(3) Funds appropriated for the purposes of this subsection shall be apportioned among the States by the Commissioner in accordance with their respective needs for assistance under this subsection, except that no State shall be apportioned more than \$75,000 nor less than \$25,000.

Appropriation.

(e) There are authorized to be appropriated, without fiscal year limitations, such sums as may be necessary to carry out the purposes of this section; and sums so appropriated shall remain available for expenditure until June 30, 1978.

"State."

(f) For the purposes of this section, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

PART B—EDUCATIONAL STUDIES AND SURVEYS

STUDY OF PURPOSES AND EFFECTIVENESS OF COMPENSATORY EDUCATION PROGRAMS

20 USC 1221e
note.

86 Stat. 328.
20 USC 1221e.

64 Stat. 1100;
79 Stat. 27;
Ante, p. 488.
20 USC 236.

SEC. 821. (a) In addition to the other authorities, responsibilities and duties conferred upon the National Institute of Education (hereinafter referred to as the "Institute") by section 405 of the General Education Provisions Act and notwithstanding the second sentence of subsection (b)(1) of such section 405, the Institute shall undertake a thorough evaluation and study of compensatory education programs, including such programs conducted by States and such programs conducted under title I of the Elementary and Secondary Education Act of 1965. Such study shall include—

(1) an examination of the fundamental purposes of such programs, and the effectiveness of such programs in attaining such purposes;

(2) an analysis of means to identify accurately the children who have the greatest need for such programs, in keeping with the fundamental purposes thereof;

(3) an analysis of the effectiveness of methods and procedures for meeting the educational needs of children, including the use of individualized written educational plans for children, and programs for training the teachers of children;

(4) an exploration of alternative methods, including the use of procedures to assess educational disadvantage, for distributing funds under such programs to States, to State educational agencies, and to local educational agencies in an equitable and efficient manner, which will accurately reflect current conditions and insure that such funds reach the areas of greatest current need and are effectively used for such areas;

(5) not more than 20 experimental programs, which shall be reasonably geographically representative, to be administered by the Institute, in cases where the Institute determines that such experimental programs are necessary to carry out the purposes of clauses (1) through (4), and the Commissioner of Education is

August 21, 1974

- 117 -

Pub. Law 93-380

88 STAT. 600

authorized, notwithstanding any provision of title I of the Elementary and Secondary Education Act of 1965, at the request of the Institute, to approve the use of grants which educational agencies are eligible to receive under such title I (in cases where the agency eligible for such grant agrees to such use) in order to carry out such experimental programs; and

64 Stat. 1100;
79 Stat. 27;
Ante, p. 488.
20 USC 236.

(6) findings and recommendations, including recommendations for changes in such title I or for new legislation, with respect to the matters studied under clauses (1) through (5).

(b) The National Advisory Council on the Education of Disadvantaged Children shall advise the Institute with respect to the design and execution of such study. The Commissioner of Education shall obtain and transmit to the Institute such information as it shall request with respect to programs carried on under title I of the Act.

Information,
availability.

(c) The Institute shall make an interim report to the President and to the Congress not later than December 31, 1976, and shall make a final report thereto no later than nine months after the date of submission of such interim report, on the result of its study conducted under this section. Any other provision of law, rule, or regulation to the contrary notwithstanding, such reports shall not be submitted to any review outside of the Institute before their transmittal to the Congress, but the President and the Commissioner of Education may make to the Congress such recommendations with respect to the contents of the reports as each may deem appropriate.

Report to
President and
Congress.

(d) Sums made available pursuant to section 151(i) of the Elementary and Secondary Education Act of 1965 shall be available to carry out the provisions of this section.

Ante, p. 499.

(e) (1) The Institute shall submit to the Congress, within one hundred and twenty days after the date of the enactment of this Act, a plan for its study to be conducted under this section. The Institute shall have such plan delivered to both Houses on the same day and to each House while it is in session. The Institute shall not commence such study until the first day after the close of the first period of thirty calendar days of continuous session of Congress after the date of the delivery of such plan to the Congress.

Study plan,
submittal to
Congress.

(2) For purposes of paragraph (1)—

(A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day period.

SURVEY AND STUDY FOR UPDATING NUMBER OF CHILDREN COUNTED

SEC. 822. (a) The Secretary of Commerce shall, in consultation with the Secretary of Health, Education, and Welfare, expand the current population survey (or make such other survey) in order to furnish current data for each State with respect to the total number of school-age children in each State to be counted for purposes of section 103(c)(1)(A) of title I of the Elementary and Secondary Act of 1965. Such survey shall be made, and a report of the results of such survey shall be made jointly by the Secretary of Commerce and the Secretary of Health, Education, and Welfare to the Congress, not later than one year after the date of the enactment of this Act.

20 USC 241c
note.

(b) The Secretary of Health, Education, and Welfare and the Secretary of Commerce shall study the feasibility of updating the number of children counted for purposes of section 103(c) of title I of the Act

Ante, p. 490.
Report to
Congress.

69 STAT. 601

Ante, p. 489.
Report to
Congress.

81 Stat. 795;
84 Stat. 125.
20 USC 241h.

20 USC 241a
note.

64 Stat. 1100;
79 Stat. 27;
Ante, p. 486.
20 USC 236.

Study con-
siderations.

42 USC 601.
Report to
Congress.

in school districts of local educational agencies in order to make adjustments in the amounts of the grants for which local educational agencies within a State are eligible under section 103(a)(2) of the Act, and shall report to the Congress, no later than one year after the date of enactment of this Act, the results of such study, which shall include an analysis of alternative methods for making such adjustments, together with the recommendations of the Secretary of Health, Education, and Welfare and the Secretary of Commerce with respect to which such method or methods are most promising for such purpose, together with a study of the results of the expanded population survey, authorized in subsection (a) (including analysis of its accuracy and the potential utility of data derived therefrom) for making adjustments in the amounts paid to each State under section 144(a)(1) of title I of such Act.

(c) No method of making adjustments directed to be considered pursuant to subsection (a) or subsection (b) shall be implemented unless such method shall first be enacted by the Congress.

STUDY OF THE MEASURE OF POVERTY USED UNDER TITLE I OF THE
ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 823. The Assistant Secretary shall supervise, with the full participation of the National Institute of Education and the National Center for Education Statistics, a thorough study of the manner in which the relative measure of poverty for use in the financial assistance program authorized by title I of the Elementary and Secondary Education Act of 1965 may be more accurately and currently developed. The study of the relative measure of poverty required by this subsection shall be adjusted for regional, climatic, metropolitan, urban, suburban, and rural differences and for family size and head of household differences. The study required by this section shall consider—

(A) the availability of data more current than the decennial census including data collected by any agency of the Federal Government which are relevant except that data so collected shall not disclose the name of any individual or any other information customarily held confidential by that agency, but shall include aggregate information to the extent possible;

(B) the availability and usefulness of cost of living data;

(C) the availability and usefulness of cost of housing data;

(D) the availability and usefulness of labor market and job availability data;

(E) the availability and usefulness of data with respect to prevailing wage rates, unemployment rates, and income distribution; and

(F) the availability of data with respect to eligibility criteria for aid to families with dependent children under a State plan approved under title IV of the Social Security Act.

(2) The Assistant Secretary is authorized and directed to prepare and submit to the Congress not later than one year after the effective date of this Act a report of the study conducted under this subsection including recommendations with respect to the availability of data designed to improve the relative measure of poverty for the program of financial assistance authorized by title I of the Elementary and Secondary Education Act of 1965. Whenever the Assistant Secretary determines that data specified in paragraph (1) of this subsection are not available or that it is impractical to obtain data for each relevant area or category, the report shall contain an explanation of the reasons therefor.

August 21, 1974

- 119 -

Pub. Law 93-380

88 S T. 602

STUDY OF LATE FUNDING OF ELEMENTARY AND SECONDARY EDUCATION PROGRAMS

SEC. 824. (a) The Commissioner shall make a full and complete investigation and study to determine— 20 USC 241a note.

(1) the extent to which late funding of Federal programs to assist elementary and secondary education handicaps local educational agencies in the effective planning of their education programs, and the extent to which program quality and achievement of program objectives is adversely affected by such late funding, and

(2) means by which, through legislative or administrative action, the problem can be overcome.

(b) Not later than one year after the date of enactment of this Act, the Commissioner shall make a report to the Congress on the study required by subsection (a), together with such recommendations as he may deem appropriate. Report to Congress.

SAFE SCHOOL STUDY

SEC. 825. (a) The Secretary shall make a full and complete investigation and study, including necessary research activities, during the period beginning upon the date of enactment of this Act and ending June 30, 1976, to determine— 20 USC 241a note.

(1) the frequency, seriousness, and incidence of crime in elementary and secondary schools in the States;

(2) the number and location of schools affected by crime;

(3) the per-pupil average incidence of crimes in elementary and secondary schools in urban, suburban, and rural schools located in all regions of the United States;

(4) the cost of replacement and repair of facilities, books, supplies, equipment, and other tangible objects seriously damaged or destroyed as the result of crime in such schools; and

(5) the means by which crimes are attempted to be prevented in such schools and the means by which crimes may more effectively be prevented in such schools.

(b) Within thirty days after the date of the enactment of this Act, the Secretary shall request each State educational agency to take the steps necessary to establish and maintain appropriate records to facilitate the compilation of information under clauses (2) and (3) of subsection (a) and to submit such information to him no later than seven months after the date of enactment of this Act. In conducting this study, the Secretary shall utilize data and other information available as a result of any other studies which are relevant to the objectives of this section. Information, submittal to Secretary.

(c) Not later than December 1, 1976, the Secretary shall prepare and submit to the Congress a report on the study required by this section, together with such recommendations as he may deem appropriate. In such report, all information required under each paragraph of subsection (a) of this section shall be stated separately and be appropriately labeled, and shall be separately stated for elementary and secondary schools, as defined in sections 801 (c) and (d) of the Elementary and Secondary Education Act of 1965. Report to Congress.

(d) The Secretary may reimburse each State educational agency for the amount of expenses incurred by it in meeting the requests of the Secretary under this section.

(e) There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

79 Stat. 55;
80 Stat. 1204;
81 Stat. 816.
20 USC 881.
Reimbursement to State agencies.
Appropriation.

STUDY OF ATHLETIC INJURIES

20 USC 241a
note.

SEC. 826. (a) The Secretary shall make a full and complete investigation and study to determine—

(1) the number of athletic injuries to, and deaths of male and female students occurring in athletic competition between schools, in any practice session for such competition, and in any other school-related athletic activities for the twelve-month period beginning sixty days after the date of enactment of this Act;

(2) the number of athletic injuries and deaths occurring (for the twelve-month period under clause (1)) at each school with an athletic trainer or other medical or health professional personnel trained to prevent or treat such injuries and at each school without such personnel.

Information,
submittal to
Secretary.

(b) Within fifty days after the date of enactment of this Act, the Secretary shall request each school to maintain appropriate records to enable it to compile information under subsection (a) and shall request such school to submit such information to the Secretary immediately after the twelve-month period beginning sixty days after the date of enactment of this Act. Not later than eighteen months after the date of enactment of this Act, the Secretary shall make a report to the Congress on the study required by subsection (a), together with such recommendations as he may deem appropriate. In such report, all information required under each paragraph of subsection (a) shall be stated separately for the two groups of schools under clauses (1) and (2) of subsection (c), except that the information shall also be stated separately (and shall be excluded from the group under clause (2)) for institutions of higher education which provide either of the two-year programs described in section 801 (E) (3) of the Elementary and Secondary Education Act of 1965.

Report to
Congress.

(c) For the purposes of this section, the term "school" means (1) any secondary school or (2) any institution of higher education, as defined in section 801 of the Elementary and Secondary Education Act of 1965.

79 Stat. 55;
80 Stat. 1204;
81 Stat. 816.
20 USC 881.
"School."

(d) There is authorized to be appropriated the sum of \$75,000 to carry out the provisions of this section.

Appropriation.

PART C—AMENDMENTS TO THE HIGHER EDUCATION ACT OF 1965

COMMUNITY SERVICE AND CONTINUING EDUCATION AMENDMENTS

79 Stat. 1224;
87 Stat. 59.
20 USC 1009.
84 Stat. 172;
86 Stat. 326.
20 USC 1233g.

SEC. 831. Section 111 of the Higher Education Act of 1965 is amended by adding at the end thereof the following new sentence: "Subject to section 448 (b) of the General Education Provisions Act, the Advisory Council shall continue to exist through June 30, 1975."

DEVELOPING INSTITUTIONS AMENDMENT

Waiver.
86 Stat. 241.
20 USC 1052.

SEC. 832. Section 302 (a) (2) of the Higher Education Act of 1965 is amended by adding at the end thereof the following new sentence: "The Commissioner is authorized to waive three years of the requirements set forth in clause (C) of paragraph (1) in the case of applications for grants under this title by institutions if the Commissioner determines such action will substantially increase higher education for Spanish-speaking people."

BILINGUAL EDUCATION AMENDMENTS

86 Stat. 258.
20 USC 1070d-1.

SEC. 833. (a) (1) Clause (B) of section 417B (b) (3) of the Higher Education Act of 1965 is amended by inserting "(i)" after the word "who" and by inserting before the semicolon at the end thereof a

August 21, 1974

- 121 -

Pub. Law 93-380

88 STAT. 604

comma and the following: "or (ii) by reason of limited English-speaking ability, are in need of bilingual educational teaching, guidance, and counseling in order to enable them to pursue a post-secondary education".

(2) Section 417B of such Act is amended by adding at the end thereof the following new subsection:

86 Stat. 258.
20 USC 1070d-1.

"(d) Recipients of grants or contracts for the purposes of clause (3) (ii) of subsection (b) shall include in their curriculum a program of English language instruction for students of limited English-speaking ability."

(b) The amendments made by this section shall be effective upon the enactment of this Act.

Effective date.
20 USC 1070d-1
note.

VETERANS COST OF INSTRUCTION PAYMENTS AMENDMENTS

SEC. 834. (a) (1) Paragraph (1) of section 420(a) of the Higher Education Act of 1965 is amended to read as follows:

86 Stat. 376.
20 USC 1070e-1.

"(1) During the period beginning July 1, 1972, and ending June 30, 1975, each institution of higher education shall be entitled to a payment under, and in accordance with, this section during any fiscal year if—

"(A) the number of persons who are veterans receiving vocational rehabilitation under chapter 31 of title 38, United States Code, or veterans receiving educational assistance under chapter 34 of such title, and who are in attendance as undergraduate students at such institution during any academic year, equals at least—

38 USC 1501.
38 USC 1651.

"(i) 110 per centum of the number of such recipients who were in attendance at such institution during the preceding academic year, or

"(ii) 10 per centum of the total number of undergraduate students in attendance at such institution during such academic year and if such number does not constitute a per centum of such undergraduate students which is less than such per centum for the preceding academic year; and

"(B) the number of such persons is at least 25."

(2) The first sentence of paragraph (2) of section 420(a) of such Act is amended by inserting before the period a comma and the following: "or equals at least the minimum number of such persons necessary to establish eligibility to entitlement under paragraph (1) during the preceding academic year, whichever is less".

(3) Section 420(d) of such Act is amended by inserting "(1)" after "(d)" and by adding at the end thereof the following new paragraph:

"(2) The maximum amount of payments to any institution of higher education, or any branch thereof which is located in a community which is different from that in which the parent institution thereof is located, in any fiscal year, shall be \$135,000. In making payments under this section for any fiscal year, the Commissioner shall apportion the appropriation for making such payments, from funds which become available as a result of the limitation on payments set forth in the preceding sentence, in such a manner as will result in the receipt by each institution which is eligible for a payment under this section of first \$9,000 (or the amount of its entitlement for that fiscal year, whichever is less) and then additional amounts up to the limitation set forth in the preceding sentence."

(4) Section 420(e) of such Act is amended by striking out the matter preceding the word "except" and inserting in lieu thereof the fol-

lowing: "Not less than 75 per centum of the amounts paid to any institution under subsection (d) in any fiscal year shall be used to implement the requirement of clause (B) (i) of paragraph (1) of subsection (c), and, to the extent that such funds remain after implementing such requirements, funds limited by such 75 per centum requirement shall be used for implementing the requirements of clauses (B) (ii), (iii), and (iv) of such paragraph (1)."

(b) The amendments made by this section shall take effect on the date of the enactment of this Act.

Effective date.
20 USC 1070e-1
note.

TEACHER CORPS AMENDMENTS

SEC. 835. (a) (1) Section 511 of the Higher Education Act of 1965 is amended—

(A) by inserting after "teacher preparation" in the matter preceding paragraph (1) the following: "and to encourage institutions of higher education and local educational agencies to improve programs of training and retraining for teachers and teacher aides";

(B) by striking out "and" at the end of paragraph (3);

(C) by striking out the period at the end of paragraph (4) and inserting in lieu thereof a semicolon and "and";

(D) by inserting after paragraph (4) the following new paragraph:

"(5) supporting demonstration projects for retraining experienced teachers and teacher aides serving in local educational agencies."

(2) Section 513 (a) of such Act is amended by inserting in paragraph (1) after "experienced teachers" a comma and the following: "teacher aides".

(3) Section 513 (c) of such Act is amended—

(A) by striking out "3 per centum" in paragraph (2) and inserting in lieu thereof "5 per centum";

(B) by striking out in paragraph (2) "and the Virgin Islands" and inserting in lieu thereof "the Virgin Islands, Guam, American Samoa and the Trust Territory of the Pacific Islands"; and

(C) by striking out in paragraph (2) "or the Virgin Islands" and inserting in lieu thereof "the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands".

(4) Section 514 (a) (2) of such Act is amended to read as follows:

"(2) a teacher intern shall be compensated at such rates as the Commissioner may determine to be consistent with the nature of the program and with prevailing practices under comparable federally supported programs or local projects, not to exceed \$150 per week plus \$15 per week for each dependent; and"

(b) The amendments made by subsection (a) shall be effective on and after July 1, 1974.

Compensation.
79 Stat. 1257;
81 Stat. 86;
84 Stat. 191.
20 USC 1104.

Effective date.
20 USC 1101
note.

AMENDMENT TO TITLE IX RESPECTING TRAINING IN THE LEGAL PROFESSION

SEC. 836. (a) Part D of title IX of the Higher Education Act of 1965 is amended by adding at the end thereof the following new section:

"ASSISTANCE FOR TRAINING IN THE LEGAL PROFESSION

"SEC. 966. (a) The Commissioner is authorized prior to July 1, 1978, to make grants to, or enter into contracts with, public and private agencies and organizations other than institutions of higher education for the purpose of assisting individuals from disadvantaged

86 Stat. 309.
20 USC 1134n.

20 USC 1134r-1.

August 21, 1974

- 123 -

Pub. Law 93-380

88 STAT. 606

backgrounds, as determined in accordance with criteria prescribed by the Commissioner, to undertake training for the legal profession.

"(b) Grants made, and contracts entered into under, subsection (a) may cover, in accordance with regulations of the Commissioner, all or part of the cost of—

"(1) selecting individuals from disadvantaged backgrounds for training for the legal profession,

"(2) facilitating the entry of such individuals into institutions of higher education for the purpose of pursuing such training,

"(3) providing counseling or other services designed to assist such individuals to complete successfully such training,

"(4) providing, for not more than three months prior to the entry of such individuals upon their courses of training for the legal profession, preliminary training for such individuals designed to assist them to complete successfully such training for the legal profession,

"(5) paying such stipends (including allowances for travel and for dependents) as the Commissioner may determine for such individuals for any such period of preliminary training or for any period of training for the legal profession during which such individuals maintain satisfactory academic proficiency, as determined by the Commissioner, and

"(6) paying for administrative activities of the agencies and organizations which receive such grants, or with which such contracts are entered into, to the extent such activities are for the purpose of furthering activities described in clauses (1) through (5).

"(c) The activities authorized under this section may be carried out without regard to the requirements and limitations set forth in sections 962 and 963 of this part."

(b) The amendment made by subsection (a) shall become effective on September 1, 1974.

COMMUNITY COLLEGE AND OCCUPATIONAL EDUCATION AMENDMENT

SEC. 837. Section 1001(b)(1) is amended by striking out "1974" and inserting in lieu thereof "1975".

86 Stat. 310.
20 USC 1134g,
1134p.
Effective date.
20 USC 1134r-1
note.

20 USC 1135.

PART D—OTHER MISCELLANEOUS PROVISIONS

AMENDMENTS TO THE LIBRARY SERVICES AND CONSTRUCTION ACT AND THE VOCATIONAL EDUCATION ACT OF 1963 RELATING TO BILINGUAL EDUCATION AND VOCATIONAL TRAINING

SEC. 841. (a)(1) Section 102 of the Vocational Education Act of 1963 is amended by redesignating subsection (c), and all references thereto, as subsection (d), and by adding after subsection (b) thereof the following new subsection:

"(c) There are authorized to be appropriated \$17,500,000 for the fiscal year ending June 30, 1975, for the purpose of carrying out section 122(a)(4)(C). Nothing in this subsection shall be construed to affect the availability for such purpose of appropriations made pursuant to subsection (a)."

(2) Clause (D) of section 104(a)(1) of such Act is amended by inserting before the comma at the end thereof the following: "and of persons of limited English-speaking ability (as defined in section 703 (a) of title VII of the Elementary and Secondary Education Act of 1965)".

82 Stat. 1064;
86 Stat. 325.
20 USC 1242.

Appropriation.

Post, p. 607.

82 Stat. 1066.
20 USC 1244.

Ante, p. 504.

82 Stat. 1066.
20 USC 1244.

Ante, p. 504.
20 USC 1248.

"Vocational
training."

"Postsecondary
educational
institution."

82 Stat. 1072.
20 USC 1262.

Ante, p. 578.

82 Stat. 1090;
86 Stat. 326.
20 USC 1391.
82 Stat. 1064.
20 USC 1241.

(3) Clause (A)(vii) of section 104(b)(1) of such Act is amended by inserting before the comma at the end thereof the following: "(and may include, where appropriate, students who are persons of limited English-speaking ability (as defined in section 703(a) of title VII of the Elementary and Secondary Education Act of 1965))".

(4) Section 108 of such Act is amended by adding at the end thereof the following new paragraphs:

"(14) The term 'vocational training' means training or retraining which is conducted as part of a program designed to prepare individuals for gainful employment as semiskilled or skilled workers or technicians or subprofessionals in recognized occupations and in new and emerging occupations, but excluding any program to prepare individuals for employment in occupations which the Commissioner determines, and specifies by regulation, to be generally considered professional which requires a baccalaureate or higher degree; such term includes guidance and counseling (either individually or through group instruction) in connection with such training or for the purpose of facilitating occupational choices; instruction related to the occupation or occupations to which the students are in training or instruction necessary for students to benefit from such training; the training of persons engaged as, or preparing to become, instructors in a vocational training program; travel of students and vocational training personnel while engaged in a training program; and the acquisition, maintenance, and repair of instructional supplies, aids, and equipment, but such term does not include the construction, acquisition, or initial equipment of buildings or the acquisition or rental of land.

"(15) The term 'postsecondary educational institution' means a nonprofit institution legally authorized to provide postsecondary education within a State for persons sixteen years of age or older, who have graduated from or left elementary or secondary school."

(5) (A) Clause (4) of section 122(a) of such Act is amended by adding at the end thereof the following:

"(C) vocational education for students of limited English-speaking ability (as defined in section 703(a) of title VII of the Elementary and Secondary Education Act of 1965) carried out in coordination with bilingual education programs under such title VII and bilingual adult education programs under section 306(a) (11) of the Adult Education Act;"

(6) Section 191 of such Act, and all references thereto, is redesignated as section 189.

(7) Title I of such Act is amended by adding at the end thereof the following new part:

"PART J—BILINGUAL VOCATIONAL TRAINING

"STATEMENT OF FINDINGS

20 USC 1393.

"SEC. 191. The Congress hereby finds that one of the most acute problems in the United States is that which involves millions of citizens, both children and adults, whose efforts to profit from vocational training is severely restricted by their limited English-speaking ability because they come from environments where the dominant language is other than English; that such persons are therefore unable to help to fill the critical need for more and better trained personnel in vital occupational categories; and that such persons are unable to make their maximum contribution to the Nation's economy and must, in fact, suffer the hardships of unemployment or underemployment. The Congress further finds that there is a critical shortage of instructors

August 21, 1974

- 125 -

Pub. Law 93-380

88 STAT. 608

possessing both the job knowledge and skills and the dual language capabilities required for adequate vocational instruction of such language-handicapped persons, and a corresponding shortage of instructional materials and of instructional methods and techniques suitable for such instruction.

"GENERAL RESPONSIBILITIES OF THE COMMISSIONER

"SEC. 192. (a) The Commissioner and the Secretary of Labor together shall— 20 USC 1393a.

"(1) develop and disseminate accurate information on the status of bilingual vocational training in all parts of the United States;

"(2) evaluate the impact of such bilingual vocational training on the shortages of well-trained personnel, the unemployment or underemployment of persons with limited English-speaking ability, and the ability of such persons to contribute fully to the economy of the United States; and

"(3) report their findings annually to the President and the Congress.

Report to President and Congress. Consultation with Secretary of Labor.

"(b) The Commissioner shall consult with the Secretary of Labor with respect to the administration of this part. Regulations and guidelines promulgated by the Commissioner to carry out this part shall be consistent with those promulgated by the Secretary of Labor pursuant to section 301(b) of the Comprehensive Employment and Training Act of 1973 and shall be approved by the Secretary of Labor before issuance.

87 Stat. 857.
29 USC 871.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 193. There are authorized to be appropriated \$17,500,000 for the fiscal year ending June 30, 1975, to carry out the provisions of this part. 20 USC 1393b.

"AUTHORIZATION OF GRANTS

"SEC. 194. (a) From the sums made available for grants under this part pursuant to section 193, the Commissioner is authorized to make grants to and enter into contracts with appropriate State agencies, local educational agencies, postsecondary educational institutions, private nonprofit vocational training institutions, and to other nonprofit organizations especially created to serve a group whose language as normally used is other than English in supplying training in recognized occupations and new and emerging occupations, and to enter into contracts with private for-profit agencies and organizations, to assist them in conducting bilingual vocational training programs for persons of all ages in all communities of the United States which are designed to insure that vocational training programs are available to all individuals who desire and need such bilingual vocational training.

Bilingual vocational training.
20 USC 1393c.

"(b) The Secretary shall pay to each applicant which has an application approved under this part an amount equal to the total sums expended by the applicant for the purposes set forth in that application.

Payments to applicants.

"USE OF FEDERAL FUNDS

"SEC. 195. Grants and contracts under this part may be used, in accordance with applications approved under section 197, for—

20 USC 1393d.
Post, p. 609.

"(1) bilingual vocational training programs for persons who have completed or left elementary or secondary school and who are available for training by a postsecondary educational institution;

88 STAT. 609

"(2) bilingual vocational training programs for persons who have already entered the labor market and who desire or need training or retraining to achieve year-round employment, adjust to changing manpower needs, expand their range of skills, or advance in employment; and

"(3) training allowances for participants in bilingual vocational training programs subject to the same conditions and limitations as are set forth in section 111 of the Comprehensive Employment and Training Act of 1973.

87 Stat. 849.
29 USC 821.

"APPLICATIONS

20 USC 1393e.

"SEC. 196. (a) A grant or contract for assistance under this part may be made only upon application to the Commissioner at such time, in such manner, and containing or accompanied by such information as the Commissioner deems necessary. Each such application shall—

"(1) provide that the activities and services for which assistance under this part is sought will be administered by or under the supervision of the applicant;

Ante, p. 608.

"(2) set forth a program for carrying out the purposes described in section 195; and

"(3) set forth a program of such size, scope, and design as will make a substantial contribution toward carrying out the purposes of this part.

"(b) No grant or contract may be made under this part directly to a local educational agency or a postsecondary educational institution or a private vocational training institution or any other eligible agency or organization unless that agency, institution, or organization has submitted the application to the State board established under part B of this title, or in the case of a State that does not have such a board, the similar State agency, for comment and includes the comment of that board or agency with the application.

82 Stat. 1072.
20 USC 1261.

"APPLICATION APPROVAL BY THE COMMISSIONER

Conditions.
20 USC 1393f.

"SEC. 197. (a) The Commissioner may approve an application for assistance under this part only if—

"(1) the application meets the requirements set forth in subsection (a) of the previous section;

"(2) in the case of an application submitted for assistance under this part to an agency, institution, or organization other than the State board established under part B of this title, the requirement of subsection (b) of the previous section is met; and

"(3) in the case of an application submitted for assistance under this part, the Commissioner determines that the program is consistent with criteria established by him, where feasible, after consultation with the State board established under part B of this title, for achieving equitable distribution of assistance under this part within that State.

"(b) An amendment to an application shall, except as the Secretary may otherwise provide, be subject to approval in the same manner as the original application."

84 Stat. 1663.
20 USC 351d.

(b) Clause (4) of section 6(b) of the Library Services and Construction Act is amended by inserting before the period at the end thereof a comma and the following: "and to programs and projects which serve areas with high concentrations of persons of limited

August 21, 1974

- 127 -

Pub. Law 93-380

88 STAT. 610

English-speaking ability (as defined in section 703(a) of title VII of the Elementary and Secondary Education Act of 1965, as amended)".

Ante, p. 504.

(c) The amendments made by this section shall be effective on and after July 1, 1974.

Effective date.
20 USC 1242
note.

ASSISTANCE TO STATES FOR STATE EQUALIZATION PLANS

SEC. 842. (a) (1) Any State desiring to develop a plan for a program of financial assistance to local educational agencies in that State to assist such agencies in the provision of free public education may, upon application therefor, be reimbursed for the development or administration of such a plan in accordance with the provisions of this section. Each plan developed pursuant to, or which meets the requirements of, this section shall be submitted to the Commissioner not later than July 1, 1977, and shall, subject to the provisions of this section, be consistent with the guidelines developed pursuant to paragraph (3). Such plan shall be designed to implement a program of State aid for free public education—

Reimbursement
to States.
20 USC 246.

(A) which is consistent with such standards as may be required by the fourteenth article of amendment to the Constitution; and

Submittal to
Commissioner.

(B) the primary purpose of which is to achieve equality of educational opportunity for all children in attendance at the schools of the local educational agencies of the State.

(2) The Commissioner shall develop guidelines defining the principles set forth in clauses (A) and (B) of paragraph (1). Not later than April 1, 1975, the Commissioner shall publish such guidelines in the Federal Register and submit such guidelines to the President of the Senate and the Speaker of the House of Representatives.

Guidelines.
Publication in
Federal Register;
submittal to
President of
Senate and
Speaker of
House.

(3) During the sixty-day period following such publication, the Commissioner shall provide interested parties with an opportunity to present views and make recommendations with respect to such guidelines. Not later than July 1, 1975, the Commissioner shall (A) republish such guidelines in the Federal Register, together with any amendments thereto as may be merited and (B) publish in the Federal Register a summary of the views and recommendations presented by interested parties under the preceding sentence, together with the comments of the Commissioner respecting such views and recommendations.

Republication
in Federal
Register.

(4) (A) The guidelines published in accordance with paragraph (3), together with any amendments, shall, not later than July 1, 1975, be submitted to the President of the Senate and the Speaker of the House of Representatives. If either the Senate or the House of Representatives adopts, prior to December 1, 1975, a resolution of disapproval of such guidelines, the Commissioner shall, prior to December 15, 1975, publish new guidelines. Such new guidelines shall take into consideration such views and policies as may be made in connection with such resolution and shall become effective thirty days after such publication.

Submittal to
President of
Senate and
Speaker of
House.

New guidelines.

(B) A resolution of disapproval under this paragraph may be in the form of a resolution of either the Senate or the House of Representatives or such resolution may be in the form of a concurrent resolution of both Houses. If such a resolution of disapproval is in the form of a concurrent resolution, the new guidelines published in accordance with the second sentence of subparagraph (A) of this paragraph shall be consistent with such policies as may be established by such concurrent resolution.

Resolution of
disapproval.

(C) If each of the Houses adopts a separate resolution with respect to guidelines submitted in accordance with this paragraph for any year and in connection therewith makes policy statements which differ substantially, then such differences may be resolved by the adoption of a concurrent resolution by both Houses. Any such concurrent resolution shall be deemed to be adopted in accordance with subparagraph (B).

(b) Any State developing a plan pursuant to this section may reject any guidelines developed and published under subsection (a) of this section if such State, as a provision of its plan, states the reasons for each such rejection.

(c) (1) Each State that develops a plan under this section shall be reimbursed for the reasonable amounts expended by the State in the development or administration of such a plan based upon the ratio of the population of that State to the population of all States except that no State shall receive less than \$100,000 and no State shall receive more than \$1,000,000.

(2) For the purposes of this section the term "State" means the fifty States.

TREATMENT OF PUERTO RICO AS A STATE

SEC. 843. (a) (1) Section 143(b) of the Elementary and Secondary Education Act of 1965, 202(a) (1), and 302(a) (1) of such Act are each amended by striking out "Puerto Rico,".

(2) Section 202(a) (2), 302(a) (2), 307(b), 502(a) (1), 522(a), 531(c) (1) (A), and 531(c) (1) (B) of such Act are each amended by striking out "the Commonwealth of Puerto Rico," each time it appears.

(3) Sections 202(a) (1) and 302(a) (1) of such Act are each amended by striking out "3 per centum" and inserting in lieu thereof "1 per centum". Sections 502(a) (1), 522(a), and 531(c) (1) (A) of such Act are each amended by striking out "2 per centum" and inserting in lieu thereof "1 per centum".

(b) (1) Effective after June 30, 1975, section 612(a) (1) of the Education of the Handicapped Act is amended by striking out "Puerto Rico,".

(2) Effective after June 30, 1975, sections 612(a) (2) and 613(a) (1) of the Education of the Handicapped Act are each amended by striking out "the Commonwealth of Puerto Rico,".

(3) Effective after June 30, 1975, section 612(a) (1) of the Education of the Handicapped Act is amended by striking out "3 per centum" and inserting in lieu thereof "1 per centum".

(c) (1) Section 303(f) of the Adult Education Act is amended by striking out "the Commonwealth of Puerto Rico," where it occurs, and by inserting "the Commonwealth of Puerto Rico," after "the District of Columbia,".

(2) Section 305(a) of such Act is amended by striking out "Puerto Rico,".

(3) Section 305(a) of the Adult Education Act is amended by striking out "2 per centum" and inserting in lieu thereof "1 per centum".

(d) Notwithstanding any provision of part A of title I of the Elementary and Secondary Education Act of 1965, the amount which the Commonwealth of Puerto Rico is eligible to receive under subpart 1 of such part A or under sections 121, 122, or 123 for the fiscal year ending June 30, 1975, shall not exceed 50 per centum of the full amount the Commonwealth of Puerto Rico would receive (after required

Reimbursement
to States,
limitation.

"State."

20 USC 241g,
822, 842.

20 USC 845,
862, 866a,
867.

Effective dates.
20 USC 1412
and note.

20 USC 1413.

20 USC 1202.

20 USC 1204.

20 USC 241c
note.
79 Stat. 28;
84 Stat. 126.
20 USC 241c,
Ante, p. 491.

August 21, 1974

- 129 -

Pub. Law 93-380

88 STAT. 612

ratable reductions) under such subpart or section but for this subsection, and for the fiscal years ending June 30, 1976, June 30, 1977, and June 30, 1978, such amount shall not exceed 75 per centum of the full amount the Commonwealth of Puerto Rico would receive (after required ratable reductions) under such subpart or section but for this subsection.

(e) Unless otherwise specifically provided, the amendments made by this section shall be effective on and after July 1, 1974.

Effective date.
20 USC 241g
note.

PROVISION RELATING TO SEX DISCRIMINATION

SEC. 844. The Secretary shall prepare and publish, not later than 30 days after the date of enactment of this Act, proposed regulations implementing the provisions of title IX of the Education Amendments of 1972 relating to the prohibition of sex discrimination in federally assisted education programs which shall include with respect to intercollegiate athletic activities reasonable provisions considering the nature of particular sports.

Proposed regulations, publication.
20 USC 1681
note.
86 Stat. 373.
20 USC 1681.

EXTENSION OF ADVISORY COUNCILS

SEC. 845. (a) Section 148(c) of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new sentence: "Subject to section 448(b) of the General Education Provisions Act, the National Council shall continue to exist until July 1, 1978."

84 Stat. 125,
126.
20 USC 2411.
20 USC 1233g.

(b) Section 309(c) of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new sentence: "Subject to section 448(b) of the General Education Provisions Act, the Council shall continue to exist until July 1, 1978, except that the Council shall not exist during any year for which funds are available for obligation by the Commissioner for carrying out title IV."

84 Stat. 140.
20 USC 847a.

(c) Section 708(a) of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new sentence: "Subject to section 448(b) of the General Education Provisions Act, the Advisory Committee shall continued to exist until July 1, 1978."

20 USC 1221.
81 Stat. 819;
84 Stat. 151,
152.
20 USC 880b-5.

(d) Section 442(a) of the Education Amendments of 1972 is amended by adding at the end thereof the following new sentence: "Subject to section 448(b) of the General Education Provisions Act, the National Council shall continue to exist until July 1, 1978."

86 Stat. 343.
20 USC 1221g.

(e) Section 716(b) of the Emergency School Aid Act is amended by adding at the end thereof the following new sentence: "Subject to section 448(b) of the General Education Provisions Act, such Council shall continue to exist until July 1, 1975."

86 Stat. 368.
20 USC 1615.

(f) Section 310(b) of the Adult Education Act is amended by adding at the end thereof the following new sentence: "Subject to section 448(b) of the General Education Provisions Act, the Council shall continue to exist until July 1, 1978."

87 Stat. 60.
20 USC 1209.

(g) Section 104(a) of the Vocational Education Act of 1963 is amended by adding at the end thereof the following new sentence: "Subject to section 448(b) of the General Education Provisions Act, the National Council shall continue to exist until July 1, 1976."

82 Stat. 1066.
20 USC 1244.

SEPARABILITY

20 USC 241b
note.
Ante, pp. 488,
535.
USC preo.
title 1.

SEC. 846. If any provision of, or any amendment made by, titles I and IV of this Act is held invalid by reason of being inconsistent with the Constitution, all provisions of this Act and amendments made by this Act which are separable from such invalid provision or amendment shall remain in effect. If any such provision or amendment is held invalid in one or more applications of such provision or amendment, such provision or amendment shall remain in effect in all valid applications which are separable from any such application.

Approved August 21, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-805 (Comm. on Education and Labor).

SENATE REPORTS: No. 93-763 accompanying S. 1539 (Comm. on Labor and Public Welfare) and No. 93-1026 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 120 (1974):

Mar. 12, 26, 27, considered and passed House.

May 8, 13-16, 20, considered and passed Senate, amended, in lieu of S. 1539.

July 24, Senate agreed to conference report.

July 31, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 10, No. 34:

Aug. 21, Presidential statement.



Public Law 93-383
93rd Congress, S. 3066
August 22, 1974

An Act

To establish a program of community development block grants, to amend and extend laws relating to housing and urban development, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Housing and Community Development Act of 1974".

Housing and
Community De-
velopment Act
of 1974.
42 USC 5301
note.

TITLE I—COMMUNITY DEVELOPMENT

FINDINGS AND PURPOSE

SEC. 101. (a) The Congress finds and declares that the Nation's cities, towns, and smaller urban communities face critical social, economic, and environmental problems arising in significant measure from—

42 USC 5301.

(1) the growth of population in metropolitan and other urban areas, and the concentration of persons of lower income in central cities; and

88 STAT. 633
88 STAT. 634

(2) inadequate public and private investment and reinvestment in housing and other physical facilities, and related public and social services, resulting in the growth and persistence of urban slums and blight and the marked deterioration of the quality of the urban environment.

(b) The Congress further finds and declares that the future welfare of the Nation and the well-being of its citizens depend on the establishment and maintenance of viable urban communities as social, economic, and political entities, and require—

(1) systematic and sustained action by Federal, State, and local governments to eliminate blight, to conserve and renew older urban areas, to improve the living environment of low- and moderate-income families, and to develop new centers of population growth and economic activity;

(2) substantial expansion of and greater continuity in the scope and level of Federal assistance, together with increased private investment in support of community development activities; and

(3) continuing effort at all levels of government to streamline programs and improve the functioning of agencies responsible for planning, implementing, and evaluating community development efforts.

(c) The primary objective of this title is the development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income. Consistent with this primary objective, the Federal assistance provided in this title is for the support of community development activities which are directed toward the following specific objectives—

(1) the elimination of slums and blight and the prevention of blighting influences and the deterioration of property and neighborhood and community facilities of importance to the welfare of the community, principally persons of low and moderate income;

(2) the elimination of conditions which are detrimental to health, safety, and public welfare, through code enforcement, demolition, interim rehabilitation assistance, and related activities;

(3) the conservation and expansion of the Nation's housing stock in order to provide a decent home and a suitable living environment for all persons, but principally those of low and moderate income;

(4) the expansion and improvement of the quantity and quality of community services, principally for persons of low and moderate income, which are essential for sound community development and for the development of viable urban communities;

(5) a more rational utilization of land and other natural resources and the better arrangement of residential, commercial, industrial, recreational, and other needed activity centers;

(6) the reduction of the isolation of income groups within communities and geographical areas and the promotion of an increase in the diversity and vitality of neighborhoods through the spatial deconcentration of housing opportunities for persons of lower income and the revitalization of deteriorating or deteriorated neighborhoods to attract persons of higher income; and

(7) the restoration and preservation of properties of special value for historic, architectural, or esthetic reasons.

It is the intent of Congress that the Federal assistance made available under this title not be utilized to reduce substantially the amount of local financial support for community development activities below the level of such support prior to the availability of such assistance.

(d) It is also the purpose of this title to further the development of a national urban growth policy by consolidating a number of complex and overlapping programs of financial assistance to communities of varying sizes and needs into a consistent system of Federal aid which—

(1) provides assistance on an annual basis, with maximum certainty and minimum delay, upon which communities can rely in their planning;

(2) encourages community development activities which are consistent with comprehensive local and areawide development planning;

(3) furthers achievement of the national housing goal of a decent home and a suitable living environment for every American family; and

(4) fosters the undertaking of housing and community development activities in a coordinated and mutually supportive manner.

DEFINITIONS

42 USC 5302.

SEC. 102. (a) As used in this title—

(1) The term "unit of general local government" means any city, county, town, township, parish, village, or other general purpose political subdivision of a State; Guam, the Virgin Islands, and American Samoa, or a general purpose political subdivision thereof; a combination of such political subdivisions recognized by the Secretary; the District of Columbia; the Trust Territory of the Pacific Islands; and Indian tribes, bands, groups, and nations, including Alaska Indians, Aleuts, and Eskimos, of the United States. Such term also includes a State or a local public body or agency (as defined in section 711 of the Housing and Urban Development Act of 1970), community association, or other entity, which is approved by the Secretary for the purpose of providing public facilities or services to a new community as part of a program meeting the eligibility standards of section 712 of the Housing and Urban Development Act of 1970 or title IV of the Housing and Urban Development Act of 1968.

42 USC 4512.

42 USC 4513.

42 USC 3901
note.

(2) The term "State" means any State of the United States, or any instrumentality thereof approved by the Governor; and the Commonwealth of Puerto Rico.

(3) The term "metropolitan area" means a standard metropolitan statistical area as established by the Office of Management and Budget.

(4) The term "metropolitan city" means (A) a city within a metropolitan area which is the central city of such area, as defined and used by the Office of Management and Budget, or (B) any other city, within a metropolitan area, which has a population of fifty thousand or more.

88 STAT. 635

88 STAT. 636

(5) The term "city" means (A) any unit of general local government which is classified as a municipality by the United States Bureau of the Census or (B) any other unit of general local government which is a town or township and which, in the determination of the Secretary, (i) possesses powers and performs functions comparable to those associated with municipalities, (ii) is closely settled, and (iii) contains within its boundaries no incorporated places as defined by the United States Bureau of the Census.

(6) The term "urban county" means any county within a metropolitan area which (A) is authorized under State law to undertake essential community development and housing assistance activities in its unincorporated areas, if any, which are not units of general local government, and (B) has a combined population of two hundred thousand or more (excluding the population of metropolitan cities therein) in such unincorporated areas and in its included units of general local government (i) in which it has authority to undertake essential community development and housing assistance activities and which do not elect to have their population excluded or (ii) with which it has entered into cooperation agreements to undertake or to assist in the undertaking of essential community development and housing assistance activities.

(7) The term "population" means total resident population based on data compiled by the United States Bureau of the Census and referable to the same point or period in time.

(8) The term "extent of poverty" means the number of persons whose incomes are below the poverty level. Poverty levels shall be determined by the Secretary pursuant to criteria provided by the Office of Management and Budget, taking into account and making adjustments, if feasible and appropriate and in the sole discretion of the Secretary, for regional or area variations in income and cost of living, and shall be based on data referable to the same point or period in time.

(9) The term "extent of housing overcrowding" means the number of housing units with 1.01 or more persons per room based on data compiled by the United States Bureau of the Census and referable to the same point or period in time.

(10) The term "Federal grant-in-aid program" means a program of Federal financial assistance other than loans and other than the assistance provided by this title.

(11) The term "program period" means the period beginning January 1, 1975, and ending June 30, 1975, and the period covering each fiscal year thereafter.

(12) The term "Community Development Program" means a program described in section 104(a) (2).

(13) The term "Secretary" means the Secretary of Housing and Urban Development.

Post, p. 638.

(b) Where appropriate, the definitions in subsection (a) shall be based, with respect to any fiscal year, on the most recent data compiled by the United States Bureau of the Census and the latest published reports of the Office of Management and Budget available ninety days prior to the beginning of such fiscal year. The Secretary may by regulation change or otherwise modify the meaning of the terms defined in subsection (a) in order to reflect any technical change or modification thereof made subsequent to such date by the United States Bureau of the Census or the Office of Management and Budget.

(c) One or more public agencies, including existing local public agencies, may be designated by the chief executive officer of a State or a unit of general local government to undertake a Community Development Program in whole or in part.

AUTHORIZATION TO MAKE GRANTS

SEC. 103. (a) (1) The Secretary is authorized to make grants to States and units of general local government to help finance Community Development Programs approved in accordance with the provisions of this title. The Secretary is authorized to incur obligations on behalf of the United States in the form of grant agreements or otherwise in amounts aggregating such sum, not to exceed \$8,400,000,000, as may be approved in an appropriation Act. The amount so approved shall become available for obligation on January 1, 1975, and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this subsection not to exceed \$2,500,000,000 prior to the close of the fiscal year 1975, which amount may be increased to not to exceed an aggregate of \$5,450,000,000 prior to the close of the fiscal year 1976, and to not to exceed an aggregate of \$8,400,000,000 prior to the close of the fiscal year 1977. Subject to the limitations contained in the preceding sentence, appropriations for—

(A) grants under title VII of the Housing Act of 1961;

(B) grants under sections 702 and 703 of the Housing and Urban Development Act of 1965; and

(C) supplemental grants under title I of the Demonstration Cities and Metropolitan Development Act of 1966,

may be used, to the extent not otherwise obligated prior to January 1, 1975, for the liquidation of contracts entered into pursuant to this section.

(2) Of the amounts approved in appropriation Acts pursuant to paragraph (1), \$50,000,000 for each of the fiscal years 1975 and 1976 shall be added to the amount available for allocation under section 106(d) and shall not be subject to the provisions of section 107.

(b) In addition to the amounts made available under subsection (a), and for the purpose of facilitating an orderly transition to the program authorized under this title, there are authorized to be appropriated not to exceed \$50,000,000 for each of the fiscal years 1975 and 1976, and not to exceed \$100,000,000 for the fiscal year 1977, for grants under this title to units of general local government having urgent community development needs which cannot be met through the operation of the allocation provisions of section 106.

(c) Sums appropriated pursuant to this section shall remain available until expended.

(d) To assure program continuity and orderly planning, the Secretary shall submit to the Congress timely requests for additional authorizations for the fiscal years 1978 through 1980.

Community
Development
Programs.
42 USC 5303.

42 USC 1500.
42 USC 3102,
3103.

42 USC 3301.

Post, pp. 642,
647.

APPLICATION AND REVIEW REQUIREMENTS

SEC. 104. (a) No grant may be made pursuant to section 106 unless 42 USC 5304.
an application shall have been submitted to the Secretary in which
the applicant—

(1) sets forth a summary of a three-year community development plan which identifies community development needs, demonstrates a comprehensive strategy for meeting those needs, and specifies both short- and long-term community development objectives which have been developed in accordance with area-wide development planning and national urban growth policies;

(2) formulates a program which (A) includes the activities to be undertaken to meet its community development needs and objectives, together with the estimated costs and general location of such activities, (B) indicates resources other than those provided under this title which are expected to be made available toward meeting its identified needs and objectives, and (C) takes into account appropriate environmental factors;

(3) describes a program designed to—

(A) eliminate or prevent slums, blight, and deterioration where such conditions or needs exist; and

(B) provide improved community facilities and public improvements, including the provision of supporting health, social, and similar services where necessary and appropriate;

(4) submits a housing assistance plan which—

(A) accurately surveys the condition of the housing stock in the community and assesses the housing assistance needs of lower-income persons (including elderly and handicapped persons, large families, and persons displaced or to be displaced) residing in or expected to reside in the community,

(B) specifies a realistic annual goal for the number of dwelling units or persons to be assisted, including (i) the relative proportion of new, rehabilitated, and existing dwelling units, and (ii) the sizes and types of housing projects and assistance best suited to the needs of lower-income persons in the community, and

(C) indicates the general locations of proposed housing for lower-income persons, with the objective of (i) furthering the revitalization of the community, including the restoration and rehabilitation of stable neighborhoods to the maximum extent possible, (ii) promoting greater choice of housing opportunities and avoiding undue concentrations of assisted persons in areas containing a high proportion of low-income persons, and (iii) assuring the availability of public facilities and services adequate to serve proposed housing projects;

(5) provides satisfactory assurances that the program will be conducted and administered in conformity with Public Law 88-352 and Public Law 90-284; and

(6) provides satisfactory assurances that, prior to submission of its application, it has (A) provided citizens with adequate information concerning the amount of funds available for proposed community development and housing activities, the range of activities that may be undertaken, and other important program requirements, (B) held public hearings to obtain the views of citizens on community development and housing needs, and (C) provided citizens an adequate opportunity to participate in the development of the application; but no part of this paragraph shall be construed to restrict the responsibility and author-

78 Stat. 241.

42 USC 2000a

note.

82 Stat. 73.

18 USC 245.

ity of the applicant for the development of the application and the execution of its Community Development Program.

(b) (1) Not more than 10 per centum of the estimated costs referred to in subsection (a) (2) which are to be incurred during any contract period may be designated for unspecified local option activities which are eligible for assistance under section 105(a) or for a contingency account for activities designated by the applicant pursuant to subsection (a) (2).

(2) Any grant under this title shall be made only on condition that the applicant certify to the satisfaction of the Secretary that its Community Development Program has been developed so as to give maximum feasible priority to activities which will benefit low- or moderate-income families or aid in the prevention or elimination of slums or blight. The Secretary may also approve an application describing activities which the applicant certifies and the Secretary determines are designed to meet other community development needs having a particular urgency as specifically described in the application.

(3) The Secretary may waive all or part of the requirements contained in paragraphs (1), (2), and (3) of subsection (a) if (A) the application for assistance is in behalf of a locality having a population of less than 25,000 according to the most recent data compiled by the Bureau of the Census which is located either (i) outside a standard metropolitan statistical area, or (ii) inside such an area but outside an "urbanized area" as defined by the Bureau of the Census (or as such definition is modified by the Secretary for purposes of this title), (B) the application relates to the first community development activity to be carried out by such locality with assistance under this title, (C) the assistance requested is for a single development activity under this title of a type eligible for assistance under title VII of the Housing Act of 1961 or title VII of the Housing and Urban Development Act of 1965, and (D) the Secretary determines that, having regard to the nature of the activity to be carried out, such waiver is not inconsistent with the purposes of this title.

(4) The Secretary may accept a certification from the applicant that it has complied with the requirements of paragraphs (5) and (6) of subsection (a).

(c) The Secretary shall approve an application for an amount which does not exceed the amount determined in accordance with section 106(a) unless—

(1) on the basis of significant facts and data, generally available and pertaining to community and housing needs and objectives, the Secretary determines that the applicant's description of such needs and objectives is plainly inconsistent with such facts or data; or

(2) on the basis of the application, the Secretary determines that the activities to be undertaken are plainly inappropriate to meeting the needs and objectives identified by the applicant pursuant to subsection (a); or

(3) the Secretary determines that the application does not comply with the requirements of this title or other applicable law or proposes activities which are ineligible under this title.

(d) Prior to the beginning of fiscal year 1977 and each fiscal year thereafter, each grantee shall submit to the Secretary a performance report concerning the activities carried out pursuant to this title, together with an assessment by the grantee of the relationship of those activities to the objectives of this title and the needs and objectives identified in the grantee's statement submitted pursuant to subsection (a). The Secretary shall, at least on an annual basis, make such reviews and audits as may be necessary or appropriate to determine

Waiver.

42 USC 1500.
42 USC 3101.

Performance
report, sub-
mittal to
Secretary.

Audit and
reviews.

August 22, 1974

- 7 -

Pub. Law 93-383

88 STAT. 640

whether the grantee has carried out a program substantially as described in its application, whether that program conformed to the requirements of this title and other applicable laws, and whether the applicant has a continuing capacity to carry out in a timely manner the approved Community Development Program. The Secretary may make appropriate adjustments in the amount of the annual grants in accordance with his findings pursuant to this subsection.

(e) No grant may be made under this title unless the application therefor has been submitted for review and comment to an areawide agency under procedures established by the President pursuant to title II of the Demonstration Cities and Metropolitan Development Act of 1966 and title IV of the Intergovernmental Cooperation Act of 1968.

(f) An application subject to subsection (c), if submitted after any date established by the Secretary for consideration of applications, shall be deemed approved within 75 days after receipt unless the Secretary informs the applicant of specific reasons for disapproval. Subsequent to approval of the application, the amount of the grant may be adjusted in accordance with the provisions of this title.

(g) Insofar as they relate to funds provided under this title, the financial transactions of recipients of such funds may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by such recipients pertaining to such financial transactions and necessary to facilitate the audit.

(h)(1) In order to assure that the policies of the National Environmental Policy Act of 1969 are most effectively implemented in connection with the expenditure of funds under this title, and to assure to the public undiminished protection of the environment, the Secretary, in lieu of the environmental protection procedures otherwise applicable, may under regulations provide for the release of funds for particular projects to applicants who assume all of the responsibilities for environmental review, decisionmaking, and action pursuant to such Act that would apply to the Secretary were he to undertake such projects as Federal projects. The Secretary shall issue regulations to carry out this subsection only after consultation with the Council on Environmental Quality.

(2) The Secretary shall approve the release of funds for projects subject to the procedures authorized by this subsection only if, at least fifteen days prior to such approval and prior to any commitment of funds to such projects other than for purposes authorized by section 105(a)(12) or for environmental studies, the applicant has submitted to the Secretary a request for such release accompanied by a certification which meets the requirements of paragraph (3). The Secretary's approval of any such certification shall be deemed to satisfy his responsibilities under the National Environmental Policy Act insofar as those responsibilities relate to the applications and releases of funds for projects to be carried out pursuant thereto which are covered by such certification.

(3) A certification under the procedures authorized by this subsection shall—

- (A) be in a form acceptable to the Secretary,
- (B) be executed by the chief executive officer or other officer of the applicant qualified under regulations of the Secretary,
- (C) specify that the applicant has fully carried out its responsibilities as described under paragraph (1) of this subsection, and
- (D) specify that the certifying officer (i) consents to assume

42 USC 3331.

42 USC 4231.

Approval date.

GAO audit.

Environmental
protection.
83 Stat. 852.
42 USC 4321
note.

Post, p. 642.

88 STAT. 641

83 Stat. 852.
42 USC 4321
note.

the status of a responsible Federal official under the National Environmental Policy Act of 1969 insofar as the provisions of such Act apply pursuant to paragraph (1) of this subsection, and (ii) is authorized and consents on behalf of the applicant and himself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his responsibilities as such an official.

COMMUNITY DEVELOPMENT PROGRAM ACTIVITIES ELIGIBLE FOR ASSISTANCE

42 USC 5305.

SEC. 105. (a) A Community Development Program assisted under this title may include only—

(1) the acquisition of real property (including air rights, water rights, and other interests therein) which is (A) blighted, deteriorated, deteriorating, undeveloped, or inappropriately developed from the standpoint of sound community development and growth; (B) appropriate for rehabilitation or conservation activities; (C) appropriate for the preservation or restoration of historic sites, the beautification of urban land, the conservation of open spaces, natural resources, and scenic areas, the provision of recreational opportunities, or the guidance of urban development; (D) to be used for the provision of public works, facilities, and improvements eligible for assistance under this title; or (E) to be used for other public purposes;

(2) the acquisition, construction, reconstruction, or installation of public works, facilities, and site or other improvements—including neighborhood facilities, senior centers, historic properties, utilities, streets, street lights, water and sewer facilities, foundations and platforms for air rights sites, pedestrian malls and walkways, and parks, playgrounds, and recreation facilities, flood and drainage facilities in cases where assistance for such facilities under other Federal laws or programs is determined to be unavailable, and parking facilities, solid waste disposal facilities, and fire protection services and facilities which are located in or which serve designated community development areas;

(3) code enforcement in deteriorated or deteriorating areas in which such enforcement, together with public improvements and services to be provided, may be expected to arrest the decline of the area;

(4) clearance, demolition, removal, and rehabilitation of buildings and improvements (including interim assistance and financing rehabilitation of privately owned properties when incidental to other activities);

(5) special projects directed to the removal of material and architectural barriers which restrict the mobility and accessibility of elderly and handicapped persons;

(6) payments to housing owners for losses of rental income incurred in holding for temporary periods housing units to be utilized for the relocation of individuals and families displaced by program activities under this title;

(7) disposition (through sale, lease, donation, or otherwise) of any real property acquired pursuant to this title or its retention for public purposes;

(8) provision of public services not otherwise available in areas where other activities assisted under this title are being carried out in a concentrated manner, if such services are determined to be necessary or appropriate to support such other activities and if assistance in providing or securing such services under other applicable Federal laws or programs has been applied for and

denied or not made available within a reasonable period of time, and if such services are directed toward (A) improving the community's public services and facilities, including those concerned with the employment, economic development, crime prevention, child care, health, drug abuse, education, welfare, or recreation needs of persons residing in such areas, and (B) coordinating public and private development programs;

(9) payment of the non-Federal share required in connection with a Federal grant-in-aid program undertaken as part of the Community Development Program;

(10) payment of the cost of completing a project funded under title I of the Housing Act of 1949;

(11) relocation payments and assistance for individuals, families, businesses, organizations, and farm operations displaced by activities assisted under this title;

(12) activities necessary (A) to develop a comprehensive community development plan, and (B) to develop a policy-planning-management capacity so that the recipient of assistance under this title may more rationally and effectively (i) determine its needs, (ii) set long-term goals and short-term objectives, (iii) devise programs and activities to meet these goals and objectives, (iv) evaluate the progress of such programs in accomplishing these goals and objectives, and (v) carry out management, coordination, and monitoring of activities necessary for effective planning implementation; and

(13) payment of reasonable administrative costs and carrying charges related to the planning and execution of community development and housing activities, including the provision of information and resources to residents of areas in which community development and housing activities are to be concentrated with respect to the planning and execution of such activities.

(b) Upon the request of the recipient of a grant under this title, the Secretary may agree to perform administrative services on a reimbursable basis on behalf of such recipient in connection with loans or grants for the rehabilitation of properties as authorized under subsection (a) (4).

42 USC 1441
note.

ALLOCATION AND DISTRIBUTION OF FUNDS

SEC. 106. (a) Of the amount approved in an appropriation Act under section 103 (a) for grants in any year (excluding the amount provided for use in accordance with sections 103 (a) (2) and 107), 80 per centum shall be allocated by the Secretary to metropolitan areas. Except as provided in subsections (c) and (e), each metropolitan city and urban county shall, subject to the provisions of section 104 and except as otherwise specifically authorized, be entitled to annual grants from such allocation in an aggregate amount not exceeding the greater of its basic amount computed pursuant to paragraph (2) or (3) of subsection (b) or its hold-harmless amount computed pursuant to subsection (g).

(b) (1) The Secretary shall determine the amount to be allocated to all metropolitan cities which shall be an amount that bears the same ratio to the allocation for all metropolitan areas as the average of the ratios between—

(A) the population of all metropolitan cities and the population of all metropolitan areas;

(B) the extent of poverty in all metropolitan cities and the extent of poverty in all metropolitan areas; and

(C) the extent of housing overcrowding in all metropolitan cities and the extent of housing overcrowding in all metropolitan areas.

42 USC 5306.

Ante, p. 637.

Post, p. 647.

Ante, p. 638.

88 STAT. 643

Basic grant
amount.

(2) From the amount allocated to all metropolitan cities the Secretary shall determine for each metropolitan city a basic grant amount which shall equal an amount that bears the same ratio to the allocation for all metropolitan cities as the average of the ratios between—

(A) the population of that city and the population of all metropolitan cities;

(B) the extent of poverty in that city and the extent of poverty in all metropolitan cities; and

(C) the extent of housing overcrowding in that city and the extent of housing overcrowding in all metropolitan cities.

(3) The Secretary shall determine the basic grant amount of each urban county by—

(A) calculating the total amount that would have been allocated to metropolitan cities and urban counties together under paragraph (1) of this subsection if data pertaining to the population, extent of poverty, and extent of housing overcrowding in all urban counties were included in the numerator of each of the fractions described in such paragraph; and

(B) determining for each county the amount which bears the same ratio to the total amount calculated under subparagraph (A) of this paragraph as the average of the ratios between—

(i) the population of that urban county and the population of all metropolitan cities and urban counties;

(ii) the extent of poverty in that urban county and the extent of poverty in all metropolitan cities and urban counties; and

(iii) the extent of housing overcrowding in that urban county and the extent of housing overcrowding in all metropolitan cities and urban counties.

(4) In determining the average of ratios under paragraphs (1), (2), and (3), the ratio involving the extent of poverty shall be counted twice.

(5) In computing amounts or exclusions under this section with respect to any urban county there shall be excluded units of general local government located in the county (A) which receive hold-harmless grants pursuant to subsection (h), or (B) the populations of which are not counted in determining the eligibility of the urban county to receive a grant under this subsection.

(c) During the first three years for which funds are approved for distribution to a metropolitan city or urban county under this section, the basic grant amount of such city or county as computed under subsection (b) shall be adjusted as provided in this subsection if the amount so computed for the first such year exceeds the city's or county's hold-harmless amount as determined under subsection (g). Such adjustment shall be made so that—

(1) the amount for the first year does not exceed one-third of the full basic grant amount computed under subsection (b), or the hold-harmless amount, whichever is the greater,

(2) the amount for the second year does not exceed two-thirds of the full basic grant amount computed under subsection (b), or the hold-harmless amount, or the amount allowed under paragraph (1) of this subsection, whichever is the greatest, and

(3) the amount for the third year does not exceed the full basic grant amount computed under subsection (b).

(d) Any portion of the amount allocated to metropolitan areas under the first sentence of subsection (a) which remains after the allocation of grants to metropolitan cities and urban counties in accordance with subsections (b) and (c) and any amounts added in

accordance with the provisions of section 103(a) (2) shall be allocated by the Secretary—

(1) first, for grants to metropolitan cities, urban counties, and other units of general local government within metropolitan areas to meet their hold-harmless needs as determined under subsections (g) and (h); and

(2) second, for grants to units of general local government (other than metropolitan cities and urban counties) and States for use in metropolitan areas, allocating for each such metropolitan area an amount which bears the same ratio to the allocation for all metropolitan areas available under this paragraph as the average of the ratios between—

(A) the population of that metropolitan area and the population of all metropolitan areas,

(B) the extent of poverty in that metropolitan area and the extent of poverty in all metropolitan areas, and

(C) the extent of housing overcrowding in that metropolitan area and the extent of housing overcrowding in all metropolitan areas.

In determining the average of ratios under paragraph (2), the ratio involving the extent of poverty shall be counted twice; and in computing amounts under such paragraph there shall be excluded any metropolitan cities, urban counties, and units of general local government which receive hold-harmless grants pursuant to subsection (h).

(e) Any amounts allocated to a metropolitan city or urban county pursuant to the preceding provisions of this section which are not applied for during a program period or which are not approved by the Secretary, and any other amounts allocated to a metropolitan area which the Secretary determines, on the basis of the applications and other evidence available, are not likely to be fully obligated during such program period, shall be reallocated during the same period for use by States, metropolitan cities, urban counties, or units of general local government, first, in any metropolitan area in the same State, and second, in any other metropolitan area. The Secretary shall review determinations under this subsection from time to time as appropriate with a view of assuring maximum use of all available funds in the period for which such funds were appropriated. Reallocation.

(f) (1) Of the amount approved in an appropriation Act under section 103(a) for grants in any year (excluding the amount provided for use in accordance with sections 103(a) (2) and 107), 20 per centum shall be allocated by the Secretary—

(A) first, for grants to units of general local government outside of metropolitan areas to meet their hold-harmless needs as determined under subsection (h); and

(B) second, for grants to units of general local government outside of metropolitan areas and States for use outside of metropolitan areas, allocating for the nonmetropolitan areas of each State an amount which bears the same ratio to the allocation available under this subparagraph for the nonmetropolitan areas of all States as the average of the ratios between—

(i) the population of the nonmetropolitan areas of that State and the population of the nonmetropolitan areas of all the States,

(ii) the extent of poverty in the nonmetropolitan areas of that State and the extent of poverty in the nonmetropolitan areas of all the States, and

(iii) the extent of housing overcrowding in the nonmetropolitan areas of that State and the extent of housing overcrowding in the nonmetropolitan areas of all the States.

In determining the average of ratios under subparagraph (B), the ratio involving the extent of poverty shall be counted twice; and in computing amounts under such subparagraph there shall be excluded units of general local government which receive hold-harmless grants pursuant to subsection (h).

(2) Any amounts allocated to a unit of general local government under paragraph (1) which are not applied for during a program period or which are not approved by the Secretary, and any amounts allocated to the nonmetropolitan areas of a State under paragraph (1) (B) which the Secretary determines, on the basis of applications and other evidence available, are not likely to be fully obligated during such period, shall be reallocated as soon as practicable during the same period to the nonmetropolitan areas of other States. The Secretary shall review determinations under this paragraph from time to time with a view to assuring maximum use of all available funds in the program period for which such funds were appropriated.

Hold-harmless
amount.

42 USC 1450.
42 USC 1452b.
42 USC 3102,
3103.
42 USC 1491.
42 USC 1500.
42 USC 1469.

42 USC 3305.

(g) (1) The full hold-harmless amount of each metropolitan city or urban county shall be the sum of (i) the sum of the average during the five fiscal years ending prior to July 1, 1972, of (1) commitments for grants (as determined by the Secretary) pursuant to part A of title I of the Housing Act of 1949; (2) loans pursuant to section 312 of the Housing Act of 1964; (3) grants pursuant to sections 702 and 703 of the Housing and Urban Development Act of 1965; (4) loans pursuant to title II of the Housing Amendments of 1955; and (5) grants pursuant to title VII of the Housing Act of 1961; and (ii) the average annual grant, as determined by the Secretary, made in accordance with part B of title I of the Housing Act of 1949 during the fiscal years ending prior to July 1, 1972, or during the fiscal year 1973 in the case of a metropolitan city or urban county which first received a grant under part B of such title in such fiscal year. In the case of a metropolitan city or urban county which has participated in the program authorized under section 105 of the Demonstration Cities and Metropolitan Development Act of 1966 and which has been funded or extended in the fiscal year 1973 for a period ending after June 30, 1973, determinations of the hold-harmless amount of such metropolitan city or urban county for the following specified years shall be made so as to include, in addition to the amounts specified in clauses (i) and (ii) of the preceding sentence, the following percentages of the average annual grant, as determined by the Secretary made in accordance with such section during fiscal years ending prior to July 1, 1972—

(A) 100 per centum for each of a number of years which, when added to the number of funding years for which the city or county received grants under such section 105, equals five;

(B) 80 per centum for the year immediately following year five as determined pursuant to clause (A),

(C) 60 per centum for the year immediately following the year provided for in clause (B); and

(D) 40 per centum for the year immediately following the year provided for in clause (C).

For the purposes of this paragraph the average annual grant under part B of title I of the Housing Act of 1949 or under section 105 of the Demonstration Cities and Metropolitan Development Act of 1966 shall be established by dividing the total amount of grants made to a participant under the program by the number of months of program activity for which funds were authorized and multiplying the result by twelve.

(2) During the fiscal years 1975, 1976, and 1977, the hold-harmless amount of any metropolitan city or urban county shall be the full amount computed for the city or county in accordance with paragraph (1). In the fiscal years 1978, 1979, and 1980, if such amount is greater than the basic grant amount of the metropolitan city or urban county for that year, as computed under subsection (b) (2) or (3), it shall be reduced so that—

(i) in the fiscal year 1978, the excess of the hold-harmless amount over the basic grant amount shall equal two-thirds of the difference between the amount computed under paragraph (1) and the basic grant amount for such year,

(ii) in the fiscal year 1979, the excess of the hold-harmless amount over the basic grant amount shall equal one-third of the difference between the amount computed under paragraph (1) and the basic grant amount for such year, and

(iii) in the fiscal year 1980, there shall be no excess of the hold-harmless amount over the basic grant amount.

(h) (1) Any unit of general local government which is not a metropolitan city or urban county shall, subject to the provisions of section 104 and except as otherwise specifically authorized, be entitled to grants under this title for any year in an aggregate amount at least equal to a hold-harmless amount as computed under the provisions of subsection (g) (1) if, during the five-fiscal-year period specified in the first sentence of subsection (g) (1) (or during the fiscal year 1973 in the case of a locality which first received a grant for a neighborhood development program in that year), one or more urban renewal projects, code enforcement programs, neighborhood development programs, or model cities programs were being carried out by such unit of general local government pursuant to commitments for assistance entered into during such period under title I of the Housing Act of 1949 or title I of the Demonstration Cities and Metropolitan Development Act of 1966.

42 USC 1450.
42 USC 3301.

(2) In the fiscal years 1978, 1979, and 1980, in determining the hold-harmless amount of units of general local government qualifying under this subsection, the second sentence of subsection (g) (2) shall be applied as though such units were metropolitan cities or urban counties with basic grant amounts of zero.

(i) In excluding the population, poverty, and housing overcrowding data of units of general local government which receive a hold-harmless grant pursuant to subsection (h) from the computations described in subsections (b) (5), (d), and (f) of this section, the Secretary shall exclude only two-thirds of such data for the fiscal year 1978 and one-third of such data for the fiscal year 1979.

(j) Any unit of general local government eligible for a hold-harmless grant pursuant to subsection (h) may, not later than thirty days prior to the beginning of any program period, irrevocably waive its eligibility under such subsection. In the case of such a waiver the unit of general local government shall not be excluded from the computations described in subsections (b) (5), (d), and (f) of this section.

Waiver of
eligibility.

(k) The Secretary may fix such qualification or submission dates as he determines are necessary to permit the computations and determinations required by this section to be made in a timely manner, and all such computations and determinations shall be final and conclusive.

(l) Not later than March 31, 1977, the Secretary shall make a report to the Congress setting forth such recommendations as he deems advisable, in furtherance of the purposes and policy of this title, for modifying or expanding the provisions of this section relating to the method of funding and the allocation of funds and the determination

Report to
Congress.

Study.

of the basic grant entitlement, and for the application of such provisions in the further distribution of funds under this title. In making this report, the Secretary shall conduct a study to determine how funds authorized under this title can be distributed in accordance with community development needs, objectives, and capacities, measured to the maximum extent feasible by objective standards.

DISCRETIONARY FUND

42 USC 5307.

SEC. 107. (a) Of the total amount of authority to enter into contracts approved in appropriation Acts under section 103(a)(1) for each of the fiscal years 1975, 1976, and 1977, an amount equal to 2 percent thereof shall be reserved and set aside in a special discretionary fund for use by the Secretary in making grants (in addition to any other grants which may be made under this title to the same entities or for the same purposes)—

42 USC 4501
note.
42 USC 3901
note.

(1) in behalf of new communities assisted under title VII of the Housing and Urban Development Act of 1970 or title IV of the Housing and Urban Development Act of 1968;

(2) to States and units of general local government which join in carrying out housing and community development programs that are areawide in scope;

(3) in Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands;

(4) to States and units of general local government for the purpose of demonstrating innovative community development projects;

(5) to States and units of general local government for the purpose of meeting emergency community development needs caused by federally recognized disasters; and

(6) to States and units of general local government where the Secretary deems it necessary to correct inequities resulting from the allocation provisions of section 106.

(b) Not more than one-fourth of the total amount reserved and set aside in the special discretionary fund under subsection (a) for each year may be used for grants to meet emergency disaster needs under subsection (a) (5).

(c) Amounts reserved and set aside in the special discretionary fund under subsection (a) in any fiscal year but not used in such year shall remain available for use in accordance with subsections (a) and (b) in subsequent fiscal years.

GUARANTEE OF LOANS FOR ACQUISITION OF PROPERTY

42 USC 5308.

SEC. 108. (a) The Secretary is authorized, upon such terms and conditions as he may prescribe, to guarantee and make commitments to guarantee the notes or other obligations issued by units of general local government, or by public agencies designated by such units of general local government, for the purpose of financing the acquisition or assembly of real property (including such expenses related thereto as the Secretary may permit by regulation) to serve or be used in carrying out activities which are eligible for assistance under section 105 and are identified in the application under section 104, and with respect to which grants have been or are to be made under section 103, but no such guarantee shall be issued in behalf of any agency designed to benefit, in or by the flotation of any issue, a private individual or corporation.

(b) No guarantee or commitment to guarantee shall be made with

respect to any unit of general local government or public agency designated by any such unit of general local government unless—

(1) the Secretary, from sums approved in appropriation Acts and allocated for obligation to the unit of general local government pursuant to sections 106 and 107, shall have reserved and withheld, for the purpose of paying the guaranteed obligations (including interest), an amount which is at least equal to 110 per centum of the difference between the cost of acquiring the land and related expenses and the estimated proceeds to be derived from the sale or other disposition of the land, as determined or approved by the Secretary, which amount may subsequently be increased by the Secretary to the extent he determines such increase is necessary or appropriate because of any unanticipated, major reduction in such estimated disposition proceeds;

(2) the unit of general local government shall have given to the Secretary, in a form acceptable to him, a pledge of its full faith and credit, or a pledge of revenues approved by the Secretary, for the repayment of so much of any amount required to be paid by the United States pursuant to any guarantee under this section as is equal to the difference between the principal amount of the guaranteed obligations and interest thereon and the amount which is to be reserved and withheld under paragraph (1); and

(3) the unit of general local government has pledged to the repayment of any amounts which are required to be paid by the United States pursuant to its guarantee under this section, and which are not otherwise fully repaid when due pursuant to paragraph (1) and (2), the proceeds of any grants for which such unit of general local government may become eligible under this title.

(c) The full faith and credit of the United States is pledged to the payment of all guarantees made under this section. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the obligations for such guarantee with respect to principal and interest, and the validity of any such guarantee so made shall be incontestable in the hands of a holder of the guaranteed obligations.

(d) The Secretary may issue obligations to the Secretary of the Treasury in an amount outstanding at any one time sufficient to enable the Secretary to carry out his obligations under guarantees authorized by this section. The obligations issued under this subsection shall have such maturities and bear such rate or rates of interest as shall be determined by the Secretary of the Treasury. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Secretary issued under this section, and for such purposes is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which such securities may be issued under such Act are extended to include the purchases of the Secretary's obligations hereunder.

40 Stat. 288.
31 USC 774.

(e) Obligations guaranteed under this section may, at the option of the issuing unit of general local government or designated agency, be subject to Federal taxation as provided in subsection (g). In the event that taxable obligations are issued and guaranteed, the Secretary is authorized to make, and to contract to make, grants to or on behalf of the issuing unit of general local government or public agency to cover not to exceed 30 per centum of the net interest cost (including such servicing, underwriting, or other costs as may be specified in regulations of the Secretary) to the borrowing unit or agency of such obligations.

88 STAT. 649

(f) Section 3689 of the Revised Statutes, as amended (31 U.S.C. 711), is amended by adding at the end thereof a new paragraph as follows:

Arts, p. 647. "(22) For payments required from time to time under contracts entered into pursuant to section 108 of the Housing and Community Development Act of 1974 for payment of interest costs on obligations guaranteed by the Secretary of Housing and Urban Development under that section."

42 USC 5308.

(g) With respect to any obligation issued by a unit of general local government or designated agency which such unit or agency has elected to issue as a taxable obligation pursuant to subsection (e) of this section, the interest paid on such obligation shall be included in gross income for the purpose of chapter 1 of the Internal Revenue Code of 1954.

68A Stat. 3.

26 USC 1

et seq.

42 USC 5309.

NONDISCRIMINATION

SEC. 109. (a) No person in the United States shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title.

(b) Whenever the Secretary determines that a State or unit of general local government which is a recipient of assistance under this title has failed to comply with subsection (a) or an applicable regulation, he shall notify the Governor of such State or the chief executive officer of such unit of local government of the noncompliance and shall request the Governor or the chief executive officer to secure compliance. If within a reasonable period of time, not to exceed sixty days, the Governor or the chief executive officer fails or refuses to secure compliance, the Secretary is authorized to (1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (2) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); (3) exercise the powers and functions provided for in section 111(a) of this Act; or (4) take such other action as may be provided by law.

(c) When a matter is referred to the Attorney General pursuant to subsection (b), or whenever he has reason to believe that a State government or unit of general local government is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

LABOR STANDARDS

42 USC 5310.

SEC. 110. All laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed in whole or in part with grants received under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5): *Provided*, That this section shall apply to the rehabilitation of residential property only if such property is designed for residential use for eight or more families. The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276 (c)).

5 USC app.

40 USC 276c.

August 22, 1974

- 17 -

Pub. Law 93-383

88 STAT. 650

REMEDIES FOR NONCOMPLIANCE

SEC. 111. (a) If the Secretary finds after reasonable notice and opportunity for hearing that a recipient of assistance under this title has failed to comply substantially with any provision of this title, the Secretary, until he is satisfied that there is no longer any such failure to comply, shall—

(1) terminate payments to the recipient under this title, or

(2) reduce payments to the recipient under this title by an amount equal to the amount of such payments which were not expended in accordance with this title, or

(3) limit the availability of payments under this title to programs, projects, or activities not affected by such failure to comply.

(b)(1) In lieu of, or in addition to, any action authorized by subsection (a), the Secretary may, if he has reason to believe that a recipient has failed to comply substantially with any provision of this title, refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted.

(2) Upon such a referral the Attorney General may bring a civil action in any United States district court having venue thereof for such relief as may be appropriate, including an action to recover the amount of the assistance furnished under this title which was not expended in accordance with it, or for mandatory or injunctive relief.

(c)(1) Any recipient which receives notice under subsection (a) of the termination, reduction, or limitation of payments under this title may, within sixty days after receiving such notice, file with the United States Court of Appeals for the circuit in which such State is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the Secretary's action. The petitioner shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in the litigation.

(2) The Secretary shall file in the court record of the proceeding on which he based his action, as provided in section 2112 of title 28, United States Code. No objection to the action of the Secretary shall be considered by the court unless such objection has been urged before the Secretary.

(3) The court shall have jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may order additional evidence to be taken by the Secretary, and to be made part of the record. The Secretary may modify his findings of fact, or make new findings, by reason of the new evidence so taken and filed with the court, and he shall also file such modified or new findings, which findings with respect to questions of fact shall be conclusive if supported by substantial evidence on the record considered as a whole, and shall also file his recommendation, if any, for the modification or setting aside of his original action.

(4) Upon the filing of the record with the court, the jurisdiction of the court shall be exclusive and its judgment shall be final, except that such judgment shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

USE OF GRANTS TO SETTLE OUTSTANDING URBAN RENEWAL LOANS

SEC. 112. (a) The Secretary is authorized, notwithstanding any other provision of this title, to apply a portion of the grants, not to

88 STAT. 651

42 USC 1450.

exceed 20 per centum thereof without the request of the recipient, made or to be made under section 103(a) in any fiscal year pursuant to an allocation under section 106 to any unit of general local government toward payment of the principal of, and accrued interest on, any temporary loan made in connection with urban renewal projects under title I of the Housing Act of 1949 being carried out within the jurisdiction of such unit of general local government if—

(1) the Secretary determines, after consultation with the local public agency carrying out the project and the chief executive of such unit of general local government, that the project cannot be completed without additional capital grants, or

(2) the local public agency carrying out the project submits to the Secretary an appropriate request which is concurred in by the governing body of such unit of general local government.

In determining the amounts to be applied to the payment of temporary loans, the Secretary shall make an accounting for each project taking into consideration the costs incurred or to be incurred, the estimated proceeds upon any sale or disposition of property, and the capital grants approved for the project.

(b) Upon application by any local public agency carrying out an urban renewal project under title I of the Housing Act of 1949, which application is approved by the governing body of the unit of general local government in which the project is located, the Secretary may approve a financial settlement of such project if he finds that a surplus of capital grant funds after full repayment of temporary loan indebtedness will result and may authorize the unit of general local government to use such surplus funds, without deduction or offset, in accordance with the provisions of this title.

REPORTING REQUIREMENTS

Report to
Congress.
42 USC 5313.

SEC. 113. (a) Not later than 180 days after the close of each fiscal year in which assistance under this title is furnished, the Secretary shall submit to the Congress a report which shall contain—

(1) a description of the progress made in accomplishing the objectives of this title; and

(2) a summary of the use of such funds as approved by the Secretary during the preceding fiscal year.

(b) The Secretary is authorized to require recipients of assistance under this title to submit to him such reports and other information as may be necessary in order for the Secretary to make the report required by subsection (a).

CONSULTATION

42 USC 5314.

SEC. 114. In carrying out the provisions of this title including the issuance of regulations, the Secretary shall consult with other Federal departments and agencies administering Federal grant-in-aid programs.

INTERSTATE AGREEMENTS

42 USC 5315.

SEC. 115. The consent of the Congress is hereby given to any two or more States to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative effort and mutual assistance in support of community development planning and programs carried out under this title as they pertain to interstate areas and to localities within such States, and to establish such agencies, joint or otherwise, as they may deem desirable for making such agreements and compacts effective.

August 22, 1974

- 19 -

Pub. Law 93-383

88 STAT. 652

TRANSITION PROVISIONS

SEC. 116. (a) Except with respect to projects and programs for which funds have been previously committed, no new grants or loans shall be made after January 1, 1975, under (1) title I of the Demonstration Cities and Metropolitan Development Act of 1966, (2) title I of the Housing Act of 1949, (3) section 702 or section 703 of the Housing and Urban Development Act of 1965, (4) title II of the Housing Amendments of 1955, or (5) title VII of the Housing Act of 1961. 42 USC 5316.

(b) To the extent that grants under title I of the Housing Act of 1949 or title I of the Demonstration Cities and Metropolitan Development Act of 1966 are payable from appropriations made for the fiscal year 1975, and are made with respect to a project or program being carried on in any unit of general local government which is eligible to receive a grant for such fiscal year under section 106 (a) or (h) of this Act, the amount of such grants made under title I of the Housing Act of 1949 or title I of the Demonstration Cities and Metropolitan Development Act of 1966 shall be deducted from the amount of grants which such unit of general local government is eligible to receive for the fiscal year 1975 under such section 106 (a) or (h). The deduction required by the preceding sentence shall be disregarded in determining the amount of grants made to any unit of general local government that may be applied, pursuant to section 112 of this Act, to payment of temporary loans in connection with urban renewal projects under title I of the Housing Act of 1949. The amount of any appropriations made for the fiscal year 1975 which is used for grants so as to be subject to the provisions of this subsection relating to deductions shall be deemed to have been appropriated for grants pursuant to section 103(a) of this Act for such fiscal year for purposes of calculations under sections 106 and 107 of this Act. 42 USC 3301.
42 USC 1450.
42 USC 3102,
3103.
42 USC 1491,
1500.

(c) The first sentence of section 103(b) of the Housing Act of 1949 is amended by inserting before the period at the end thereof the following: ", and by such sums as may be necessary thereafter". 42 USC 1453.

(d) (1) Section 111(b) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended by inserting immediately after the first sentence the following new sentence: "In addition, there are authorized to be appropriated for such purpose such sums as may be necessary for the fiscal year ending June 30, 1975." 42 USC 3311.

(2) Section 111(c) of such Act is amended by striking out "July 1, 1974" and inserting in lieu thereof "July 1, 1975". 87 Stat. 422.

(e) (1) Section 312(h) of the Housing Act of 1964 is amended (A) by striking out "after October 1, 1974" and inserting in lieu thereof "after the close of the one-year period beginning on the date of the enactment of the Housing and Community Development Act of 1974", and (B) by striking out "that date" and inserting in lieu thereof "the close of that period". 42 USC 1452b.

(2) Section 312(a)(1) of such Act is amended by inserting "or" at the end of subparagraph (C), and by adding after subparagraph (C) the following new subparagraph:

"(D) the rehabilitation is a part of, or is necessary or appropriate to the execution of, an approved community development program under title I of the Housing and Community Development Act of 1974 or an approved urban homestead program under section 809 of such Act;"

(f) With respect to the program period beginning January 1, 1975, the Secretary may, without regard to the requirements of section 104, advance to any metropolitan city, urban county or other unit of general local government, out of the amount allocated to such entity pursuant to section 106 (a) or (h), an amount not to exceed 10 per centum of the

Post, p. 729.

amount so allocated which shall be available only for use (1) to continue projects or programs referred to in clauses (1) and (2) of subsection (a) of this section, or (2) to plan and prepare for the implementation of activities to be assisted under this title.

(g) In the case of funds available for any fiscal year, the Secretary shall not consider any application from a metropolitan city or urban county for a grant pursuant to section 106(a) or from a unit of general local government for a grant pursuant to section 106(h) unless such application is submitted on or prior to such date (in that fiscal year) as the Secretary shall establish as the final date for submission of applications for such grants in that year.

LIQUIDATION OF SUPERSEDED PROGRAMS

SEC. 117. (a) Section 3689 of the Revised Statutes, as amended (31 U.S.C. 711), is amended by adding after paragraph (22) (as added by section 108(f) of this Act) the following new paragraph:

42 USC 1453.

"(23) For payments required from time to time under contracts entered into pursuant to section 103(b) of the Housing Act of 1949 with respect to projects or programs for which funds have been committed on or before December 31, 1974, and for which funds have not previously been appropriated."

42 USC 5317.

(b) The Secretary is authorized to transfer the assets and liabilities of any program which is superseded or inactive by reason of this title to the revolving fund for liquidating programs established pursuant to title II of the Independent Offices Appropriation Act of 1965 (Public Law 81-428; 68 Stat. 272, 295).

EMPLOYMENT OPPORTUNITIES FOR LOWER INCOME PERSONS

12 USC 1701u.

SEC. 118. Section 3 of the Housing and Urban Development Act of 1968 is amended by inserting ", including community development block grants under title I of the Housing and Community Development Act of 1974," immediately after "direct financial assistance".

TITLE II—ASSISTED HOUSING

AMENDMENT TO THE UNITED STATES HOUSING ACT OF 1937

42 USC 1430.

SEC. 201. (a) The United States Housing Act of 1937 is amended to read as follows:

"SHORT TITLE

42 USC 1437
note.

"SECTION 1. This Act may be cited as the 'United States Housing Act of 1937'.

"DECLARATION OF POLICY

42 USC 1437.

"SEC. 2. It is the policy of the United States to promote the general welfare of the Nation by employing its funds and credit, as provided in this Act, to assist the several States and their political subdivisions to remedy the unsafe and unsanitary housing conditions and the acute shortage of decent, safe, and sanitary dwellings for families of low income and, consistent with the objectives of this Act, to vest in local public housing agencies the maximum amount of responsibility in the administration of their housing programs. No person should be barred from serving on the board of directors or similar governing body of a local public housing agency because of his tenancy in a low-income housing project.

"DEFINITIONS

"Sec. 3. When used in this Act—

42 USC 1437a.

"(1) The term, 'low-income housing' means decent, safe, and sanitary dwellings within the financial reach of families of low income, and embraces all necessary appurtenances thereto. Except as otherwise provided in this section, income limits for occupancy and rents shall be fixed by the public housing agency and approved by the Secretary. The rental for any dwelling unit shall not exceed one-fourth of the family's income as defined by the Secretary. Notwithstanding the preceding sentence, the rental for any dwelling unit shall not be less than the higher of (A) 5 per centum of the gross income of the family occupying the dwelling unit, and (B) if the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of such payments which is so designated. At least 20 per centum of the dwelling units in any project placed under annual contributions contracts in any fiscal year beginning after the effective date of this section shall be occupied by very low-income families. In defining the income of any family for the purpose of this Act, the Secretary shall consider income from all sources of each member of the family residing in the household, except that there shall be excluded—

"(A) the income of any family member (other than the head of the household or his spouse) who is under eighteen years of age or is a full-time student;

"(B) the first \$300 of the income of a secondary wage earner who is the spouse of the head of the household;

"(C) an amount equal to \$300 for each member of the family residing in the household (other than the head of the household or his spouse) who is under eighteen years of age or who is eighteen years of age or older and is disabled or handicapped or a full-time student;

"(D) nonrecurring income, as determined by the Secretary;

"(E) 5 per centum of the family's gross income (10 per centum in the case of elderly families);

"(F) such extraordinary medical or other expenses as the Secretary approves for exclusion; and

"(G) an amount equal to the sums received by the head of the household or his spouse from, or under the direction of, any public or private nonprofit child placing agency for the care and maintenance of one or more persons who are under eighteen years of age and were placed in the household by such agency.

"(2) The term 'low-income families' means families of low income who cannot afford to pay enough to cause private enterprise in their locality or metropolitan area to build an adequate supply of decent, safe, and sanitary dwellings for their use. The term 'very low-income families' means families whose incomes do not exceed 50 per centum of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families. The term 'families' includes families consisting of a single person in the case of (A) a person who is at least sixty-two years of age or is under a disability as defined in section 223 of the Social Security Act or in section 102(5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1970, or is handicapped, (B) a displaced person, and (C) the remaining member of a tenant family; and the term 'elderly families' means families whose heads (or their spouses), or whose sole members, are persons described in clause (A).

42 USC 423.

42 USC 2691.

A person shall be considered handicapped if such person is determined, pursuant to regulations issued by the Secretary, to have an impairment which (i) is expected to be of long-continued and indefinite duration, (ii) substantially impedes his ability to live independently, and (iii) is of such a nature that such ability could be improved by more suitable housing conditions. The term 'displaced person' means a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws. Notwithstanding the preceding provisions of this paragraph, the term 'elderly families' includes two or more elderly, disabled, or handicapped individuals living together, or one or more such individuals living with another person who is determined under regulations of the Secretary to be a person essential to their care or well being.

"(3) The term 'development' means any or all undertakings necessary for planning, land acquisition, demolition, construction, or equipment, in connection with a low-income housing project. The term 'development cost' comprises the cost incurred by a public housing agency in such undertakings and their necessary financing (including the payment of carrying charges), and in otherwise carrying out the development of such project. Construction activity in connection with a low-income housing project may be confined to the reconstruction, remodeling, or repair of existing buildings.

"(4) The term 'operation' means any or all undertakings appropriate for management, operation, services, maintenance, security (including the cost of security personnel), or financing in connection with a low-income housing project. The term also means the financing of tenant programs and services for families residing in low-income housing projects, particularly where there is maximum feasible participation of the tenants in the development and operation of such tenant programs and services. As used in this paragraph, the term 'tenant programs and services' includes the development and maintenance of tenant organizations which participate in the management of low-income housing projects; the training of tenants to manage and operate such projects and the utilization of their services in project management and operation; counseling on household management, housekeeping, budgeting, money management, child care, and similar matters; advice as to resources for job training and placement, education, welfare, health, and other community services; services which are directly related to meeting tenant needs and providing a wholesome living environment; and referral to appropriate agencies when necessary for the provision of such services. To the maximum extent available and appropriate, existing public and private agencies in the community shall be used for the provision of such services.

"(5) The term 'acquisition cost' means the amount prudently required to be expended by a public housing agency in acquiring a low-income housing project.

"(6) The term 'public housing agency' means any State, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of low-income housing.

"(7) The term 'State' includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions of the United States, the Trust Territory of the Pacific Islands, and Indian tribes, bands, groups, and Nations, including Alaska Indians, Aleuts, and Eskimos, of the United States.

"(8) The term 'Secretary' means the Secretary of Housing and Urban Development.

August 22, 1974

- 23 -

Pub. Law 93-383

88 STAT. 656

"(9) The term 'low-income housing project' or 'project' means (A) any low-income housing developed, acquired, or assisted by a public housing agency under this Act, and (B) the improvement of any such housing.

"LOANS FOR LOW-INCOME HOUSING PROJECTS

"SEC. 4. (a) The Secretary may make loans or commitments to make loans to public housing agencies to help finance or refinance the development, acquisition, or operation of low-income housing projects by such agencies. Any contract for such loans and any amendment to a contract for such loans shall provide that such loans shall bear interest at a rate specified by the Secretary which shall not be less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, plus one-eighth of 1 per centum. Such loans shall be secured in such manner and shall be repaid within such period not exceeding forty years, or not exceeding forty years from the date of the bonds evidencing the loan, as the Secretary may determine. The Secretary may require loans or commitments to make loans under this section to be pledged as security for obligations issued by a public housing agency in connection with a low-income housing project. 42 USC 1437b.

"(b) The Secretary may issue and have outstanding at any one time notes and other obligations for purchase by the Secretary of the Treasury in an amount which will not, unless authorized by the President, exceed \$1,500,000,000. For the purpose of determining obligations incurred to make loans pursuant to this Act against any limitation otherwise applicable with respect to such loans, the Secretary shall estimate the maximum amount to be loaned at any one time pursuant to loan agreements then outstanding with public housing agencies. Such notes or other obligations shall be in such forms and denominations and shall be subject to such terms and conditions as may be prescribed by the Secretary with the approval of the Secretary of the Treasury. The notes or other obligations issued under this subsection shall have such maturities and bear such rate or rates of interest as shall be determined by the Secretary of the Treasury. The Secretary of the Treasury is authorized and directed to purchase any notes or other obligations of the Secretary issued hereunder and for such purpose is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of such obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. 31 USC 774.

"ANNUAL CONTRIBUTIONS FOR LOW-INCOME HOUSING PROJECTS

"SEC. 5. (a) The Secretary may make annual contributions to public housing agencies to assist in achieving and maintaining the low-income character of their projects. The Secretary shall embody the provisions for such annual contributions in a contract guaranteeing their payment. The contribution payable annually under this section shall in no case exceed a sum equal to the annual amount of principal and interest payable on obligations issued by the public housing agency to finance the development or acquisition cost of the low-income project involved. 42 USC 1437c.

The amount of annual contributions which would be established for a newly constructed project by a public housing agency designed to accommodate a number of families of a given size and kind may be established under this section for a project by such public housing agency which would provide housing for the comparable number, sizes, and kinds of families through the acquisition and rehabilitation, or use under lease, of structures which are suitable for low-income housing use and obtained in the local market. Annual contributions payable under this section shall be pledged, if the Secretary so requires, as security for obligations issued by a public housing agency to assist the development or acquisition of the project to which annual contributions relate and shall be paid over a period not to exceed forty years.

Regulations.

"(b) The Secretary may prescribe regulations fixing the maximum contributions available under different circumstances, giving consideration to cost, location, size, rent-paying ability of prospective tenants, or other factors bearing upon the amounts and periods of assistance needed to achieve and maintain low rentals. Such regulations may provide for rates of contribution based upon development, acquisition, or operation costs, number of dwelling units, number of persons housed, interest charges, or other appropriate factors.

Contract authority.

"(c) The Secretary is authorized to enter into contracts for annual contributions aggregating not more than \$1,199,250,000 per annum, which limit shall be increased by \$225,000,000 on July 1, 1971, by \$150,000,000 on July 1, 1972, by \$400,000,000 on July 1, 1973, and by \$965,000,000 on July 1, 1974. Of the aggregate amount of contracts for annual contributions authorized to be entered into on or after July 1, 1974, the Secretary shall enter into contracts for annual contributions aggregating at least \$150,000,000 per annum to assist in financing the development or acquisition cost of low-income housing projects to be owned by public housing agencies. Not more than 50 per centum of the dwelling units placed under contract pursuant to the preceding sentence may be constructed or substantially rehabilitated for ownership by public housing agencies under section 8 of this Act. In addition to the amount of contracts for annual contributions required to be entered into by the Secretary under the second sentence of this subsection, the Secretary shall enter into contracts for annual contributions, out of the aggregate amount of contracts for annual contributions authorized under this section to be entered into on or after July 1, 1974, aggregating at least \$15,000,000 per annum, which amount shall be increased by not less than \$15,000,000 per annum, on July 1, 1975, to assist in financing the development or acquisition cost of low-income housing for families who are members of any Indian tribe, band, pueblo, group, or community of Indians or Alaska Natives which is recognized by the Federal Government as eligible for service from the Bureau of Indian Affairs, or who are wards of any State government, except that none of the funds made available under this sentence shall be available for use under section 8. For the purpose of the preceding sentence, the annual contributions for a project shall, notwithstanding any other provision of this Act, be equal to the difference between the sum of the total debt service payment plus approved operating costs, and the rental payments that tenants are required to make under section 3(1) of this Act. The Secretary shall enter into only such new contracts for preliminary loans as are consistent with the number of dwelling units for which contracts for annual contributions may be entered into. The faith of the United States is solemnly pledged to the payment of all annual contributions contracted for pursuant to this section, and there are hereby authorized to be appropriated in each fiscal year, out of any money in the Treasury not otherwise appropriated, the amounts necessary to

provide for such payments. All payments of annual contributions pursuant to this section shall be made out of any funds available for purposes of this Act when such payments are due, except that funds obtained through the issuance of obligations pursuant to section 4(b) (including repayments or other realizations of the principal of loans made out of such funds) shall not be available for the payment of such annual contributions.

"(d) Any contract for loans or annual contributions, or both, entered into by the Secretary with a public housing agency, may cover one or more than one low-income housing project owned by such public housing agency; in the event the contract covers two or more projects, such projects may, for any of the purposes of this Act and of such contract (including, but not limited to, the determination of the amount of the loan, annual contributions, or payments in lieu of taxes, specified in such contract), be treated collectively as one project.

"(e) In recognition that there should be local determination of the need for low-income housing to meet needs not being adequately met by private enterprise—

"(1) the Secretary shall not make any contract with a public housing agency for preliminary loans (all of which shall be repaid out of any moneys which become available to such agency for the development of the projects involved) for surveys and planning in respect to any low-income housing projects (i) unless the governing body of the locality involved has by resolution approved the application of the public housing agency for such preliminary loan; and (ii) unless the public housing agency has demonstrated to the satisfaction of the Secretary that there is need for such low-income housing which is not being met by private enterprise; and

"(2) the Secretary shall not make any contract for loans (other than preliminary loans) or for annual contributions pursuant to this Act unless the governing body of the locality involved has entered into an agreement with the public housing agency providing for the local cooperation required by the Secretary pursuant to this Act.

"(f) Subject to the specific limitations or standards in this Act governing the terms of sales, rentals, leases, loans, contracts for annual contributions, or other agreements, the Secretary may, whenever he deems it necessary or desirable in the fulfillment of the purposes of this Act, consent to the modification, with respect to rate of interest, time of payment of any installment of principal or interest, security, amount of annual contribution, or any other term, of any contract or agreement of any kind to which the Secretary is a party. When the Secretary finds that it would promote economy or be in the financial interest of the Federal Government or is necessary to assure or maintain the low-income character of the project or projects involved, any contract heretofore or hereafter made for annual contributions, loans, or both, may be amended or superseded by a contract entered into by mutual agreement between the public housing agency and the Secretary. Contracts may not be amended or superseded in a manner which would impair the rights of the holders of any outstanding obligations of the public housing agency involved for which annual contributions have been pledged. Any rule of law contrary to this provision shall be deemed inapplicable.

"(g) In addition to the authority of the Secretary under subsection (a) to pledge annual contributions as security for obligations issued by a public housing agency, the Secretary is authorized to pledge annual contributions as a guarantee of payment by a public housing agency of all principal and interest on obligations issued by it to assist the

development or acquisition of the project to which the annual contributions relate, except that no obligation shall be guaranteed under this subsection if the income thereon is exempt from Federal taxation.

"(h) Notwithstanding any other provision of law, a public housing agency may sell a low-income housing project to its low-income tenants, on such terms and conditions as the agency may determine, without affecting the Secretary's commitment to pay annual contributions with respect to that project, but such contributions shall not exceed the maximum contributions authorized under subsection (a) of this section.

"CONTRACT PROVISIONS AND REQUIREMENTS

42 USC 1437d.

"SEC. 6. (a) Secretary may include in any contract for loans, annual contributions, sale, lease, mortgage, or any other agreement or instrument made pursuant to this Act, such covenants, conditions, or provisions as he may deem necessary in order to insure the low-income character of the project involved. Any such contract may contain a condition requiring the maintenance of an open space or playground in connection with the housing project involved if deemed necessary by the Secretary for the safety or health of children. Any such contract shall require that, except in the case of housing predominantly for the elderly, high-rise elevator projects shall not be provided for families with children unless the Secretary makes a determination that there is no practical alternative.

"(b) Every contract made pursuant to this Act for loans (other than preliminary loans) or annual contributions shall provide that the cost of construction and equipment of the project (excluding land, demolition, and nondwelling facilities) on which the computation of any annual contributions under this Act may be based shall not exceed by more than 10 per centum the appropriate prototype cost for the area. The prototype costs shall be determined at least annually by the Secretary on the basis of his estimate of the construction costs of new dwelling units of various types and sizes in the area suitable for occupancy by persons assisted under this Act. In making his determination the Secretary shall take into account (1) the extra durability required for safety and security and economical maintenance of such housing, (2) the provision of amenities designed to guarantee a safe and healthy family life and neighborhood environment, (3) the application of good design as an essential component of such housing for safety and security as well as other purposes, (4) the maintenance of quality in architecture to reflect the standards of the neighborhood and community, (5) the need for maximizing the conservation of energy for heating, lighting, and other purposes, (6) the effectiveness of existing cost limits in the area, and (7) the advice and recommendations of local housing producers. The prototype costs for any area shall become effective upon the date of publication in the Federal Register.

"(c) Every contract for annual contributions shall provide that—
 "(1) the Secretary may require the public housing agency to review and revise its maximum income limits if the Secretary determines that changed conditions in the locality make such revision necessary in achieving the purposes of this Act;

"(2) the public housing agency shall determine, and so certify to the Secretary, that each family in the project was admitted in accordance with duly adopted regulations and approved income limits; and the public housing agency shall review the incomes of families living in the project at intervals of two years (or at shorter intervals where the Secretary deems it desirable);

"(3) the public housing agency shall promptly notify (i) any applicant determined to be ineligible for admission to the project of the basis for such determination and provide the applicant upon request, within a reasonable time after the determination is made, with an opportunity for an informal hearing on such determination, and (ii) any applicant determined to be eligible for admission to the project of the approximate date of occupancy insofar as such date can be reasonably determined; and

Ineligible
applicants;
notification;
hearing op-
portunity.

"(4) the public housing agency shall comply with such procedures and requirements as the Secretary may prescribe to assure that sound management practices will be followed in the operation of the project, including requirements pertaining to—

"(A) the establishment of tenant selection criteria designed to assure that, within a reasonable period of time, the project will include families with a broad range of incomes and will avoid concentrations of low-income and deprived families with serious social problems, but this shall not permit maintenance of vacancies to await higher income tenants where lower income tenants are available;

"(B) the establishment of satisfactory procedures designed to assure the prompt payment and collection of rents and the prompt processing of evictions in the case of nonpayment of rent;

"(C) the establishment of effective tenant-management relationships designed to assure that satisfactory standards of tenant security and project maintenance are formulated and that the public housing agency (together with tenant councils where they exist) enforces those standards fully and effectively; and

"(D) the development by local housing authority managements of viable homeownership opportunity programs for low-income families capable of assuming the responsibilities of homeownership.

"(d) Every contract for annual contributions with respect to a low-income housing project shall provide that no annual contributions by the Secretary shall be made available for such project unless such project (exclusive of any portion thereof which is not assisted by annual contributions under this Act) is exempt from all real and personal property taxes levied or imposed by the State, city, county, or other political subdivision; and such contract shall require the public housing agency to make payments in lieu of taxes equal to 10 per centum of the sum of the annual shelter rents charged in such project, or such lesser amount as (i) is prescribed by State law, or (ii) is agreed to by the local governing body in its agreement for local cooperation with the public housing agency required under section 5(e)(2) of this Act, or (iii) is due to failure of a local public body or bodies other than the public housing agency to perform any obligation under such agreement. If any such project is not exempt from all real and personal property taxes levied or imposed by the State, city, county, or other political subdivision, such contract shall provide, in lieu of the requirement for tax exemption and payments in lieu of taxes, that no annual contributions by the Secretary shall be made available for such project unless and until the State, city, county, or other political subdivision in which such project is situated shall contribute, in the form of cash or tax remission, the amount by which the taxes paid with respect to the project exceed 10 per centum of the annual shelter rents charged in such project.

"(e) Every contract for annual contributions shall provide that whenever in any year the receipts of a public housing agency in connection with a low-income housing project exceed its expenditures (including debt service, operation, maintenance, establishment of reserves, and other costs and charges), an amount equal to such excess shall be applied, or set aside for application, to purposes which, in the determination of the Secretary, will effect a reduction in the amount of subsequent annual contributions.

"(f) Every contract for annual contributions shall provide that when the public housing agency and the Secretary mutually agree that a housing project is obsolete as to physical condition, or location, or other factors, making it unusable for housing purposes, a program of modifications or closeout shall be prepared. If it is mutually determined that such project can be returned to useful life, then the Secretary is authorized to utilize such annual contributions as are necessary to enable the local public housing agency to undertake an agreed-upon program of modifications. If it is mutually determined that no program of modifications is feasible or that such a program would not return the housing to a useful life, then the Secretary is authorized to prepare a closeout program, utilizing such annual contributions as are necessary to accommodate the outstanding indebtedness on the project, the cost of demolition (if the physical improvements are not to be sold), and the cost of relocating displaced families into satisfactory replacement housing. The net closeout cost to the Federal Government shall take into consideration any receipts from the sale of physical improvements, land, or other assets, pursuant to the provisions of the annual contributions contract.

"(g) Every contract for annual contributions (including contracts which amend or supersede contracts previously made) may provide that—

"(1) upon the occurrence of a substantial default in respect to the covenants or conditions to which the public housing agency is subject (as such substantial default shall be defined in such contract), the public housing agency shall be obligated at the option of the Secretary either to convey title in any case where, in the determination of the Secretary (which determination shall be final and conclusive), such conveyance of title is necessary to achieve the purposes of this Act, or to deliver to the Secretary possession of the project, as then constituted, to which such contract relates; and

"(2) the Secretary shall be obligated to reconvey or redeliver possession of the project, as constituted at the time of reconveyance or redelivery, to such public housing agency or to its successor (if such public housing agency or a successor exists) upon such terms as shall be prescribed in such contract, and as soon as practicable (i) after the Secretary is satisfied that all defaults with respect to the project have been cured, and that the project will, in order to fulfill the purposes of this Act, thereafter be operated in accordance with the terms of such contract; or (ii) after the termination of the obligation to make annual contributions available unless there are any obligations or covenants of the public housing agency to the Secretary which are then in default. Any prior conveyances and reconveyances or deliveries and redeliveries of possession shall not exhaust the right to require a conveyance or delivery of possession of the project to the Secretary pursuant to subparagraph (1) upon the subsequent occurrence of a substantial default.

Whenever such a contract for annual contributions includes provisions which the Secretary in such contract determines are in accordance with this subsection, and the portion of the annual contribution payable for debt service requirements pursuant to such contract has been pledged by the public housing agency as security for the payment of the principal and interest on any of its obligations, the Secretary (notwithstanding any other provisions of this Act) shall continue to make such annual contributions available for the project so long as any of such obligations remain outstanding, and may covenant in such contract that in any event such annual contributions shall in each year be at least equal to an amount which, together with such income or other funds as are actually available from the project for the purpose at the time such annual contribution is made, will suffice for the payment of all installments, falling due within the next succeeding twelve months, of principal and interest on the obligations for which the annual contributions provided for in the contract shall have been pledged as security. In no case shall such annual contributions be in excess of the maximum sum specified in the contract involved, nor for longer than the remainder of the maximum period fixed by the contract.

"CONGREGATE HOUSING

"SEC. 7. The Secretary shall encourage public housing agencies, in providing housing predominantly for displaced or elderly families, to design, develop, or otherwise acquire such housing to meet the special needs of the occupants and, wherever practicable, for use in whole or in part as *congregate housing*: *Provided*, That not more than 10 per centum of the total amount of contracts for annual contributions entered into any fiscal year pursuant to the new authority granted under section 202 of the Housing and Urban Development Act of 1970 or under any law subsequently enacted shall be entered into with respect to units in *congregate housing*. As used in this section the term '*congregate housing*' means low-income housing (A) in which some or all of the dwelling units do not have kitchen facilities, and (B) connected with which there is a central dining facility to provide wholesome and economical meals for elderly and displaced families under terms and conditions prescribed by the public housing agency to permit a generally self-supporting operation. Expenditures incurred by a public agency in the operation of a central dining facility in connection with *congregate housing* (other than the cost of providing food and service) shall be considered one of the costs of operation of the project.

"LOWER-INCOME HOUSING ASSISTANCE

"SEC. 8. (a) For the purpose of aiding lower-income families in obtaining a decent place to live and of promoting economically mixed housing, assistance payments may be made with respect to existing, newly constructed, and substantially rehabilitated housing in accordance with the provisions of this section.

"(b)(1) The Secretary is authorized to enter into annual contribution contracts with public housing agencies pursuant to which such agencies may enter into contracts to make assistance payments to owners of existing dwelling units in accordance with this section. In areas where no public housing agency has been organized or where the Secretary determines that a public housing agency is unable to implement the provisions of this section, the Secretary is authorized to enter into such contracts and to perform the other functions assigned to a public housing agency by this section.

88 STAT. 663

Ante, p. 656.

Maximum
monthly rent.

Limitation.

Post, p. 674.
Proposed fair
market rent-
als, publica-
tion in
Federal Reg-
ister.
Adjustments.

"(2) To the extent of annual contributions authorizations under section 5(c) of this Act, the Secretary is authorized to make assistance payments pursuant to contracts with owners or prospective owner who agree to construct or substantially rehabilitate housing in which some or all of the units shall be available for occupancy by lower-income families in accordance with the provisions of this section. The Secretary may also enter into annual contributions contracts with public housing agencies pursuant to which such agencies may enter into contracts to make assistance payments to such owners or prospective owners.

"(c) (1) An assistance contract entered into pursuant to this section shall establish the maximum monthly rent (including utilities and all maintenance and management charges) which the owner is entitled to receive for each dwelling unit with respect to which such assistance payments are to be made. The maximum monthly rent shall not exceed by more than 10 per centum the fair market rental established by the Secretary periodically but not less than annually for existing or newly constructed rental dwelling units of various sizes and types in the market area suitable for occupancy by persons assisted under this section, except that the maximum monthly rent may exceed the fair market rental by more than 10 but not more than 20 per centum where the Secretary determines that special circumstances warrant such higher maximum rent or that such higher rent is necessary to the implementation of a local housing assistance plan as defined in section 213(a) (5) of the Housing and Community Development Act of 1974. Proposed fair market rentals for an area shall be published in the Federal Register with reasonable time for public comment, and shall become effective upon the date of publication in final form in the Federal Register.

"(2) (A) The assistance contract shall provide for adjustment annually or more frequently in the maximum monthly rents for units covered by the contract to reflect changes in the fair market rentals established in the housing area for similar types and sizes of dwelling units or, if the Secretary determines, on the basis of a reasonable formula.

"(B) The contract shall further provide for the Secretary to make additional adjustments in the maximum monthly rent for units under contract to the extent he determines such adjustments are necessary to reflect increases in the actual and necessary expenses of owning and maintaining the units which have resulted from substantial general increases in real property taxes, utility rates, or similar costs which are not adequately compensated for by the adjustment in the maximum monthly rent authorized by subparagraph (A).

"(C) Adjustments in the maximum rents as hereinbefore provided shall not result in material differences between the rents charged for assisted and comparable unassisted units, as determined by the Secretary.

"(3) The amount of the monthly assistance payment with respect to any dwelling unit, in the case of a large very low-income family, a very large lower income family, or a family with exceptional medical or other expenses, as determined by the Secretary, shall be the difference between 15 per centum of one-twelfth of the annual income of the family occupying the dwelling unit and the maximum monthly rent which the contract provides that the owner is to receive for the unit. In the case of other families, the Secretary shall establish the amount of the assistance payment as the difference between not less than 15 per centum nor more than 25 per centum of the family's income and the maximum rent, taking into consideration the income of the family, the

number of minor children in the household, and the extent of medical or other unusual expenses incurred by the family. Reviews of family income shall be made no less frequently than annually (except that such reviews may be made at intervals no longer than two years in the case of families who are elderly families).

"(4) The assistance contract shall provide that assistance payments may be made only with respect to a dwelling unit under lease for occupancy by a family determined to be a lower income family at the time it initially occupied such dwelling unit, except that such payments may be made with respect to unoccupied units for a period not exceeding sixty days (A) in the event that a family vacates a dwelling unit before the expiration date of the lease for occupancy or (B) where a good faith effort is being made to fill an unoccupied unit.

"(5) Assistance payments may be made with respect to up to 100 per centum of the dwelling units in any structure upon the application of the owner or prospective owner. Within the category of projects containing more than fifty units and designed for use primarily by nonelderly and nonhandicapped persons, the Secretary may give preference to applications for assistance involving not more than 20 per centum of the dwelling units in a project. In according any such preference, the Secretary shall compare applications received during distinct time periods not exceeding sixty days in duration.

"(6) The Secretary shall take such steps as may be necessary, including the making of contracts for assistance payments in amounts in excess of the amounts required at the time of the initial renting of dwelling units, the reservation of annual contributions authority for the purpose of amending housing assistance contracts, or the allocation of a portion of new authorizations for the purpose of amending housing assistance contracts, to assure that assistance payments are increased on a timely basis to cover increases in maximum monthly rents or decreases in family incomes.

"(7) At least 30 per centum of the families assisted under this section with annual allocations of contract authority shall be very low-income families at the time of the initial renting of dwelling units.

"(8) To the extent authorized in contracts entered into by the Secretary with a public housing agency, such agency may purchase any structure containing one or more dwelling units assisted under this section for the purpose of reselling the structure to the tenant or tenants occupying units aggregating in value at least 80 per centum of the structure's total value. Any such resale may be made on the terms and conditions prescribed under section 5(h) and subject to the limitation contained in such section.

"(d) (1) Contracts to make assistance payments entered into by a public housing agency with an owner of existing housing units shall provide (with respect to any unit) that—

"(A) the selection of tenants for such unit shall be the function of the owner, subject to the provisions of the annual contributions contract between the Secretary and the agency;

"(B) the agency shall have the sole right to give notice to vacate, with the owner having the right to make representation to the agency for termination of tenancy;

"(C) maintenance and replacement (including redecoration) shall be in accordance with the standard practice for the building concerned as established by the owner and agreed to by the agency; and

"(D) the agency and the owner shall carry out such other appropriate terms and conditions as may be mutually agreed to by them.

88 STAT. 665

"(2) Each contract for an existing structure entered into under this section shall be for a term of not less than one month nor more than one hundred and eighty months.

Restriction. "(e) (1) The Secretary shall not contract to make assistance payments with respect to a newly constructed or substantially rehabilitated dwelling unit for a term of less than one month or more than two hundred and forty months. In the case of a project owned by, or financed by a loan or loan guarantee from, a State or local agency, the term may not exceed four hundred and eighty months.

"(2) The contract between the Secretary and the owner with respect to newly constructed or substantially rehabilitated dwelling units shall provide that all ownership, management, and maintenance responsibilities, including the selection of tenants and the termination of tenancy, shall be assumed by the owner (or any entity, including a public housing agency, approved by the Secretary, with which the owner may contract for the performance of such responsibilities).

12 USC 1701
note.

"(3) The construction or substantial rehabilitation of dwelling units to be assisted under this section shall be eligible for financing with mortgages insured under the National Housing Act. Assistance with respect to such dwelling units shall not be withheld or made subject to preferences by reason of the availability of mortgage insurance pursuant to section 244 of such Act or by reason of the tax-exempt status of the bonds or other obligations to be used to finance such construction or rehabilitation.

Post, p. 679.

"(4) Nothing in this Act shall be deemed to prohibit an owner from pledging, or offering as security for any loan or obligation, a contract for assistance payments entered into pursuant to this section: *Provided*, That such security is in connection with a project constructed or rehabilitated pursuant to authority granted in this section, and the terms of the financing or any refinancing have been approved by the Secretary.

Definitions. "(f) As used in this section—

"(1) the term 'lower income families' means those families whose incomes do not exceed 80 per centum of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 80 per centum of the median for the area on the basis of his findings that such variations are necessary because of prevailing levels of construction costs, unusually high or low family incomes, or other factors;

"(2) the term 'very low-income families' means those families whose incomes do not exceed 50 per centum of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families;

"(3) the term 'income' means income from all sources of each member of the household, as determined in accordance with criteria prescribed by the Secretary;

"(4) the term 'owner' means any private person or entity, including a cooperative, or a public housing agency, having the legal right to lease or sublease newly constructed or substantially rehabilitated dwelling units as described in this section; and

"(5) the terms 'rent' or 'rental' mean, with respect to members of a cooperative, the charges under the occupancy agreements between such members and the cooperative.

"(g) Notwithstanding any other provision of this Act, assistance payments under this section may be provided, in accordance with regulations prescribed by the Secretary, with respect to some or all of the units in any project approved pursuant to section 202 of the Housing Act of 1959.

12 USC 1701g, ing Act of 1959.

August 22, 1974

- 33 -

Pub. Law 93-383

88 STAT. 666

"(h) The provisions of sections 3(1), 5(e), and 6, and any other provisions of this Act, which are inconsistent with the provisions of this section shall not apply to contracts for assistance entered into under this section. Arte, pp. 654, 656, 659.

"ANNUAL CONTRIBUTIONS FOR OPERATION OF LOW-INCOME
HOUSING PROJECTS

"SEC. 9. (a) In addition to the contributions authorized to be made for the purposes specified in section 5 of this Act, the Secretary may make annual contributions to public housing agencies for the operation of low-income housing projects. The contributions payable annually under this section shall not exceed the amounts which the Secretary determines are required (1) to assure the low-income character of the projects involved, and (2) to achieve and maintain adequate operating services and reserve funds. The Secretary shall embody the provisions for such annual contributions in a contract guaranteeing their payment subject to the availability of funds. For purposes of making payments under this section, the Secretary shall establish standards for costs of operation and reasonable projections of income, taking into account the character and location of the project and characteristics of the families served, or the costs of providing comparable services as determined in accordance with criteria or a formula representing the operations of a prototype well-managed project. 42 USC 1437g.

"(b) The aggregate rentals required to be paid in any year by families residing in the dwelling units administered by a public housing agency receiving annual contributions under this section shall not be less than an amount equal to one-fifth of the sum of the incomes of all such families.

"(c) Of the aggregate amount of contracts for annual contributions authorized in section 5(c) of this Act to be entered into on or after July 1, 1974, the Secretary is authorized to enter into contracts for annual contributions under this section aggregating not more than \$500,000,000 per annum, which amount shall be increased by \$60,000,000 on July 1, 1975.

"GENERAL PROVISIONS

"SEC. 10. (a) In the performance of, and with respect to, the functions, powers, and duties vested in him by this Act, the Secretary, notwithstanding the provisions of any other law, shall— 42 USC 1437h.

"(1) prepare annually and submit a budget program as provided for wholly owned Government corporations by the Government Corporation Control Act, as amended; and

"(2) maintain an integral set of accounts which shall be audited annually by the General Accounting Office in accordance with the principles and procedures applicable to commercial transactions as provided by the Government Corporation Control Act, as amended, and no other audit shall be required. 31 USC 841
note.

"(b) All receipts and assets of the Secretary under this Act shall be available for the purposes of this Act until expended.

"(c) The Federal Reserve banks are authorized and directed to act as depositories, custodians, and fiscal agents for the Secretary in the general exercise of his powers under this Act, and the Secretary may reimburse any such bank for its services in such manner as may be agreed upon.

"FINANCING LOW-INCOME HOUSING PROJECTS

42 USC 1437i.

"SEC. 11. (a) Obligations issued by a public housing agency in connection with low-income housing projects which (1) are secured (A) by a pledge of a loan under any agreement between such public housing agency and the Secretary, or (B) by a pledge of annual contributions under an annual contributions contract between such public housing agency and the Secretary, or (C) by a pledge of both annual contributions under an annual contributions contract and a loan under an agreement between such public housing agency and the Secretary, and (2) bear, or are accompanied by, a certificate of the Secretary that such obligations are so secured, shall be incontestable in the hands of a bearer and the full faith and credit of the United States is pledged to the payment of all amounts agreed to be paid by the Secretary as security for such obligations.

Tax exemption.

"(b) Except as provided in section 5(g), obligations, including interest thereon, issued by public housing agencies in connection with low-income housing projects shall be exempt from all taxation now or hereafter imposed by the United States whether paid by such agencies or by the Secretary. The income derived by such agencies from such projects shall be exempt from all taxation now or hereafter imposed by the United States.

"LABOR STANDARDS

42 USC 1437j.

"SEC. 12. Any contract for loans, annual contributions, sale, or lease pursuant to this Act shall contain a provision requiring that not less than the wages prevailing in the locality, as determined or adopted (subsequent to a determination under applicable State or local law) by the Secretary, shall be paid to all architects, technical engineers, draftsmen, and technicians employed in the development, and all maintenance laborers and mechanics employed in the operation, of the low-income housing project involved; and shall also contain a provision that not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (49 Stat. 1011), shall be paid to all laborers and mechanics employed in the development of the project involved (including a project with nine or more units assisted under section 8 of this Act, where the public housing agency or the Secretary and the builder or sponsor enter into an agreement for such use before construction or rehabilitation is commenced), and the Secretary shall require certification as to compliance with the provisions of this section prior to making any payment under such contract."

Effective date.

42 USC 1437 note.

Ante, p. 654.

(b) The provisions of subsection (a) of this section shall be effective on such date or dates as the Secretary of Housing and Urban Development shall prescribe, but not later than eighteen months after the date of the enactment of this Act; except that (1) all of the provisions of section 3(1) of the United States Housing Act of 1937, as amended by subsection (a) of this section, shall become effective on the same date, (2) all of the provisions of sections 5 and 9(c) of such Act as so amended shall become effective on the same date, and (3) section 8 of such Act as so amended shall be effective not later than January 1, 1975.

APPLICABILITY OF RENTAL REQUIREMENTS

42 USC 1437a note.

SEC. 202. To the extent that section 3(1) of the United States Housing Act of 1937, as amended by section 201(a) of this Act, would require the establishment of an increased monthly rental charge for any family which occupies a low-income housing unit as of the effective date of this Act, such requirement shall be inoperative.

August 22, 1974

- 35 -

Pub. Law 93-383

88 STAT. 668

tive date of such section 3(1) (other than by reason of the provisions relating to welfare assistance payments), the required adjustment shall be made, in accordance with regulations of the Secretary, as follows: (A) the first adjustment shall not exceed \$5 and shall become effective as of the month following the month of the first review of the family's income pursuant to section 6(c) (2) of such Act which occurs at least six months after the effective date of such section 3(1), and (B) subsequent adjustments, each of which shall not exceed \$5, shall be made at six-month intervals over whatever period is necessary to effect the full required increase in the family's rental charge.

EXEMPTIONS OF CERTAIN PROJECTS FROM RENTAL FORMULA

SEC. 203. The rental or income contribution provisions of the United States Housing Act of 1937, as amended by section 201 of this Act, shall not preclude the use of special schedules of required payments as approved by the Secretary for participants in mutual help housing projects who contribute labor, land, or materials to the development of such projects.

42 USC 1437f
note.
Ante, p. 653.

REPEAL OF SPECIFICATION REQUIREMENTS IN CONSTRUCTION CONTRACTS

SEC. 204. Section 815 of the Housing Act of 1954 is repealed.

Repeal.
42 USC 1411d,
1455a.

RETROACTIVE EFFECT OF REPEAL OF SECTION 10(j)

SEC. 205. Section 206(c) of the Housing Act of 1961 (Public Law 87-70, approved June 30, 1961, 75 Stat. 165) is amended by adding at the end thereof the following sentence: "The Secretary of Housing and Urban Development is authorized to agree with a public housing agency to the amendment of any annual contributions contract containing the provision prescribed in section 10(j) of the United States Housing Act of 1937 (as in effect prior to the enactment of the Housing and Community Development Act of 1974), so as to delete such provision and waive any rights of the United States that are accrued or may accrue under such provision."

42 USC 1410
note.

42 USC 1410.

AMENDMENT TO NATIONAL BANK ACT

SEC. 206. The sixth sentence of paragraph "Seventh" of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended—

(1) by striking out "1421a(b) of title 42" wherever it appears and inserting in lieu thereof "6(g) of the United States Housing Act of 1937";

(2) by striking out "either" before clause (1);

(3) by striking out "(which obligations shall have a maturity of not more than eighteen months)" in clause (1);

(4) by striking out "or" before clause (2); and

(5) by inserting before the colon before the first proviso the following: "or (3) by a pledge of both annual contributions under an annual contributions contract containing the covenant by the Secretary which is authorized by section 6(g) of the United States Housing Act of 1937, and a loan under an agreement between the local public housing agency and the Secretary in which the public housing agency agrees to borrow from the Secretary, and the Secretary agrees to lend to the public housing agency, prior to the maturity of the obligations involved, moneys in an amount which (together with any other moneys irrevocably committed under the annual contributions contract to the payment of principal and interest on such obligations) will suffice to pro-

Ante, p. 659.

vide for the payment when due of all installments of principal and interest on such obligations, which moneys under the terms of the agreement are required to be used for the purpose of paying the principal and interest on such obligations at their maturity".

AMENDMENTS TO LANHAM ACT

SEC. 207. (a) Section 606 of the Act of October 14, 1940, as amended (42 U.S.C. 1586), is amended by striking out that part of the first sentence in subsection (b) which follows the parenthetical phrase and inserting in lieu thereof a period, and by striking out all of the second sentence.

(b) Section 606(c)(1) of such Act is amended by inserting before the semicolon at the end thereof the following: "or, with the Secretary's approval, used to finance the repair or rehabilitation of a project or part thereof conveyed to the public housing agency under this section".

LEASED HOUSING

SEC. 208. Nothing in this title or any other provision of law authorizes the Secretary of Housing and Urban Development to apply any policy or procedure established by him with respect to the rights of an owner under a lease entered into under section 23 of the United States Housing Act of 1937 if such lease was entered into prior to the effective date of such policy or procedure.

LOW-INCOME HOUSING FOR THE ELDERLY OR HANDICAPPED

SEC. 209. The Secretary shall consult with the Secretary of Health, Education, and Welfare to insure that special projects for the elderly or the handicapped authorized pursuant to United States Housing Act of 1937 shall meet acceptable standards of design and shall provide quality services and management consistent with the needs of the occupants. Such projects shall be specifically designed and equipped with such "related facilities" (as defined in section 202(d)(8) of the Housing Act of 1959) as may be necessary to accommodate the special environmental needs of the intended occupants and shall be in support of and supported by the applicable State plans for comprehensive services pursuant to section 134 of the Mental Retardation Facilities and Community Mental Health Center Construction Act of 1963 or State and area plans pursuant to title III of the Older Americans Act of 1965.

REVISION OF SECTION 202 PROGRAM FOR ELDERLY AND HANDICAPPED

SEC. 210. (a) Section 202(a)(3) of the Housing Act of 1959 is amended by striking out all that follows "and shall bear interest at a rate" and inserting in lieu thereof "which is not more than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, plus an allowance adequate in the judgment of the Secretary to cover administrative costs and probable losses under the program."

(b) Section 202(d)(4) of such Act is amended—

(1) by striking out "a physical" in the second sentence and inserting in lieu thereof "an"; and

42 USC 1421b
note.

42 USC 1421b.

42 USC 1438.

Ante, p. 653.

Post, p. 671.

42 USC 2674.

42 USC 3021.

12 USC 1701q.

August 22, 1974

- 37 -

Pub. Law 93-383

88 STAT. 670

(2) by inserting after the second sentence the following new sentence: "A person shall also be considered handicapped if such person is a developmentally disabled individual as defined in section 102(5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1950."

(c) Section 202 of such Act is further amended by adding at the end thereof the following new subsection: 12 USC 1701q.

"(f) In carrying out the provisions of this section, the Secretary shall seek to assure, pursuant to applicable regulations, that housing and related facilities assisted under this section will be in appropriate support of, and supported by, applicable State and local plans which respond to Federal program requirements by providing an assured range of necessary services for individuals occupying such housing (which services may include, among others, health, continuing education, welfare, informational, recreational, homemaker, counseling, and referral services, transportation where necessary to facilitate access to social services, and services designed to encourage and assist recipients to use the services and facilities available to them), including plans approved by the Secretary of Health, Education, and Welfare pursuant to section 134 of the Mental Retardation Facilities and Community Mental Health Center Construction Act of 1963 or pursuant to title III of the Older Americans Act of 1965."

42 USC 2674.

42 USC 3021.

(d) Section 202(a) (4) of such Act is amended—

(1) by inserting "(A)" immediately after "(4)";

(2) by inserting ", and the proceeds from notes or other obligations issued under subparagraph (B)," after "Amounts so appropriated"; and

(3) by adding at the end thereof the following new subparagraphs:

"(B) (i) To carry out the purposes of this section, the Secretary is authorized to issue to the Secretary of the Treasury notes or other obligations in an aggregate amount not to exceed \$800,000,000, in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act; and the purposes for which securities may be issued under that Act are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

Interest rate.

40 Stat. 288.

31 USC 774.

"(ii) The receipts and disbursements of the fund shall not be included in the total of the Budget of the United States Government and shall be exempt from any limitation on annual expenditure or net lending.

"(C) Amounts in the fund shall be available to the Secretary for the purpose of making loans under this section and for paying interest on obligations issued under subparagraph (B). The aggregate loans made under this section in any fiscal year shall not exceed the

limits on such lending authority established for such year in appropriation Acts."

12 USC 1701q. (e) Section 202(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(5) To the maximum extent practicable, the Secretary shall use the services and facilities of the private mortgage industry in servicing mortgage loans made under this section."

(f) Section 202(d) (8) of such Act is amended by inserting immediately after "families" the following: "residing in the project or in the area".

12 USC 1701q
note.

(g) (1) In determining the feasibility and marketability of a project under section 202 of the Housing Act of 1959, the Secretary shall consider the availability of monthly assistance payments pursuant to section 8 of the United States Housing Act of 1937 with respect to such a project.

(2) The Secretary shall insure that with the original approval of a project authorized pursuant to section 202 of the Housing Act of 1959, and thereafter at each annual revision of the assistance contract under section 8 of the United States Housing Act of 1937 with respect to units in such project, the project will serve both low- and moderate-income families in a mix which he determines to be appropriate for the area and for viable operation of the project; except that the Secretary shall not permit maintenance of vacancies to await tenants of one income level where tenants of another income level are available.

SINGLE-FAMILY MORTGAGE ASSISTANCE

12 USC 1715z. SEC. 211. (a) Section 235 of the National Housing Act is amended—

(1) by striking out "and by \$200,000,000 on July 1, 1971" in subsection (h) (1) and inserting in lieu thereof "by \$200,000,000 on July 1, 1971, and by such sums as may be approved in appropriation Acts after June 30, 1974, and prior to July 1, 1976";

(2) by adding at the end of subsection (h) (1) the following: "Upon the expiration of one year following the date of enactment of the Housing and Community Development Act of 1974, the Secretary shall not enter into new contracts for assistance payments under this section utilizing authority approved in appropriation Acts prior to July 1, 1974.";

(3) by striking out paragraph (2) of subsection (h) and inserting in lieu thereof the following:

"(2) Assistance payments under this section may be made only with respect to a family whose income at the time of initial occupancy does not exceed 80 per centum of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 80 per centum of the median for the area on the basis of his findings that such variations are necessary because of prevailing levels of construction costs, unusually high or low median family incomes, or other factors.";

(4) by striking out "prior to July 1, 1972" in subsection (h) (3) (B) and inserting in lieu thereof "on or after July 1, 1969";

(5) by inserting after "mortgage" in the first sentence of subsection (i) (1) the following: "(including advances with respect to property construction or rehabilitation pursuant to a self-help program)";

(6) by striking out paragraph (3)(C) of subsection (i) and inserting in lieu thereof the following:

"(C) be executed by a mortgagor who shall have paid in cash or its equivalent, on account of the property, at least an

August 22, 1974

- 39 -

Pub. Law 93-383

88 STAT. 672

amount equal to 3 per centum of the Secretary's estimate of the cost of acquisition."; and

(7) by striking out "October 1, 1974" in subsection (m) and inserting in lieu thereof "June 30, 1976".

(b) Section 235(a) of such Act is amended by inserting after "this section" at the end of the second sentence the following: "or which mortgages are assisted under a State or local program providing assistance through loans, loan insurance or tax abatement". 12 USC 1715z.

(c) (1) The last proviso in section 235(b)(2) of such Act is amended by striking out "\$18,000", "\$21,000", "\$21,000", and "\$24,000" and inserting in lieu thereof "\$21,600", "\$25,200", "\$25,200", and "\$28,800", respectively.

(2) Section 235(i)(3)(B) of such Act is amended by striking out "\$18,000", "\$21,000", "\$21,000", and "\$24,000" and inserting in lieu thereof "21,600", "25,200", "25,200", and "28,800", respectively.

MULTIFAMILY MORTGAGE ASSISTANCE

SEC. 212. Section 236 of the National Housing Act is amended-- 12 USC 1715z-1.

(1) by inserting "(1)" after "(f)" at the beginning of subsection (f), and by redesignating clauses (1) and (2) of such subsection as clauses (A) and (B), respectively;

(2) by adding at the end of subsection (f)(1) the following: "With respect to those projects which the Secretary determines have separate utility metering for some or all dwelling units, the Secretary is authorized--

"(i) to permit the basic rental charge and the fair market rental charge to be determined on the basis of operating the project without the payment of the cost of utility services used by such dwelling units; and

"(ii) to permit the charging of a rental for such dwelling units at such an amount less than 25 per centum of a tenant's income as the Secretary determines represents a proportionate decrease for the utility charges to be paid by such tenant, but in no case shall such rental be lower than 20 per centum of a tenant's income.

"(2) With respect to 20 per centum of the dwelling units in any project made subject to a contract under this section after the date of enactment of the Housing and Community Development Act of 1974, the Secretary shall make, and contract to make, additional assistance payments to the project owner on behalf of tenants whose incomes are too low for them to afford the basic rentals with 25 per centum of their income or such lower per centum as may be established pursuant to the provisions of clause (ii) of the last sentence of paragraph (1). The additional assistance payments authorized by this paragraph with respect to any dwelling unit shall be the amount required to reduce the rental payment by the tenant to 25 per centum of the tenant's income or such lower per centum as may be established pursuant to the provisions of clause (ii) of the last sentence of paragraph (1). In no case shall such rental payment be reduced below an amount equal to utility costs attributable to the unit occupied by the tenant, unless the Secretary determines that the application of this requirement in any area would result in undue hardship because of unusually high utility costs prevailing seasonally or otherwise in such area. Notwithstanding the foregoing provisions of this paragraph, the Secretary may--

"(A) reduce such 20 per centum requirement in the case of any project if he determines that such action is necessary to assure the economic viability of the project; or

"(B) increase such 20 per centum requirement in the case of any project if he determines that such action is necessary and feasible

in order to assure, insofar as is practicable, that there is in the project a reasonable range in the income levels of tenants, or that such action is to be taken to meet the housing needs of elderly or handicapped families.

"(3) For each project there shall be established an initial operating expense level, which shall be the sum of the cost of utilities and local property taxes payable by the project owner at the time the Secretary determines the property to be fully occupied, taking into account anticipated and customary vacancy rates. At any time subsequent to the establishment of an initial operating expense level, the Secretary is authorized to make, and contract to make, additional assistance payments to the project owner in an amount up to the amount by which the sum of the cost of utilities and local property taxes exceeds the initial operating expense level, but not to exceed the amount required to maintain the basic rentals of any units at levels not in excess of 30 per centum, or such lower per centum not less than 25 per centum as shall reflect the reduction permitted in clause (ii) of the last sentence of paragraph (1), of the income of tenants occupying such units. Any contract to make additional assistance payments may be amended periodically to provide for appropriate adjustments in the amount of the assistance payments. Additional assistance payments shall be made pursuant to this paragraph only if the Secretary finds that the increase in the cost of utilities or local property taxes, is reasonable and is comparable to cost increases affecting other rental projects in the community.";

84 Stat. 1774.
12 USC 1715z-1.

(3) by striking out subsection (g) and inserting in lieu thereof the following:

"(g) The project owner shall, as required by the Secretary, accumulate, safeguard, and periodically pay to the Secretary all rental charges collected in excess of the basic rental charges. Such excess charges shall be credited to a reserve fund to be used by the Secretary to make additional assistance payments as provided in paragraph (3) of subsection (f). During any period that the Secretary determines that the balance in the reserve fund is adequate to meet the estimated additional assistance payments, such excess charges shall be credited to the appropriation authorized by subsection (i) and shall be available until the end of the next fiscal year for the purpose of making assistance payments with respect to rental housing projects receiving assistance under this section. For the purpose of this subsection and paragraph (3) of subsection (f), the initial operating expense level for any project assisted under a contract entered into prior to the date of enactment of the Housing and Community Development Act of 1974 shall be established by the Secretary not later than 180 days after the date of enactment of such Act.";

(4) by striking out "and by \$200,000,000 on July 1, 1971" in subsection (i)(1) and inserting in lieu thereof "by \$200,000,000 on July 1, 1971, and by \$75,000,000 on July 1, 1974";

(5) by striking out paragraphs (2) and (3) of subsection (i) and inserting in lieu thereof the following:

"(2) Contracts for assistance payments under this section may be entered into only with respect to tenants whose incomes do not exceed 80 per centum of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 80 per centum of the median for the area on the basis of his findings that such variations are necessary because of prevailing levels of construction costs, unusually high or low family incomes, or other factors.

August 22, 1974

- 41 -

Pub. Law 93-383

88 STAT. 674

"(3) Not less than 10 per centum of the total amount of contracts for assistance payments authorized by appropriation Acts to be made after June 30, 1974, shall be available for use only with respect to dwellings, or dwelling units in projects, which are approved by the Secretary prior to rehabilitation.

"(4) At least 20 per centum of the total amount of contracts for assistance payments authorized in appropriation Acts to be made after June 30, 1974, shall be available for use only with respect to projects which are planned in whole or in part for occupancy by elderly or handicapped families. As used in this paragraph, the term 'elderly families' means families which consist of two or more persons the head of which (or his spouse) is sixty-two years of age or over or is handicapped. Such term also means a single person who is sixty-two years of age or over or is handicapped. A person shall be considered handicapped if such person is determined, pursuant to regulations issued by the Secretary, to have an impairment which (A) is expected to be of long-continued and indefinite duration, (B) substantially impedes his ability to live independently, and (C) is of such a nature that such ability could be improved by more suitable housing conditions.";

(6) by striking out "October 1, 1974" in subsection (n) and inserting in lieu thereof "June 30, 1976"; and 12 USC 1715z-1.

(7) by adding at the end thereof the following:

"(p) The Secretary is authorized to enter into contracts with State or local agencies approved by him to provide for the monitoring and supervision by such agencies of the management by private sponsors of projects assisted under this section. Such contracts shall require that such agencies promptly report to the Secretary any deficiencies in the management of such projects in order to enable the Secretary to take corrective action at the earliest practicable time."

LOCAL HOUSING ASSISTANCE PLANS; ALLOCATION OF HOUSING FUNDS

SEC. 213. (a)(1) The Secretary of Housing and Urban Development, upon receiving an application for housing assistance under the United States Housing Act of 1937, section 235 or 236 of the National Housing Act, section 101 of the Housing and Urban Development Act of 1965, or section 202 of the Housing Act of 1959, if the unit of general local government in which the proposed assistance is to be provided has an approved housing assistance plan, shall— 42 USC 1439.

(A) not later than ten days after receipt of the application, notify the chief executive officer of such unit of general local government that such application is under consideration; and Ante, p. 653.
12 USC 1715z,
1715z-1.

(B) afford such unit of general local government the opportunity, during the thirty-day period beginning on the date of such notification, to object to the approval of the application on the grounds that the application is inconsistent with its housing assistance plan. 12 USC 1701s.
12 USC 1701q.

(2) If the unit of general local government objects to the application on the grounds that it is inconsistent with its housing assistance plan, the Secretary may not approve the application unless he determines that the application is consistent with such housing assistance plan. If the Secretary determines, that such application is consistent with the housing assistance plan, he shall notify the chief executive officer of the unit of general local government of his determination and the reasons therefor in writing. If the Secretary concurs with the objection of the unit of local government, he shall notify the applicant stating the reasons therefor in writing.

(3) If the Secretary does not receive an objection by the close of the period referred to in paragraph (1)(B), he may approve the application unless he finds it inconsistent with the housing assistance plan. If the Secretary determines that an application is inconsistent with a housing assistance plan, he shall notify the applicant stating the reasons therefor in writing.

(4) The Secretary shall make the determinations referred to in paragraphs (2) and (3) within thirty days after he receives an objection pursuant to paragraph (1)(B) or within thirty days after the close of the period referred to in paragraph (1)(B), whichever is earlier.

(5) As used in this section, the term "housing assistance plan" means a housing assistance plan submitted and approved under section 104 of this Act or, in the case of a unit of general local government not participating under title I of this Act, a housing plan approved by the Secretary as meeting the requirements of this section.

(b) The provisions of subsection (a) shall not apply to—

(1) applications for assistance involving 12 or fewer units in a single project or development;

(2) applications for assistance with respect to housing in new community developments approved under title IV of the Housing and Urban Development Act of 1968 or title VII of the Housing and Urban Development Act of 1970 which the Secretary determines are necessary to meet the housing requirements under such title; or

(3) applications for assistance with respect to housing financed by loans or loan guarantees from a State or agency thereof, except that the provisions of subsection (a) shall apply where the unit of general local government in which the assistance is to be provided objects in its housing assistance plan to the exemption provided by this paragraph.

(c) For areas in which an approved local housing assistance plan is not applicable, the Secretary shall not approve an application for housing assistance unless he determines that there is a need for such assistance, taking into consideration any applicable State housing plans, and that there is or will be available in the area public facilities and services adequate to serve the housing proposed to be assisted. The Secretary shall afford the unit of general local government in which the assistance is to be provided an opportunity, during a 30-day period following receipt of an application by him, to provide comments or information relevant to the determination required to be made by the Secretary under this subsection.

(d) (1) In allocating financial assistance under the provisions of law specified in subsection (a) of this section, the Secretary, so far as practicable, shall consider the relative needs of different areas and communities as reflected in data as to population, poverty, housing overcrowding, housing vacancies, amount of substandard housing, or other objectively measurable conditions, subject to such adjustments as may be necessary to assist in carrying out activities designed to meet lower income housing needs as described in approved housing assistance plans submitted by units of general local government or combinations of such units assisted under section 107(a)(2) of this Act. The amount of assistance allocated to nonmetropolitan areas pursuant to this section in any fiscal year shall not be less than 20 nor more than 25 per centum of the total amount of such assistance.

(2) In order to facilitate the provision of, and long-range planning for, housing for persons of low- and moderate-income in new community developments approved under title IV of the Housing and Urban Development Act of 1968 and title VII of the Housing and Urban

August 22, 1974

- 43 -

Pub. Law 93-383

88 STAT. 676

Development Act of 1970, the Secretary shall reserve such housing assistance funds as he deems necessary for use in connection with such new community developments. 42 USC 4501.

(3) The Secretary may reserve such housing assistance funds as he deems appropriate for use by a State or agency thereof.

TITLE III—MORTGAGE CREDIT ASSISTANCE

INSURED ADVANCES

SEC. 301. Title V of the National Housing Act is amended by adding at the end thereof the following new section: 12 USC 1430.

"ADVANCES

"SEC. 525. The Secretary is authorized to insure mortgage proceeds advanced during construction or rehabilitation or otherwise prior to final endorsement of a project mortgage for the purpose of (1) financing improvements to the property and the purchase of materials and building components delivered to the property, and (2) providing funds to cover the cost of building components where such components have been assembled and specifically identified for incorporation into the property but are located at a site other than the mortgaged property, with such security as the Secretary may require." 42 USC 1735f-3.

INCREASE IN MAXIMUM MORTGAGE AMOUNTS UNDER FHA ONE- TO FOUR-FAMILY MORTGAGE INSURANCE PROGRAMS

SEC. 302. (a) Section 203(b)(2) of the National Housing Act is amended by striking out "\$33,000", "\$35,750", and "\$41,250" wherever they appear and inserting in lieu thereof "\$45,000", "\$48,750", and "\$56,000", respectively. 12 USC 1709.

(b) Section 220(d)(3)(A) of such Act is amended by striking out "\$33,000", "\$35,750", and "\$41,250" wherever they appear and inserting in lieu thereof "\$45,000", "\$48,750", and "\$56,000", respectively. 12 USC 1715k.

(c) Section 221(d)(2)(A) of such Act is amended— 12 USC 1715l.

(1) by striking out "\$18,000", "\$21,000", "\$24,000", "\$32,400", and "\$39,600" in the matter preceding the first proviso and inserting in lieu thereof "\$21,600", "\$25,200", "28,000", "\$38,880", and "\$47,520", respectively; and

(2) by striking out "\$21,000", "\$24,000", "\$30,000", "\$38,400", and "\$45,600" in the second proviso and inserting in lieu thereof "\$25,200", "\$28,800", "\$36,000", "\$46,080", and "\$54,720", respectively.

(d) Section 222(b)(2) of such Act is amended by striking out "\$33,000" and inserting in lieu thereof "\$45,000". 12 USC 1715m.

(e) Section 234(c) of such Act is amended by striking out "\$33,000" and inserting in lieu thereof "\$45,000". 12 USC 1715y.

INCREASE IN MAXIMUM MORTGAGE AMOUNTS UNDER FHA MULTIFAMILY MORTGAGE INSURANCE PROGRAMS

SEC. 303. (a) (1) Section 207(c)(3) of the National Housing Act is amended by striking out "\$9,900", "\$13,750", "\$16,500", "\$20,350", "\$23,100", and "\$2,500" in the matter preceding the first semicolon and inserting in lieu thereof "\$13,000", "\$18,000", "\$21,500", "\$26,500", "\$30,000", and "\$3,250", respectively. 12 USC 1713.

(2) Section 207(c)(3) of such Act is further amended by striking out "\$11,550", "\$16,500", "\$19,800", "\$24,750", and "\$28,050" in the

86 STAT. 677

12 USC 1715e.

matter following the first semicolon and inserting in lieu thereof "\$15,000", "21,000", "\$25,750", "\$32,250", and "\$36,465", respectively.

(b) (1) Section 213(b) (2) of such Act is amended by striking out "\$9,900", "\$13,750", "\$16,500", "\$20,350", and "\$23,100" in the matter preceding the first proviso and inserting in lieu thereof "\$13,000", "\$18,000", "\$21,500", "\$26,500", and "\$30,000", respectively.

(2) Section 213(b) (2) of such Act is further amended by striking out "\$11,550", "\$16,500", "\$19,800", "\$24,750", and "\$28,050" in the first proviso and inserting in lieu thereof "\$15,000", "\$21,000", "\$25,750", "\$32,250", and "\$36,465", respectively.

12 USC 1715k.

(c) (1) Section 220(d) (3) (B) (iii) of such Act is amended by striking out "\$9,900", "\$13,750", "\$16,500", "\$20,350", and "\$23,100" in the matter preceding "except" where it first appears and inserting in lieu thereof "\$13,000", "\$18,000", "\$21,500", "\$26,500", and "\$30,000", respectively.

(2) Section 220(d) (3) (B) (iii) of such Act is further amended by striking out "\$11,550", "\$16,500", "\$19,800", "\$24,750", and "\$28,050" in the matter following "except" where it first appears and inserting in lieu thereof "\$15,000", "\$21,000", "\$25,750", "\$32,250", and "\$36,465", respectively.

12 USC 1715l.

(d) Section 221(d) (3) (ii) of such Act is amended—

(A) by striking out "\$9,200", "\$12,937.50", "\$15,525", "\$19,550", and "\$22,137.50" and inserting in lieu thereof "\$11,240", "\$15,540", "\$18,630", "\$23,460", and "\$26,570", respectively; and

(B) by striking out "\$10,925", "\$13,500", "\$18,400", "\$23,000", and "\$26,162.50" and inserting in lieu thereof "\$13,120", "\$16,200", "\$22,080", "\$27,600", and "\$32,000", respectively.

(e) (1) Section 221(d) (4) (ii) of such Act is amended by striking out "\$9,200", "\$12,937.50", "\$15,525", "\$19,550", and "\$22,137.50" in the matter preceding the first semicolon and inserting in lieu thereof "\$12,300", "\$17,188", "\$20,525", "\$24,700", and "\$29,038", respectively.

(2) Section 221(d) (4) (ii) of such Act is further amended by striking out "\$10,525", "\$15,525", "\$18,400", "\$23,000", and "\$26,162.50" in the matter following the first semicolon and inserting in lieu thereof "\$13,975", "\$20,025", "\$24,350", "\$31,500", and "\$34,578", respectively.

12 USC 1715v.

(f) (1) Section 231(c) (2) of such Act is amended by striking out "\$8,800", "\$12,375", "\$14,850", "\$18,700", and "\$21,175" in the matter preceding the first semicolon and inserting in lieu thereof "\$12,300", "\$17,188", "\$20,525", "\$24,700", and "\$29,038", respectively.

(2) Section 231(c) (2) of such Act is further amended by striking out "\$10,450", "\$14,850", "\$17,600", "\$22,000", and "\$25,025" in the matter following the first semicolon and inserting in lieu thereof "\$13,975", "\$20,025", "\$24,350", "\$31,500", and "\$34,578", respectively.

(g) (1) Section 234(e) (3) of such Act is amended by striking out "\$9,900", "\$13,750", "\$16,500", "\$20,350", and "\$23,100" in the matter preceding the first proviso and inserting in lieu thereof "\$13,000", "\$18,000", "\$21,500", "\$26,500", and "\$30,000", respectively.

12 USC 1715y.

(2) Section 234(e) (3) of such Act is further amended by striking out "\$11,550", "\$16,500", "\$19,800", "\$24,750", and "\$28,050" in the first proviso and inserting in lieu thereof "\$15,000", "\$21,000", "\$25,750", "\$32,250", and "\$36,465", respectively.

ELIMINATION OF PROJECT MORTGAGE DOLLAR LIMITS

12 USC 1713.

SEC. 304. (a) (1) Section 207(c) of the National Housing Act is amended by striking out paragraph (1).

(2) Section 207(c) (3) of such Act is amended by striking out "or \$1,000,000 per mortgage for trailer courts or parks".

August 22, 1974

- 45 -

Pub. Law 93-383

86 STAT. 678

(b) Section 213(b) of such Act is amended by striking out paragraph (1). 12 USC 1715e.

(c) Section 213(c) of such Act is amended by striking out "not to exceed \$12,500,000 and".

(d) Section 220(d) (3) (B) of such Act is amended by striking out clause (i). 12 USC 1715k.

(e) Section 221(d) of such Act is amended— 12 USC 1715l.

(1) by striking out clause (i) in paragraph (3); and

(2) by striking out clause (i) in paragraph (4).

(f) Section 231(c) of such Act is amended by striking out paragraph (1). 12 USC 1715v.

(g) Section 232(d) (2) of such Act is amended by striking out "not to exceed \$12,500,000, and". 12 USC 1715w.

(h) Section 234(e) of such Act is amended by striking out paragraph (1). 12 USC 1715y.

(i) Section 242(d) (2) of such Act is amended by striking out "not to exceed \$50,000,000, and". 12 USC 1715z-7.

(j) (1) Section 810(f) of such Act is amended by striking out "not to exceed \$5,000,000 or (2)". 12 USC 1748h-2.

(2) Section 810(g) of such Act is amended by striking out "not to exceed \$5,000,000 and".

(k) Section 1002(c) of such Act is amended by striking out the second sentence. 12 USC 1749bb.

(l) Section 1101(c) of such Act is amended by striking out paragraph (1). 12 USC 1749aaa.

ENERGY CONSERVATION

SEC. 305. Title V of the National Housing Act (as amended by section 301 of this Act) is amended by adding at the end thereof the following new section: *Ante*, p. 676.

"ENERGY CONSERVATION

"SEC. 526. To the maximum extent feasible, the Secretary of Housing and Urban Development shall promote the use of energy saving techniques through minimum property standards established by him for newly constructed residential housing subject to mortgages insured under this Act." 12 USC 1735f-4.

COMPENSATION FOR DEFECTS

SEC. 306. Section 518(b) of the National Housing Act is amended to read as follows: 12 USC 1735b.

"(b) The Secretary is authorized to make expenditures to correct, or to reimburse the owner for the correction of, structural or other major defects which so seriously affect use and livability as to create a serious danger to the life or safety of inhabitants of any one or two family dwelling which is covered by a mortgage insured under section 235 of this Act or which is located in an older, declining urban area and is covered by a mortgage insured under section 203 or 221 on or after August 1, 1968, but prior to January 1, 1973, and which is more than one year old on the date of the issuance of the insurance commitment, if (1) the owner requests assistance from the Secretary not later than one year after the insurance of the mortgage, or, in the case of a dwelling covered by a mortgage insured under section 203 or 221 the insurance commitment for which was issued on or after August 1, 1968, but prior to January 1, 1973, not more than one year after the date of enactment of the Housing and Community Development Act of 1974, and (2) the defect is one that existed on the date of the issuance of the insurance commitment and is one that a proper inspection could reasonably be expected to disclose. The Secretary may require from the 12 USC 1709, 1715l.

seller of any such dwelling an agreement to reimburse him for any payments made pursuant to this subsection with respect to such dwelling. Expenditures pursuant to this subsection shall be the obligation of the Special Risk Insurance Fund."

CO-INSURANCE

12 USC 1707.

SEC. 307. Title II of the National Housing Act is amended by adding at the end thereof the following new section:

"CO-INSURANCE

12 USC 1715z-9.

"SEC. 244. (a) In addition to providing insurance as otherwise authorized under this Act, and notwithstanding any other provision of this Act inconsistent with this section, the Secretary, upon request of any mortgagee and for such mortgage insurance premium as he may prescribe (which premium, or other charges to be paid by the mortgagor, shall not exceed the premium, or other charges, that would otherwise be applicable), may insure and make a commitment to insure under any provision of this title any mortgage, advance, or loan otherwise eligible under such provision, pursuant to a co-insurance contract providing that the mortgagee will—

"(1) assume a percentage of any loss on the insured mortgage, advance, or loan in direct proportion to the amount of the co-insurance, which co-insurance shall not be less than 10 per centum, subject to any reasonable limit or limits on the liability of the mortgagee that may be specified in the event of unusual or catastrophic losses that may be incurred by any one mortgagee; and

"(2) carry out (under a delegation or otherwise and with or without compensation but subject to audit, exception, or review requirements) such credit approval, appraisal, inspection, commitment, property disposition, or other functions as the Secretary, pursuant to regulations, shall approve as consistent with the purposes of this Act.

Any contract of co-insurance under this section shall contain such provisions relating to the sharing of premiums on a sound actuarial basis, establishment of mortgage reserves, manner of calculating insurance benefits, conditions with respect to foreclosure, handling and disposition of property prior to claim or settlement, rights of assignees (which may elect not to be subject to the loss sharing provisions), and other similar matters as the Secretary may prescribe pursuant to regulations.

"(b) No insurance shall be granted pursuant to this section with respect to dwellings or projects approved for insurance prior to the beginning of construction unless the inspection of such construction is conducted in accordance with at least the minimum standards and criteria used with respect to dwellings or projects approved for mortgage insurance pursuant to other provisions of this title.

"(c) No insurance shall be granted pursuant to this section unless the Secretary has, after due consultation with the mortgage lending industry, determined that the demonstration program of co-insurance authorized by this section will not disrupt the mortgage market or reduce the availability of mortgage credit to borrowers who depend upon mortgage insurance provided under this Act.

"(d) No mortgage, advance, or loan shall be insured pursuant to this section after June 30, 1977, except pursuant to a commitment to insure made before that date. The aggregate principal amount of mortgages and loans insured pursuant to this section in any fiscal year

August 22, 1974

- 47 -

Pub. Law 93-383

88 STAT. 680

beginning on or after July 1, 1974, and ending prior to October 1, 1977, shall not exceed 20 per centum of the aggregate principal amount of all mortgages and loans insured under this title during such fiscal year. The overall percentage limitation specified in the preceding sentence shall also apply separately within each of the following categories—

“(1) mortgages and loans covering one- to four-family dwellings; and

“(2) mortgages and loans covering projects with five or more dwelling units.

“(e) The Secretary shall not withdraw, deny, or delay insurance otherwise authorized under any other provision of this Act by reason of the availability of insurance pursuant to this section. The Secretary shall exercise his authority under this section only to the extent that he finds that the continued exercise of such authority will not adversely affect the flow of mortgage credit to older and declining neighborhoods and to the purchasers of older and lower cost housing.

“(f) The Secretary shall submit to the Congress a report, not later than March 1, 1975, and annually thereafter, describing operations under this section, including the extent of mortgagee participation and any special problems encountered, particularly with respect to the flow of mortgage credit to older and declining neighborhoods and to purchasers of older and lower cost housing, and setting forth any recommendations he may deem appropriate with respect to the continuation or modification of the authority contained in this section. If the Secretary shall fail to submit any such report by the date due, his authority under this section shall terminate.” Report to Congress.

EXPERIMENTAL FINANCING

SEC. 308. Title II of the National Housing Act (as amended by section 307 of this Act) is amended by adding at the end thereof the following new section: 12 USC 1707.

“EXPERIMENTAL FINANCING

“SEC. 245. The Secretary may insure on an experimental basis under any provision of this title mortgages and loans with provisions of varying rates of amortization corresponding to anticipated variations in family income to the extent he determines such mortgages or loans (1) have promise for expanding housing opportunities or meet special needs, (2) can be developed to include any safeguards for mortgagors or purchasers that may be necessary to offset special risks of such mortgages, and (3) have a potential for acceptance in the private market. The outstanding aggregate principal amount of mortgages which are insured pursuant to this section may not exceed 1 per centum of the outstanding aggregate principal amount of mortgages and loans estimated to be insured during any fiscal year under this title. A mortgage or loan may not be insured pursuant to this section after June 30, 1976, except pursuant to a commitment entered into prior to such date.” 12 USC 1715z-10.

PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

SEC. 309. (a) Section 2(b) of the National Housing Act is amended— 12 USC 1703.

(1) by striking out “\$5,000” in clause (1) and inserting in lieu thereof “\$10,000”;

(2) by striking out “if such obligation” in clause (2) and all that follows down through “the general economy, and” and inserting in lieu thereof the following: “if such obligation has a maturity in excess of twelve years and thirty-two days, except that”;

(3) by striking out "twelve years and thirty-two days (fifteen years and thirty-two days in the case of a mobile home composed of two or more modules)" in the proviso in clause (2) and inserting in lieu thereof "fifteen years and thirty-two days"; and

(4) by striking out "\$15,000", "\$2,500", and "seven years" in the third proviso in clause (3) and inserting in lieu thereof "\$25,000", "\$5,000", and "twelve years", respectively.

12 USC 1703.

(b) (1) Section 2(a) of such Act is amended by adding at the end thereof the following new paragraph:

"Alterations, repairs, and improvements upon or in connection with existing structures may include the provision of fire safety equipment, energy conserving improvements, or the installation of solar energy systems. As used in this section—

Definitions.

"(1) the term 'fire safety equipment' means any device or facility which is designed to reduce the risk of personal injury or property damage resulting from fire and is in conformity with such criteria and standards as shall be prescribed by the Secretary;

"(2) the term 'energy conserving improvements' means any addition, alteration, or improvement to an existing or new structure which is designed to reduce the total energy requirements of that structure, and which is in conformity with such criteria and standards as shall be prescribed by the Secretary in consultation with the National Bureau of Standards; and

"(3) the term 'solar energy system' means any addition, alteration, or improvement to an existing or new structure which is designed to utilize solar energy to reduce the energy requirements of that structure from other energy sources, and which is in conformity with such criteria and standards as shall be prescribed by the Secretary in consultation with the National Bureau of Standards."

(2) The first sentence of section 2(a) of such Act is amended by inserting before the period at the end thereof the following: "or financing the purchase of a lot on which to place such home and paying expenses reasonably necessary for the appropriate preparation of such lot, including the installation of utility connections, sanitary facilities, and paving, and the construction of a suitable pad, or financing only the acquisition of such a lot either with or without such preparation by an owner of a mobile home."

(3) Section 2(b) of such Act is amended by adding at the end thereof the following new sentence: "Notwithstanding the foregoing limitations, any loan to finance fire safety equipment for a nursing home, extended health care facility, intermediate health care facility, or other comparable health care facility may involve such principal amount and have such maturity as the Secretary may prescribe."

(c) Clause (i) in the first paragraph of section 2(a) of such Act is amended by inserting "or mobile homes" immediately after "in connection with existing structures".

(d) Section 2(b) of such Act (as amended by subsection (b) (3) of this section) is amended by adding at the end thereof the following new paragraphs:

Limitations.

"Notwithstanding the limitations contained in the first proviso to clause (2) of the preceding sentence, a loan financing the purchase of a mobile home and an undeveloped lot on which to place the home shall—

"(A) involve an amount not exceeding (i) the maximum amount under clause (1) of the first paragraph of this subsection, and (ii) such amount not to exceed \$5,000 as may be necessary to cover the cost of purchasing the lot; and

"(B) have a maturity not exceeding fifteen years and thirty-two days (twenty years and thirty-two days in the case of a mobile home composed of two or more modules).

"A loan financing the purchase of a mobile home and a suitably developed lot on which to place the home shall—

"(A) involve an amount not exceeding (i) the maximum amount under clause (1) of the first paragraph of this subsection, and (ii) such amount not to exceed \$7,500 as may be necessary to cover the cost of purchasing the lot; and

"(B) have a maturity not exceeding fifteen years and thirty-two days (twenty years and thirty-two days in the case of a mobile home composed of two or more modules).

"A loan financing the purchase, by an owner of a mobile home which is the principal residence of that owner, of only a lot on which to place that mobile home shall—

"(A) involve such an amount as may be necessary to cover the cost of purchasing the lot but not exceeding (i) \$5,000 in the case of an undeveloped lot, or (ii) \$7,500 in the case of a developed lot; and

"(B) have a maturity not exceeding ten years and thirty-two days.

A mobile home lot loan may be made only if the owner certifies that he will place his mobile home on the lot acquired with such loan within six months after the date of such loan."

(e) The last sentence of section 3(a) of the Act entitled "An Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes," approved May 7, 1968, as amended (12 U.S.C. 1709-1), is amended by striking out "and which represent loans and advances of credit made for the purpose of financing purchases of mobile homes,".

38 USC 1801.

DOWNPAYMENT REQUIREMENTS FOR REGULAR FHA ONE- TO FOUR-FAMILY MORTGAGES

SEC. 310. (a) The first and second sentences of section 203(b)(2) of the National Housing Act are each amended—

12 USC 1709.

(1) by striking out "\$15,000" in clause (i) and inserting in lieu thereof "\$25,000";

(2) by striking out "\$15,000" and "\$25,000" in clause (ii) and inserting in lieu thereof "\$25,000" and "\$35,000", respectively; and

(3) by striking out "\$25,000" in clause (iii) and inserting in lieu thereof "\$35,000".

(b) Section 220(d)(3)(A)(i) of such Act is amended by—

12 USC 1715k.

(1) by striking out "\$15,000" in each clause numbered (1) and inserting in lieu thereof "\$25,000";

(2) by striking out "\$15,000" and "\$25,000" in each clause numbered (2) and inserting in lieu thereof "\$25,000" and "\$35,000", respectively; and

(3) by striking out "\$25,000" in each clause numbered (3) and inserting in lieu thereof "\$35,000".

(c) Section 222(b)(3) of such Act is amended to read as follows:

12 USC 1715m.

"(3) have a principal obligation not in excess of the sum of (i) 97 per centum of \$25,000 of the appraised value of the property as of the date the mortgage is accepted for insurance, (ii) 90 per centum of such value in excess of \$25,000 but not in excess of \$35,000, and (iii) 80 per centum of such value in excess of \$35,000; and".

88 STAT. 683

- (d) That part of clause (A) of the third sentence of section 234(c) of such Act which begins "and not to exceed" is amended to read as follows "and not to exceed the sum of (i) 97 per centum of \$25,000 of the appraised value of the property as of the date the mortgage is accepted for insurance, (ii) 90 per centum of such value in excess of \$25,000 but not in excess of \$35,000, (iii) 80 per centum of such value in excess of \$35,000".

MULTIFAMILY MORTGAGES

- 12 USC 1715n. SEC. 311. (a) Section 223 of the National Housing Act is amended by adding at the end thereof the following new subsections:
- "(f) Notwithstanding any of the provisions of this Act, the Secretary is authorized, in his discretion, to insure under any section of this title a mortgage executed in connection with the purchase of refinancing of an existing multifamily housing project. In the case of refinancing under this subsection of property located in an older, declining urban area, the Secretary shall prescribe such terms and conditions as he deems necessary to assure that—
- "(1) the refinancing is used to lower the monthly debt service only to the extent necessary to assure the continued economic viability of the project, taking into account any rent reductions to be implemented by the mortgagor; and
- "(2) during the mortgage term no rental increases shall be made except those which are necessary to offset actual and reasonable operating expense increases or other necessary expense increases approved by the Secretary.
- "(g) Notwithstanding any other provisions of this Act, the Secretary may, in his discretion, insure a mortgage covering a multifamily housing project including units which are not self-contained."
- 12 USC 1715e. (b) Section 213(b)(2) of such Act is amended by striking out "97 per centum" and inserting in lieu thereof "98 per centum".

GROUP PRACTICE FACILITIES

- 12 USC 1749aaa. SEC. 312. (a) Title XI of the National Housing Act is amended—
- (1) by inserting after "unit or organization" in section 1101 (b) (1) the following: "or other mortgagor";
- (2) by inserting after "group practice facility" in section 1101 (b) (3) the following: "or medical practice facility";
- (3) by inserting after "group practice facility" in section 1101 (e) the following: "or medical practice facility";
- (4) by inserting after "group practice facility" in section 1101 (f) the following: "or medical practice facility";
- (5) by striking out in "(as defined in section 1106(1))" section 1105(a) and inserting in lieu thereof "or medical practice facility (as defined in section 1106)"; and
- (6) by redesignating paragraphs (2) through (8) of section 1106 as paragraphs (3) through (9), respectively, and by inserting after paragraph (1) of such section the following:
- "(2) The term 'medical practice facility' means an adequately equipped facility in which not more than four persons licensed to practice medicine in the State where the facility is located can provide, as may be appropriate, preventive, diagnostic, and treatment services, and which is situated in a rural area or small town, or in a low-income section of an urban area, in which there exists, as determined by the Secretary, a critical shortage of physicians. As used in this paragraph—
- "Small town." "(A) the term 'small town' means any town, village, or city having a population of not more than 10,000 inhabitants accord-

August 22, 1974

- 51 -

Pub. Law 93-383

88 STAT. 684

ing to the most recent available data compiled by the Bureau of the Census; and

"(B) the term 'low-income section of an urban area' means a section of a larger urban area in which the median family income is substantially lower, as determined by the Secretary, than the median family income for the area as a whole."

(b) Section 1106 of such Act is amended as follows:

12 USC 1749aaa-

5.

(1) Paragraph (1) is amended by inserting "or osteopathy" after "practice medicine", and by inserting after "State" where it last appears the following: "or, in the case of podiatric care or treatment, is under the professional supervision of persons licensed to practice podiatry in the State".

(2) Paragraph (2) (as redesignated by subsection (a) (6) of this section) is amended by inserting "osteopathy," after "practice medicine", and by inserting after "dentistry in the State," the following: "or of persons licensed to practice podiatry in the State,".

(3) Paragraph (3) (A) (as so redesignated) is amended by inserting "osteopathic care," after "comprehensive medical care," by striking out "or" after "optometric care," and by inserting after "dental care," the following: "or podiatric care,".

(4) Paragraph (3) (B) (as so redesignated) is amended by inserting "osteopathic," after "medical," by striking out "or" after "optometric," and by inserting after "dental" the following: "or podiatric".

SUPPLEMENTAL LOANS

SEC. 313. Section 241 of the National Housing Act is amended by adding at the end thereof the following new subsection:

12 USC 1715z-

6.

"(d) Notwithstanding the foregoing, the Secretary may insure a loan for improvements or additions to a multifamily housing project, or a group practice or medical practice facility or hospital or other health facility approved by the Secretary, which is not covered by a mortgage insured under this Act, if he finds that such a loan would assist in preserving, expanding, or improving housing opportunities, or in providing protection against fire or other hazards. Such loans shall have a maturity satisfactory to the Secretary and shall meet such other conditions as the Secretary may prescribe. In no event shall such a loan be insured if it is for an amount in excess of the maximum amount which could be approved if the outstanding indebtedness, if any, covering the property were a mortgage insured under this Act."

MORTGAGE INSURANCE FOR LAND DEVELOPMENT

SEC. 314. The first sentence of section 1002(c) of the National Housing Act is amended to read as follows: "The principal obligation of the mortgage shall not exceed the sum of 80 per centum of the Secretary's estimate of the value of the land before development and 90 per centum of his estimate of the cost of such development."

12 USC 1749bb.

SALES TO COOPERATIVES

SEC. 315. Title II of the National Housing Act (as amended by sections 307 and 308 of this Act) is amended by adding at the end thereof the following:

Ante, p. 679,
680.

"SALE OF ACQUIRED PROPERTY TO COOPERATIVES

"SEC. 246. In any case in which the Secretary sells a multifamily housing project acquired as the result of a default on a mortgage which was insured under this Act to a cooperative which will operate

12 USC 1715z-

11.

it on a nonprofit basis and restrict permanent occupancy of its dwellings to members, the Secretary may accept a purchase money mortgage in a principal amount equal to the sum of (1) the appraised value of the property at the time of purchase, which value shall be based upon a mortgage amount on which the debt service can be met from the income of the property when operated on a nonprofit basis after payment of all operating expenses, taxes, and required reserves, and (2) the amount of prepaid expenses and costs involved in achieving cooperative ownership. Prior to such disposition of a project, funds may be expended by the Secretary for necessary repairs and improvements."

EXTENSION OF REGULAR FHA INSURANCE PROGRAMS

- 12 USC 1703. SEC. 316. (a) Section 2(a) of the National Housing Act is amended by striking out "October 1, 1974" in the first sentence and inserting in lieu thereof "June 30, 1977".
- 12 USC 1715h. (b) Section 217 of such Act is amended by striking out "October 1, 1974" and inserting in lieu thereof "June 30, 1977".
- 12 USC 1715i. (c) Section 221(f) of such Act is amended by striking out "October 1, 1974" in the fifth sentence and inserting in lieu thereof "June 30, 1977".
- 12 USC 1748h-1. (d) Section 809(f) of such Act is amended by striking out "October 1, 1974" in the second sentence and inserting in lieu thereof "June 30, 1977".
- 12 USC 1748h-2. (e) Section 810(k) of such Act is amended by striking out "October 1, 1974" in the second sentence and inserting in lieu thereof "June 30, 1977".
- 12 USC 1749bb. (f) Section 1002(a) of such Act is amended by striking out "October 1, 1974" in the second sentence and inserting in lieu thereof "June 30, 1977".
- 12 USC 1749aaa. (g) Section 1101(a) of such Act is amended by striking out "October 1, 1974" in the second sentence and inserting in lieu thereof "June 30, 1977".

EXTENSION OF FLEXIBLE INTEREST RATE AUTHORITY

- 38 USC 1801. SEC. 317. Section 3(a) of the Act entitled "An Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes", approved May 7, 1968, as amended (12 U.S.C. 1709-1), is amended by striking out "October 1, 1974" and inserting in lieu thereof "June 30, 1977".

MORTGAGE INSURANCE IN MILITARY IMPACTED AREAS

- 12 USC 1715z-3. SEC. 318. Section 238 of the National Housing Act is amended by adding at the end thereof the following new subsection:
- "(c) The Special Risk Insurance Fund may be used by the Secretary for carrying out the mortgage insurance obligations of sections 203 and 207 to provide housing for military personnel, Federal civilian employees, and Federal contractor employees assigned to duty or employed at or in connection with any installation of the Armed Forces of the United States in federally impacted areas where, in the judgment of the Secretary (1) the residual housing requirements for persons not associated with such installations are insufficient to sustain the housing market in the event of substantial curtailment of employment of personnel assigned to such installations, and (2) the benefits to be derived from such use outweigh the risk of possible cost to the Government."

August 22, 1974

- 53 -

Pub. Law 93-383

88 STAT. 686

AMENDMENT TO MAKE PUBLIC HOUSING AGENCIES ELIGIBLE AS MORTGAGORS UNDER SECTION 221(d)(3) OF THE NATIONAL HOUSING ACT

Sec. 319. (a) Section 221(d)(3) of the National Housing Act is amended by striking out "(and which certifies that it is not receiving financial assistance from the United States exclusively pursuant to the United States Housing Act of 1937)" and inserting in lieu thereof "(and, except with respect to a project assisted or to be assisted pursuant to section 8 of the United States Housing Act of 1937, which certifies that it is not receiving financial assistance from the United States exclusively pursuant to such Act)".

(b) With respect to any obligation secured by a mortgage which is insured under section 221(d)(3) of the National Housing Act and issued by a public agency as mortgagor in connection with the financing of a project assisted under section 8 of the United States Housing Act of 1937, the interest paid on such obligation shall be included in gross income for purposes of chapter 1 of the Internal Revenue Code of 1954.

68A Stat. 3.
26 USC 1 et seq.

TITLE IV—COMPREHENSIVE PLANNING

COMPREHENSIVE PLANNING

Sec. 401. (a) Section 701(a) of the Housing Act of 1954 is amended—

(1) by striking out "State planning agencies" in paragraph (1) and inserting in lieu thereof "States";

(2) by striking out the numbered paragraphs following paragraph (1) and inserting in lieu thereof the following:

"(2) States for State, interstate, metropolitan, district, or regional activities which may be assisted under this section;

"(3) cities (including the District of Columbia) having populations of at least 50,000 according to the latest decennial census for local activities which may be assisted under this section;

"(4) urban counties as defined under title I of the Housing and Community Development Act of 1974;

"(5) the areawide organization in any metropolitan area which is formally charged with carrying out the provisions of section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 and section 401 of the Intergovernmental Cooperation Act of 1968: *Provided*, That any such areawide organization, to the extent practicable, shall be composed of or responsible to the elected officials of the unit or units of general local government for the jurisdictions of which they are empowered to carry out the provisions of such Acts;

"(6) Indian tribal groups or bodies; and

"(7) other governmental units or agencies having special planning needs related to the purposes of this section, including but not limited to interstate regional planning commissions, and units or agencies for disaster areas, federally impacted areas, and local development districts, to the extent these needs cannot otherwise be adequately met."; and

(3) by striking out the part which follows the numbered paragraphs and inserting in lieu thereof the following:

"Activities assisted under this section shall, to the maximum extent feasible, cover entire areas having common or related development problems. The Secretary shall encourage cooperation in preparing and carrying out plans among all interested municipalities, political subdivisions, public agencies, and other parties in order to achieve coordinated development of entire areas. To the maximum extent feasible,

88 STAT. 687

40 USC 461.

pertinent plans and studies already made for areas shall be utilized so as to avoid unnecessary repetition of effort and expense."

(b) Section 701 of such Act is further amended by striking out all that follows subsection (a) and inserting in lieu thereof the following:

"(b) Activities which may be assisted under this section include those necessary (1) to develop and carry out a comprehensive plan as part of an ongoing planning process, (2) to develop and improve the management capability to implement such plan or part thereof or related plans or planning, and (3) to develop a policy-planning-evaluation capacity so that the recipient may more rationally (A) determine its needs, (B) set long-term goals and short-term objectives, (C) devise programs and activities to meet these goals and objectives, and (D) evaluate the progress of such programs in accomplishing those goals and objectives. Activities assisted under this section shall be carried out by professionally competent persons.

"(c) Each recipient of assistance under this section shall carry out an ongoing comprehensive planning process which shall make provision for citizen participation pursuant to regulations of the Secretary where major plans, policies, priorities, or objectives are being determined. The process shall involve development and subsequent modifications of a comprehensive plan which shall be reviewed at least biennially for necessary or desirable amendments. Any such plan shall include, as a minimum, each of the following elements:

"(1) A housing element which shall take into account all available evidence of the assumptions and statistical bases upon which the projection of zoning, community facilities, and population growth is based, so that the housing needs of both the region and the local communities studied in the planning will be adequately covered in terms of existing and prospective population growth. The development and formulation of State and local goals pursuant to title XVI of the Housing and Urban Development Act of 1968 shall be a part of such a housing element.

42 USC 1441a.

"(2) A land-use element which shall include (A) studies, criteria, standards, and implementing procedures necessary for effectively guiding and controlling major decisions as to where growth shall take place within the recipient's boundaries, and (B) as a guide for governmental policies and activities, general plans with respect to the pattern and intensity of land use for residential, commercial, industrial, and other activities.

Each of the elements set forth above shall specify (i) broad goals and annual objectives (in measurable terms wherever possible), (ii) programs designed to accomplish these objectives, and (iii) procedures, including criteria set forth in advance, for evaluating programs and activities to determine whether they are meeting objectives. Such elements shall be consistent with each other and consistent with stated national growth policy.

"(d) After an initial application for assistance under this section has been approved, the Secretary may make grants on an annual basis, if—

"(1) the applicant submits to the Secretary annually a description of its work program designed to meet objectives for the next succeeding one-year period and setting forth any changes the applicant intends to undertake to achieve better progress; and

"(2) the applicant submits to the Secretary biennially (A) an evaluation of the progress made by it during the previous two years in meeting objectives set forth in its plan, and (B) a description of any changes in the plan's goals or objectives.

The Secretary shall make no grant after three years from the date of enactment of the Housing and Community Development Act of 1974, to any applicant (other than an applicant described in paragraph (6) or (7) of subsection (a)), unless the Secretary is satisfied that the comprehensive planning being carried out by the applicant includes the elements specified in paragraphs (1) and (2) of subsection (c).

"(e) A grant made under this section shall not exceed two-thirds of the estimated cost of the work for which the grant is made. There are authorized to be appropriated for the purposes of this section not to exceed \$130,000,000 for the fiscal year 1975, and not to exceed \$150,000,000 for the fiscal year 1976. Of the funds appropriated under this section, not to exceed an aggregate of \$10,000,000 plus 5 per centum of the funds so appropriated may be used by the Secretary for studies, research, and demonstration projects, undertaken independently or by contract, for the development and improvement of techniques and methods for comprehensive planning and for the advancement of the purposes of this section, and for grants to assist in the conduct of studies and research relating to needed revisions in State statutes which create, govern, or control local governments and local governmental operations.

"(f) It is the further intent of this section to encourage comprehensive planning on a unified basis for States, cities, counties, metropolitan areas, districts, regions, and Indian reservations and the establishment and development of the organizational units needed therefor. In extending financial assistance under this section, the Secretary may require such assurances as he deems adequate that the appropriate State and local agencies are making reasonable progress in the development of the elements of comprehensive planning. The Secretary is authorized by contract, grant, or otherwise to provide technical assistance to State and local governments, and interstate and regional combinations thereof, to Indian tribal bodies, and to governmental units or agencies described in subsection (a) (7), undertaking such planning and, by contract or otherwise, to make studies and publish information on comprehensive planning and related management problems.

"(g) The consent of the Congress is hereby given to any two or more States to enter into agreements or compacts, not in conflict with any law of the United States, cooperative effort and mutual assistance in the comprehensive planning for the growth and development of interstate, metropolitan, or other urban areas, and to establish such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts.

"(h) In addition to the planning grants authorized by subsection (a), the Secretary is further authorized to make grants to organizations composed of public officials representative of the political jurisdictions within the metropolitan area, region, or district involved for the purpose of assisting such organizations to undertake studies, collect data, develop metropolitan, regional, and district plans and programs, and engage in such other activities, including implementation of such plans, as the Secretary finds necessary or desirable for the solution of the metropolitan, regional, or district problems in such areas, regions, or districts. To the maximum extent feasible, all grants under this subsection shall be for activities relating to all the developmental aspects of the total metropolitan area, region, or district including, but not limited to, land use, transportation, housing, economic development, natural resources development, community facilities, and the general improvement of living environments.

Grant, cost
limitation.
Appropriation.

"(i) In addition to the other grants authorized by this section, the Secretary is authorized to make grants to assist any city, other municipality, or county in making a survey of the structures and sites in the locality which are determined by its appropriate authorities to be of historic or architectural value. Any such survey shall be designed to identify the historic structures and sites in the locality, determine the cost of their rehabilitation or restoration, and provide such other information as may be necessary or appropriate to serve as a foundation for a balanced and effective program of historic preservation in such locality. The aspects of any such survey which relate to the identification of historic and architectural values shall be conducted in accordance with criteria found by the Secretary to be comparable to those used in establishing the national register maintained by the Secretary of the Interior under other provisions of law; and the results of each such survey shall be made available to the Secretary of the Interior. A grant under this subsection shall be made to the appropriate agency or entity specified in paragraphs (1) through (6) of subsection (a) or, if there is no such agency or entity which is qualified and willing to receive the grant and provide for its utilization in accordance with this subsection, directly to the city, other municipality, or county involved.

"(j) Grants made under this section may be used, subject to regulations and conditions prescribed by the Secretary, for any activities made eligible by the provisions of this section; but such regulations shall provide that grant assistance shall not be used to defray the cost of the acquisition, construction, repair, or rehabilitation of, or the preparation of engineering drawings or similar detailed specifications for, specific housing, capital facilities, or public works projects.

"(k) The Secretary shall consult with the heads of other Federal departments and agencies having responsibilities related to the purposes of this section, including responsibilities connected with the economic development of rural and depressed areas and the protection and enhancement of the Nation's natural environment, with respect to (1) general standards, policies, and procedures to be followed in the administration of this section, and (2) particular grant actions or approvals which the Secretary believes to be of special interest or concern to one or more of such departments and agencies.

"(1) Funds made available under any Federal assistance program for projects or activities, approved as part of or in furtherance of a planning program or related management activities assisted under this section, may be used jointly with funds made available for such projects or activities under any other Federal assistance program, subject to regulations prescribed by the President. Such regulations may include provisions for common technical or administrative requirements where varying or conflicting provisions of law or regulations would otherwise apply, for establishing joint management funds and common non-Federal shares, and for special agreements or delegations of authority, among different Federal agencies in connection with the supervision or administration of assistance. Such regulations shall in any case include appropriate criteria and procedures to assure that any special authorities conferred, which are not otherwise provided for by law, shall be employed only as necessary to promote effective and efficient administration and in a manner consistent with the protection of the Federal interest and program purposes or statutory requirements of a substantive nature. For purposes of this subsection, the term 'Federal assistance program' has the same meaning as in the Intergovernmental Cooperation Act of 1968.

"(m) As used in this section—

"(1) The term 'metropolitan area' means a standard metropolitan statistical area, as established by the Office of Management and Budget, subject, however, to such modifications or extensions as the Secretary deems to be appropriate for the purposes of this section.

"(2) The term 'region' includes (A) all or part of the area of jurisdiction of one or more units of general local government, and (B) one or more metropolitan areas.

"(3) The term 'district' includes all or part of the area of jurisdiction of (A) one or more counties, and (B) one or more other units of general local government, but does not include any portion of a metropolitan area.

"(4) The term 'comprehensive planning' includes the following:

"(A) preparation, as a guide for governmental policies and action, of general plans with respect to (i) the pattern and intensity of land use, (ii) the provision of public facilities (including transportation facilities) and other government services, and (iii) the effective development and utilization of human and natural resources;

"(B) identification and evaluation of area needs (including housing, employment, education, and health) and formulation of specific programs for meeting the needs so identified;

"(C) surveys of structures and sites which are determined by the appropriate authorities to be of historic or architectural value;

"(D) long-range physical and fiscal plans for such action;

"(E) programing of capital improvements and other major expenditures, based on a determination of relative urgency, together with definite financing plans for such expenditures in the earlier years of the program;

"(F) coordination of all related plans and activities of the State and local governments and agencies concerned; and

"(G) preparation of regulatory and administrative measures in support of the foregoing.

Comprehensive planning for the purpose of districts shall not include planning for or assistance to establishments in relocating from one area to another or assist contractors or subcontractors whose purpose is to divest, or whose economic success is dependent upon divesting, other contractors or subcontractors of contracts theretofore customarily performed by them. The limitation set forth in the preceding sentence shall not be construed to prohibit assistance for the expansion of an existing business entity through the establishment of a new branch, affiliate, or subsidiary of such entity, if the Secretary finds that the establishment of such branch, affiliate, or subsidiary will not result in an increase in unemployment in the area of original location or in any other area where such entity conducts business operations, unless the Secretary has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

Limitation.

"(n) In carrying out the provisions of this section relating to planning for States, regions, or other multijurisdictional areas whose development has significance for purposes of national growth and urban development objectives, the Secretary shall encourage the formulation of plans and programs which will include the studies, criteria, standards, and implementing procedures necessary for effectively guiding and controlling major decisions as to where growth should

take place within such States, regions, or areas. Such plans and programs shall take account of the availability of and need for conserving land and other irreplaceable natural resources; of projected changes in size, movement, and composition of population; of the necessity for expanding housing and employment opportunities; of the opportunities, requirements, and possible locations for new communities and large-scale projects for expanding or revitalizing existing communities; and of the need for methods of achieving modernization, simplification, and improvements in governmental structures, systems, and procedures related to growth objectives. If the Secretary determines that activities otherwise eligible for assistance under this section are necessary to the development or implementation of such plans and programs, he may make grants in support of such activities to any governmental agency or organization of public officials which he determines is capable of carrying out the planning work involved in an effective and efficient manner and may make such grants in an amount equal to not more than 80 per centum of the cost of such activities."

40 USC 460.

(c) Section 703 of such Act is amended by striking out "and" in clause (1), and by inserting "and the Trust Territory of the Pacific Islands" immediately before the semicolon at the end of such clause.

TRAINING AND FELLOWSHIP PROGRAMS

20 USC 801.

SEC. 402. (a) Section 801(b) of the Housing and Urban Development Act of 1964 is amended to read as follows:

"(b) It is the purpose of this title to provide fellowships for the graduate training of professional city and regional planning, management, and housing specialists, and professionally trained personnel with a general capacity in urban affairs and problems: to make grants to and contracts with institutions of higher education (or combinations of such institutions) to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the preparation of graduate or professional students to enter the public service; and to assist and encourage the States and localities, in cooperation with public and private universities and colleges and urban centers and with business firms and associations, labor unions, and other interested associations and organizations, to (1) organize, initiate, develop, and expand programs which will provide special training in skills needed for economic and efficient community development to those technical, professional, and other persons with the capacity to master and employ such skills who are, or are training to be, employed by a governmental or public body which has responsibility for community development, or by a private nonprofit organization which is conducting or has responsibility for housing and community development programs, and (2) support State and local research that is needed in connection with housing programs and needs, public improvement programing, code problems, efficient land use, urban transportation, and similar community development problems."

20 USC 802.

(b) Section 802(a) of such Act is amended to read as follows:

"(a) The Secretary is authorized to provide fellowships for the graduate training of professional city planning, management, and housing specialists, and other persons who wish to develop a general capacity in urban affairs and problems as herein provided. Persons shall be selected for such fellowships solely on the basis of ability and upon the recommendation of the Urban Studies Fellowship Advisory Board established pursuant to subsection (b). Fellowships shall be solely for training in public and private nonprofit institutions of higher education having programs of graduate study in the field of city planning or in related fields (including architecture, civil engi-

August 22, 1974

- 59 -

Pub. Law 93-383

88 STAT. 692

neering, economics, municipal finance, public administration, urban affairs, and sociology) which programs are oriented to training for careers in city and regional planning, housing, urban renewal, and community development."

(c) Title VIII of such Act is further amended (1) by redesignating sections 804 through 807 as sections 805 through 808, respectively, and (2) by inserting after section 803 a new section as follows:

20 USC 801.

20 USC 804.

"PROJECT GRANTS AND CONTRACTS

"SEC. 804. (a) The Secretary is authorized to make grants to or contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects (1) for the preparation of graduate or professional students in the fields of city and regional planning and management, housing, and urban affairs, or (2) for research into, or development or demonstration of, improved methods of education for these professions. Such grants or contracts may include payment of all or part of the cost of programs or projects.

20 USC 803a.

"(b) (1) A grant or contract authorized by this section shall be made only upon application to the Secretary at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it—

"(A) sets forth programs, activities, research, or development for which a grant is authorized under this section;

"(B) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this subsection; and

"(C) provides for making such reports, in such form and containing such information, as the Secretary may require to carry out his functions under this subsection, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

"(2) Payments under this section may be used, in accordance with regulations of the Secretary, and subject to the terms and conditions set forth in an application approved under paragraph (1), to pay part of the compensation of students employed in professions referred to in subsection (a) (1), except students employed in any branch of the Government of the United States, as part of a program for which a grant has been approved pursuant to this subsection."

(d) Section 807 of such Act (as redesignated by subsection (c) of this section) is amended by inserting before the period at the end of the first sentence a comma and the following: "which amount shall be increased by \$3,500,000 on July 1, 1974, and by \$3,500,000 on July 1, 1975".

20 USC 806.

TITLE V—RURAL HOUSING

INCLUSION OF UNITED STATES TERRITORIES AND TRUST TERRITORY OF THE PACIFIC ISLANDS

SEC. 501. Section 501(a) (1) of the Housing Act of 1949 is amended by striking out "Puerto Rico and the Virgin Islands" and inserting in lieu thereof the following: "the Commonwealth of Puerto Rico, the Virgin Islands, the territories and possessions of the United States, and the Trust Territory of the Pacific Islands".

42 USC 1471.

REFINANCING OF INDEBTEDNESS FOR CERTAIN ELIGIBLE APPLICANTS

42 USC 1471.

SEC. 502. Section 501 (a) (4) of the Housing Act of 1949 is amended—

(1) by adding after the comma at the end of clause (B) the following: “or, if combined with a loan for improvement, rehabilitation, or repairs and not refinanced, is likely to cause a hardship for the applicant, and”; and

(2) striking out clauses (C) and (D) and inserting in lieu thereof the following:

“(C) was incurred by the applicant at least five years prior to his applying for assistance under this title.”.

LOANS TO LEASEHOLD OWNERS UNDER ALL RURAL HOUSING PROGRAMS

SEC. 503. Section 501 (b) (2) of the Housing Act of 1949 is amended by striking out “sections 502 and 504” and inserting in lieu thereof “this title”.

REHABILITATION LOANS AND GRANTS

42 USC 1474.

SEC. 504. Section 504 (a) of the Housing Act of 1949 is amended to read as follows:

“(a) In the event the Secretary determines that an eligible applicant cannot qualify for a loan under the provisions of sections 502 and 503 and that repairs or improvements should be made to a rural dwelling occupied by him in order to make such dwelling safe and sanitary and remove hazards to the health of the occupant, his family, or the community, and that repairs should be made to farm buildings in order to remove hazards and make such buildings safe, the Secretary may make a grant or a combined loan and grant to the applicant to cover the cost of improvements or additions, such as repairing roofs, providing toilet facilities, providing a convenient and sanitary water supply, supplying screens, repairing or providing structural supports, or making similar repairs, additions, or improvements, including all preliminary and installation costs in obtaining central water and sewer service. No assistance shall be extended to any one individual under this subsection in the form of a loan, grant, or combined loan and grant in excess of \$5,000. Any portion of the sums advanced to the borrower treated as a loan shall be secured and be repayable within twenty years in accordance with the principles and conditions set forth in this title, except that a loan for less than \$2,500 need be evidenced only by a promissory note. Sums made available by grant may be made subject to the conditions set forth in this title for the protection of the Government with respect to contributions made on loans made by the Secretary.”.

ESCROW ACCOUNTS FOR TAXES, INSURANCE, AND OTHER EXPENSES

42 USC 1471.

SEC. 505. (a) Section 501 of the Housing Act of 1949 is amended by adding at the end thereof the following new subsection:

“(e) The Secretary may establish procedures whereby borrowers under this title may make periodic payments for the purpose of taxes, insurance, and such other necessary expenses as the Secretary may deem appropriate. Such payments shall be held in escrow by the Secretary and paid out by him at the appropriate time or times for the purposes for which such payments are made. The Secretary shall notify a borrower in writing when his loan payments are delinquent.”.

42 USC 1472.

(b) The second sentence of section 502 (a) of such Act is amended by inserting before the period at the end thereof the following: “and on the borrower prepaying to the Secretary as escrow agent, on terms and conditions prescribed by him, such taxes, insurance, and other

August 22, 1974

- 61 -

Pub. Law 93-383

88 STAT. 694

expenses as the Secretary may require in accordance with section 501(e)".

(c) Section 517 of such Act is amended—

42 USC 1487.

(1) by striking out "as it becomes due" in the first sentence of subsection (d);

(2) by striking out "prepayment" and "prepayments" each place they appear in subsection (j) (1) and inserting in lieu thereof "payment" and "payments", respectively; and

(3) by inserting before the semicolon at the end of subsection (j) (1) the following: "or until the next agreed annual or semi-annual remittance date".

RESEARCH AND STUDY PROGRAMS

SEC. 506. (a) Section 506(d) of the Housing Act of 1949 is amended to read as follows: 42 USC 1476.

"(d) The Secretary may carry out the research and study programs authorized by subsections (b) and (c) through grants made by him, on such terms, conditions, and standards as he may prescribe, to land-grant colleges established pursuant to the Act of July 2, 1862 (7 U.S.C. 301-308), or (upon a finding by the Secretary that the research and study involved cannot feasibly be performed through the personnel and facilities of the Department of Agriculture or by land-grant colleges) to such other private or public organizations as he may select."

(b) Section 506(e) of such Act is amended by striking out "farm housing" each place it appears and inserting in lieu thereof "rural housing".

VETERANS PREFERENCE

SEC. 507. Section 507 of the Housing Act of 1949 is amended— 42 USC 1477.

(1) by inserting after "concurrent resolution of Congress" each place it appears a comma and the following: "or during the period beginning after January 31, 1955, and ending on August 4, 1964, or during the Vietnam era (as defined in section 101(29) of title 38, United States Code);" and

(2) by inserting "or era" before the period at the end of the third sentence.

UTILIZATION OF COUNTY COMMITTEES

SEC. 508. Section 508(b) of the Housing Act of 1949 is amended to read as follows: 42 USC 1478.

"(b) The committees utilized or appointed pursuant to this section may examine applications of persons desiring to obtain the benefits of section 501(a) (1) and (2) as they relate to the successful operation of a farm, and may submit recommendations to the Secretary with respect to each applicant as to whether the applicant is eligible to receive such benefits, whether by reason of his character, ability, and experience he is likely successfully to carry out undertakings required of him under a loan under such section, and whether the farm with respect to which the application is made is of such character that there is a reasonable likelihood that the making of the loan requested will carry out the purposes of this title. The committees may also certify to the Secretary with respect to the amount of any loan."

ASSISTANCE AUTHORIZATION

SEC. 509. (a) Clauses (b), (c), and (d) of section 513 of the Housing Act of 1949 are amended to read as follows: "(b) not to exceed \$80,000,000 for loans and grants pursuant to section 504 during the 42 USC 1483. 42 USC 1474.

- 42 USC 1486. period beginning July 1, 1956, and ending June 30, 1977; (c) not to exceed \$80,000,000 for financial assistance pursuant to section 516 for the period ending June 30, 1977; (d) not to exceed \$250,000 per year for research and study programs pursuant to subsections (b), (c), and (d) of section 506 during the period beginning July 1, 1961, and ending June 30, 1974, and not to exceed \$1,000,000 per year for such programs during the period beginning October 1, 1974, and ending June 30, 1977;".
- Arte, p. 694.
- 42 USC 1485, 1487. (b) Sections 515(b)(5) and 517(a)(1) of such Act are amended by striking out "October 1, 1974" and inserting in lieu thereof "June 30, 1977".

DIRECT AND INSURED LOANS TO PROVIDE HOUSING AND RELATED FACILITIES
FOR ELDERLY PERSONS AND LOWER INCOME FAMILIES IN RURAL AREAS

- 42 USC 1485. SEC. 510. (a) Section 515(b)(1) of the Housing Act of 1949 is amended—
- (1) by striking out "\$750,000 or"; and
- (2) by striking out "least" and inserting in lieu thereof "less".
- (b) Section 515(d)(4) of such Act is amended to read as follows:
- "(4) the term 'development cost' means the costs of constructing, purchasing, improving, altering, or repairing new or existing housing and related facilities and purchasing and improving the necessary land, including necessary and appropriate fees and charges, and initial operating expenses up to 2 per centum of the aforementioned costs, approved by the Secretary. Such fees and charges may include payments of qualified consulting organizations or foundations which operate on a nonprofit basis and which render services or assistance to nonprofit corporations or consumer cooperatives who provide housing and related facilities for low or moderate income families."
- "Development cost."

DEFINITION OF RURAL AREA

- 42 USC 1490. SEC. 511. Section 520 of the Housing Act of 1949 is amended by inserting before the period at the end thereof a comma and the following: "or (3) has a population in excess of 10,000 but not in excess of 20,000, and (A) is not contained within a standard metropolitan statistical area, and (B) has a serious lack of mortgage credit, as determined by the Secretary and the Secretary of Housing and Urban Development".

MUTUAL AND SELF-HELP HOUSING

- 42 USC 1490c. SEC. 512. (a) Section 523(b)(1) of the Housing Act of 1949 is amended by inserting immediately before "; and" at the end thereof the following: ". *Provided*, That the Secretary may advance funds under this paragraph to organizations receiving assistance under clause (A) to enable them to establish revolving accounts for the purchase of land options and any such advances may bear interest at a rate determined by the Secretary and shall be repaid to the Secretary at the expiration of the period for which the grant to the organization involved was made".
- (b) Section 523(f) of such Act is amended—
- (1) by striking out "1974" each place it appears and inserting in lieu thereof "1977"; and
- (2) by striking out "\$5,000,000" and inserting in lieu thereof "\$10,000,000".
- (c) Section 523 of such Act is amended by adding at the end thereof the following new subsection:

August 22, 1974

- 63 -

Pub. Law 93-383

88 STAT. 696

"(h) The Secretary shall issue rules and regulations for the orderly processing and review of applications under this section and rules and regulations protecting the rights of grantees under this section in the event he determines to end grant assistance prior to the termination date of any grant agreement."

Rules and
regulations.

SITE LOANS

SEC. 513. The first sentence of section 524(a) of the Housing Act of 1949 is amended to read as follows: "The Secretary may make loans, on such terms and conditions and in such amounts he deems necessary, to public or private nonprofit organizations for the acquisition and development of land as building sites to be subdivided and sold to families, nonprofit organizations, public agencies, and cooperatives eligible for assistance under any section of this title or under any other law which provides financial assistance for housing low- and moderate-income families."

42 USC 1490d.

RENTAL ASSISTANCE

SEC. 514. (a) Section 521(a) of the Housing Act of 1949 is amended by inserting "(1)" after "(a)", and by adding at the end thereof the following new paragraph:

42 USC 1490a.

"(2) (A) The Secretary may make and insure loans under this section and sections 514, 515, and 517 to provide rental or cooperative housing and related facilities for persons and families of low income in multifamily housing projects, and may make, and contract to make, assistance payments to the owners of such rental housing in order to make available to low-income occupants of such housing rentals at rates commensurate to income and not exceeding 25 per centum of income. Such assistance payments shall be made on a unit basis and shall not be made for more than 20 per centum of the units in any one project, except that (i) when the project is financed by a loan under section 515 for elderly housing or by a loan under section 514 and a grant under section 516, such assistance may be made for up to 100 per centum of the units, and (ii) when the Secretary determines such action is necessary or feasible, he may make such payments with respect to more than 20 per centum of the units.

42 USC 1484,
1485, 1487.

"(B) The owner of any project assisted under this paragraph shall be required to provide at least annually a budget of operating expenses and record of tenants' income which shall be used to determine the amount of assistance for each project.

"(C) The project owner shall accumulate, safeguard, and periodically pay to the Secretary any rental charges collected in excess of basic rental charges as established by the Secretary in conformity with subparagraph (A). These funds may be credited to the appropriation and used by the Secretary for making such assistance payments through the end of the next fiscal year."

(b) Section 521(c) of such Act is amended to read as follows:

"(c) There shall be reimbursed to the Rural Housing Insurance Fund by annual appropriations (1) the amounts by which nonprincipal payments made from the fund during each fiscal year to the holders of insured loans described in subsection (a) (1) exceed interest due from the borrowers during each year, and (2) the amount of assistance payments described in subsection (a) (2). The Secretary may from time to time issue notes to the Secretary of the Treasury under section 517(h) to obtain amounts equal to such unreimbursed payments, pending the annual reimbursement by appropriation."

(c) Section 517(j) of such Act is amended—

(1) by striking out "and" at the end of paragraph (2);

88 STAT. 697

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof “; and”; and

(3) by adding at the end thereof the following new paragraph:

“(4) to make assistance payments authorized by section 521

(a) (2).”

Ante, p. 696.

TECHNICAL AND SUPERVISORY ASSISTANCE

42 USC 1469.

SEC. 515. Title V of the Housing Act of 1949 is amended by adding at the end thereof the following new section:

“PROGRAMS OF TECHNICAL AND SUPERVISORY ASSISTANCE FOR LOW-INCOME FAMILIES

42 USC 1490e.

“SEC. 525. (a) The Secretary may make grants to or enter into contracts with public or private nonprofit corporations, agencies, institutions, organizations, and other associations approved by him, to pay part or all of the cost of developing, conducting, administering or coordinating effective and comprehensive programs of technical and supervisory assistance which will aid needy low-income individuals and families in benefiting from Federal, State, and local housing programs in rural areas. In processing applications for such grants or contracts made by private nonprofit corporations, agencies, institutions, organizations, and other associations, the Secretary shall give preference to those which are sponsored (including assistance to the applicant in processing the application, implementing the technical assistance program, and carrying out the obligations of the grant or contract) by a State, county, municipality, or other governmental entity or public body.

“(b) The Secretary is authorized to make loans to public or private nonprofit corporations, agencies, institutions, organizations, and other associations approved by him for the necessary expenses, prior to construction, of planning, and obtaining financing for, the rehabilitation or construction of housing for low-income individuals or families under any Federal, State, or local housing program which is or could be used in rural areas. Such loans shall be made without interest and shall be for the reasonable costs expected to be incurred in planning, and in obtaining financing for, such housing prior to the availability of financing, including but not limited to preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, and construction loan fees and discounts. The Secretary shall require repayment of loans made under this subsection, under such terms and conditions as he may require, upon completion of the housing or sooner, and may cancel any part or all of such loan if he determines that it cannot be recovered from the proceeds of any permanent loan made to finance the rehabilitation or construction of the housing.

Appropriation.

“(c) There are authorized to be appropriated for the fiscal years ending June 30, 1975, and June 30, 1976, not to exceed \$5,000,000 for the purposes of subsection (a) and not to exceed \$5,000,000 for the purposes of subsection (b). Any amounts so appropriated shall remain available until expended, and any amounts authorized for any fiscal year under this subsection but not appropriated may be appropriated for any succeeding fiscal year.

Low-income
sponsor fund.

“(d) All funds appropriated for the purpose of subsection (b) shall be deposited in a fund which shall be known as the low-income sponsor fund, and which shall be available without fiscal year limitation and be administered by the Secretary as a revolving fund for carrying out the purposes of that subsection. Sums received in repayment of loans made under subsection (b) shall be deposited in such fund.”

CONDOMINIUM HOUSING

88 STAT. 698

SEC. 516. (a) Title V of the Housing Act of 1949 (as amended by section 515 of this Act) is amended by adding at the end thereof the following new section: Ante, p. 697.

"CONDOMINIUM HOUSING

"SEC. 526. (a) The Secretary is authorized, in his discretion and upon such terms and conditions (substantially identical insofar as may be feasible with those specified in section 502) as he may prescribe, to make loans to persons and families of low or moderate income, and to insure and make commitments to insure loans made to persons and families of low or moderate income, to assist them in purchasing dwelling units in condominiums located in rural areas. 42 USC 1490f.
Ante, p. 693.

"(b) Any loan made or insured under subsection (a) shall cover a one-family dwelling unit in a condominium, and shall be subject to such provisions as the Secretary determines to be necessary for the maintenance of the common areas and facilities of the condominium project and to such additional requirements as the the Secretary deems appropriate for the protection of the consumer.

"(c) In addition to individual loans made or insured under subsection (a) the Secretary is authorized, in his discretion and upon such terms and conditions (substantially identical insofar as may be feasible with those specified in section 515) as he may prescribe, to make or insure blanket loans to a borrower who shall certify to the Secretary, as a condition of obtaining such loan or insurance, that upon completion of the multifamily project the ownership of the project will be committed to a plan of family unit ownership under which (1) each family unit will be eligible for a loan or insurance under subsection (a), and (2) the individual dwelling units in the project will be sold only on a condominium basis and only to purchasers eligible for a loan or insurance under subsection (a). The principal obligation of any blanket loan made or insured under this subsection shall in no case exceed the sum of the individual amounts of the loans which could be made or insured with respect to the individual dwelling units in the project under subsection (a).

"(d) As used in this section, the term 'condominium' means a multi-unit housing project which is subject to a plan of family unit ownership acceptable to the Secretary under which each dwelling unit is individually owned and each such owner holds an undivided interest in the common areas and facilities which serve the project." "Condominium."

(b) Section 517(b) of such Act is amended by striking out "and 524" and inserting in lieu thereof "524, and 526". 42 USC 1487.
42 USC 1484;

(c) (1) Section 521(a)(1) of such Act (as amended by section 514 (a) of this Act) is amended— Supra.
Ante, p. 696.
42 USC 1485.

(A) by striking out "and loans under section 515" and inserting in lieu thereof "loans under section 515"; and

(B) by inserting after "elderly families," the following: "and loans under section 526 to provide condominium housing for persons and families of low or moderate income,".

(2) Section 521(b) of such Act is amended—

(A) by striking out "or 517(a)(1)" and inserting in lieu thereof "517(a)(1), or 526(a)"; and

(B) by inserting "or 526(c)" after "under section 515".

(3) Section 521(c) of such Act (as amended by section 514(b) of this Act) is amended by inserting "and section 526" after "section 517(h)".

TRANSFER OF PRE-1965 INSURED HOUSING LOANS TO THE RURAL HOUSING INSURANCE FUND

Ante, p. 698.

SEC. 517. Section 517(b) of the Housing Act of 1949 is amended by adding at the end thereof the following new sentences: "The notes held in the Agricultural Credit Insurance Fund (7 U.S.C. 1929) which evidence loans made or insured by the Secretary under section 514 or 515(b), the rights and liabilities of that Fund under insurance contracts relating to such loans held by insured investors, the mortgages securing the obligations of the borrowers under such loans held in that Fund or by insured investors, and all rights to subsequent collections on and proceeds of such notes, contracts, and mortgages, are hereby transferred to the Rural Housing Insurance Fund and for the purposes of this title and any other Act shall be subject to the provisions of this section as if created pursuant thereto. The Rural Housing Insurance Fund shall compensate the Agricultural Credit Insurance Fund for the aggregate unpaid principal balance plus accrued interest of the notes so transferred."

42 USC 1484;

Ante, p. 695.

42 USC 1487.

MOBILE HOMES

Ante, p. 697,
698.

SEC. 518. Title V of the Housing Act of 1949 (as amended by sections 515 and 516(a) of this Act) is amended by adding at the end thereof the following new section:

"MOBILE HOMES

"Housing."

42 USC 1490g.

"SEC. 527. (a) As used in this title, the term 'housing' shall, notwithstanding any other provision of this title and to the extent deemed practicable by the Secretary, include mobile homes and mobile home sites.

"(b) With respect to mobile homes and mobile home sites financed under this title, the Secretary shall—

"(1) prescribe minimum property standards to assure the livability and durability of the mobile home and the suitability of the site on which it is to be located, and

"(2) obtain assurances from the borrower that the mobile home will be placed on a site which complies with standards prescribed by the Secretary and with applicable local requirements.

Loans under this title for the purchase of mobile homes and sites shall be made on the same terms and conditions as are applicable under section 2 of the National Housing Act to obligations financing the purchase of mobile homes and lots on which to place such homes."

Ante, p. 685.

CONTRACT SERVICES AND FEES

42 USC 1476.

SEC. 519. (a) Section 506(a) of the Housing Act of 1949 is amended by striking out "as may be required by the Secretary, by competent employees of the Secretary" and inserting in lieu thereof "as required by the Secretary".

42 USC 1487.

(b) Section 517(j)(3) of such Act is amended by inserting after "borrowers," the following: "and other services customary in the industry, construction inspections, commercial appraisals, servicing of loans, and other related program services and expenses,".

STATE AND LOCAL AGENCIES

42 USC 1471.

SEC. 520. Section 501(c) of the Housing Act of 1949 is amended by adding at the end thereof the following: "If an applicant is a State or local public agency—

August 22, 1974

- 67 -

Pub. Law 93-383

88 STAT. 700

"(A) the provisions of clause (3) shall not apply to its application; and

"(B) the applicant shall be eligible to participate in any program under this title if the persons or families to be served by the applicant with the assistance being sought would be eligible to participate in such program."

TITLE VI—MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS

National Mobile Home Construction and Safety Standards Act of 1974.

SHORT TITLE

SEC. 601. This title may be cited as the "National Mobile Home Construction and Safety Standards Act of 1974".

42 USC 5401 note.

STATEMENT OF PURPOSE

SEC. 602. The Congress declares that the purposes of this title are to reduce the number of personal injuries and deaths and the amount of insurance costs and property damage resulting from mobile home accidents and to improve the quality and durability of mobile homes. Therefore, the Congress determines that it is necessary to establish Federal construction and safety standards for mobile homes and to authorize mobile home safety research and development.

42 USC 5401.

DEFINITIONS

SEC. 603. As used in this title, the term—

42 USC 5402.

(1) "mobile home construction" means all activities relating to the assembly and manufacture of a mobile home including but not limited to those relating to durability, quality, and safety;

(2) "dealer" means any person engaged in the sale, leasing, or distribution of new mobile homes primarily to persons who in good faith purchase or lease a mobile home for purposes other than resale;

(3) "defect" includes any defect in the performance, construction, components, or material of a mobile home that renders the home or any part thereof not fit for the ordinary use for which it was intended;

(4) "distributor" means any person engaged in the sale and distribution of mobile homes for resale;

(5) "manufacturer" means any person engaged in manufacturing or assembling mobile homes, including any person engaged in importing mobile homes for resale;

(6) "mobile home" means a structure, transportable in one or more sections, which is eight body feet or more in width and is thirty-two body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein;

(7) "Federal mobile home construction and safety standard" means a reasonable standard for the construction, design, and performance of a mobile home which meets the needs of the public including the need for quality, durability, and safety;

(8) "mobile home safety" means the performance of a mobile home in such a manner that the public is protected against any unreasonable risk of the occurrence of accidents due to the design

or construction of such mobile home, or any unreasonable risk of death or injury to the user or to the public if such accidents do occur;

(9) "imminent safety hazard" means an imminent and unreasonable risk of death or severe personal injury;

(10) "purchaser" means the first person purchasing a mobile home in good faith for purposes other than resale;

(11) "Secretary" means the Secretary of Housing and Urban Development;

(12) "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa; and

(13) "United States district courts" means the Federal district courts of the United States and the United States courts of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

FEDERAL MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS

42 USC 5403. SEC. 604. (a) The Secretary, after consultation with the Consumer Product Safety Commission, shall establish by order appropriate Federal mobile home construction and safety standards. Each such Federal mobile home standard shall be reasonable and shall meet the highest standards of protection, taking into account existing State and local laws relating to mobile home safety and construction.

Notice. (b) All orders issued under this section shall be issued after notice and an opportunity for interested persons to participate are provided in accordance with the provisions of section 553 of title 5, United States Code.

Effective date. (c) Each order establishing a Federal mobile home construction and safety standard shall specify the date such standard is to take effect, which shall not be sooner than one hundred and eighty days or later than one year after the date such order is issued, unless the Secretary finds, for good cause shown, that an earlier or later effective date is in the public interest, and publishes his reasons for such finding.

(d) Whenever a Federal mobile home construction and safety standard established under this title is in effect, no State or political subdivision of a State shall have any authority either to establish, or to continue in effect, with respect to any mobile home covered, any standard regarding construction or safety applicable to the same aspect of performance of such mobile home which is not identical to the Federal mobile home construction and safety standard.

Amendment or revocation, effective date. (e) The Secretary may by order amend or revoke any Federal mobile home construction or safety standard established under this section. Such order shall specify the date on which such amendment or revocation is to take effect, which shall not be sooner than one hundred and eighty days or later than one year from the date the order is issued, unless the Secretary finds, for good cause shown, that an earlier or later date is in the public interest, and publishes his reasons for such finding.

(f) In establishing standards under this section, the Secretary shall—

(1) consider relevant available mobile home construction and safety data, including the results of the research, development, testing, and evaluation activities conducted pursuant to this title, and those activities conducted by private organizations and other governmental agencies to determine how to best protect the public;

August 22, 1974

- 69 -

Pub. Law 93-383

88 STAT. 702

(2) consult with such State or interstate agencies (including legislative committees) as he deems appropriate;

(3) consider whether any such proposed standard is reasonable for the particular type of mobile home or for the geographic region for which it is prescribed; .

(4) consider the probable effect of such standard on the cost of the mobile home to the public; and

(5) consider the extent to which any such standard will contribute to carrying out the purposes of this title.

(g) The Secretary shall issue an order establishing initial Federal mobile home construction and safety standards not later than one year after the date of enactment of this Act.

Effective
date.

NATIONAL MOBILE HOME ADVISORY COUNCIL

SEC. 605. (a) The Secretary shall appoint a National Mobile Home Advisory Council with the following composition: eight members selected from among consumer organizations, community organizations, and recognized consumer leaders; eight members from the mobile home industry and related groups including at least one representative of small business; and eight members selected from government agencies including Federal, State, and local governments. Appointments under this subsection shall be made without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service, classification, and General Schedule pay rates. The Secretary shall publish the names of the members of the Council annually and shall designate which members represent the general public.

42 USC 5404.
Appointment;
membership.

5 USC 101
et seq.

(b) The Secretary shall, to the extent feasible, consult with the Advisory Council prior to establishing, amending, or revoking any mobile home construction or safety standard pursuant to the provisions of this title.

Safety
standards,
establish-
ment or rev-
ocation, con-
sultation with
Advisory Coun-
cil.
Compensation.

(c) Any member of the National Mobile Home Advisory Council who is appointed from outside the Federal Government may be compensated at a rate not to exceed \$100 per diem (including travel-time) when engaged in the actual duties of the Advisory Council. Such members, while away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

JUDICIAL REVIEW OF ORDERS

SEC. 606. (a) (1) In a case of actual controversy as to the validity of any order under section 604, any person who may be adversely affected by such order when it is effective may at any time prior to the sixtieth day after such order is issued file a petition with the United States court of appeals for the circuit wherein such person resides or has his principal place of business, for judicial review of such order. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or other officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based his order, as provided in section 2112 of title 28, United States Code.

Petition,
filing.
42 USC 5405.

(2) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Secretary, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Secretary, and to be adduced

Additional
evidence.

- upon the hearing, in such manner and upon such terms and conditions as to the court may seem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original order, with the return of such additional evidence.
- Jurisdiction.** (3) Upon the filing of the petition referred to in paragraph (1) of this subsection, the court shall have jurisdiction to review the order in accordance with the provisions of sections 701 through 706 of title 5, United States Code, and to grant appropriate relief.
- Review.** (4) The judgment of the court affirming or setting aside, in whole or in part, any such order of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.
- Savings provision.** (5) Any action instituted under this subsection shall survive, notwithstanding any change in the person occupying the office of Secretary or any vacancy in such office.
- (6) The remedies provided for in this subsection shall be in addition to and not in substitution for any other remedies provided by law.
- Transcript, copies.** (b) A certified copy of the transcript of the record and proceedings under this section shall be furnished by the Secretary to any interested party at his request and payment of the costs thereof, and shall be admissible in any criminal, exclusion of imports, or other proceeding arising under or in respect of this title, irrespective of whether proceedings with respect to the order have previously been initiated or become final under subsection (a).

PUBLIC INFORMATION

- 42 USC 5406.** SEC. 607. (a) Whenever any manufacturer is opposed to any action of the Secretary under section 604 or under any other provision of this title on the grounds of increased cost or for other reasons, the manufacturer shall submit such cost and other information (in such detail as the Secretary may by rule or order prescribe) as may be necessary in order to properly evaluate the manufacturer's statement.
- (b) Such information shall be available to the public unless the manufacturer establishes that it contains a trade secret or that disclosure of any portion of such information would put the manufacturer at a substantial competitive disadvantage. Notice of the availability of such information shall be published promptly in the Federal Register. If the Secretary determines that any portion of such information contains a trade secret or that the disclosure of any portion of such information would put the manufacturer at a substantial competitive disadvantage, such portion may be disclosed to the public only in such manner as to preserve the confidentiality of such trade secret or in such combined or summary form so as not to disclose the identity of any individual manufacturer, except that any such information may be disclosed to other officers or employees concerned with carrying out this title or when relevant in any proceeding under this title. Nothing in this subsection shall authorize the withholding of information by the Secretary or any officer or employee under his control from the duly authorized committees of the Congress.
- Publication in Federal Register.** (c) If the Secretary proposes to establish, amend, or revoke a Federal mobile home construction and safety standard under section 604 on the basis of information submitted pursuant to subsection (a), he shall publish a notice of such proposed action, together with the reasons therefor, in the Federal Register at least thirty days in advance of making a final determination, in order to allow interested parties an opportunity to comment.
- Safety standard, amendment or revocation; publication in Federal Register.**

August 22, 1974

- 71 -

Pub. Law 93-383

88 STAT. 704

(d) For purposes of this section, "cost information" means information with respect to alleged cost increases resulting from action by the Secretary, in such a form as to permit the public and the Secretary to make an informed judgment on the validity of the manufacturer's statements. Such term includes both the manufacturer's cost and the cost to retail purchasers.

"Cost information."

(e) Nothing in this section shall be construed to restrict the authority of the Secretary to obtain or require submission of information under any other provision of this title.

RESEARCH, TESTING, DEVELOPMENT, AND TRAINING

SEC. 608. (a) The Secretary shall conduct research, testing, development, and training necessary to carry out the purposes of this title, including, but not limited to—

42 USC 5407.

(1) collecting data from any source for the purpose of determining the relationship between mobile home performance characteristics and (A) accidents involving mobile homes, and (B) the occurrence of death, personal injury, or damage resulting from such accidents;

(2) procuring (by negotiation or otherwise) experimental and other mobile homes for research and testing purposes; and

(3) selling or otherwise disposing of test mobile homes and reimbursing the proceeds of such sale or disposal into the current appropriation available for the purpose of carrying out this title.

(b) The Secretary is authorized to conduct research, testing, development, and training as authorized to be carried out by subsection (a) of this section by contracting for or making grants for the conduct of such research, testing, development, and training to States, interstate agencies, and independent institutions.

Grants.

COOPERATION WITH PUBLIC AND PRIVATE AGENCIES

SEC. 609. The Secretary is authorized to advise, assist, and cooperate with other Federal agencies and with State and other interested public and private agencies, in the planning and development of—

42 USC 5408.

(1) mobile home construction and safety standards; and

(2) methods for inspecting and testing to determine compliance with mobile home standards.

PROHIBITED ACTS

SEC. 610. (a) No person shall—

42 USC 5409.

(1) make use of any means of transportation or communication affecting interstate or foreign commerce or the mails to manufacture for sale, lease, sell, offer for sale or lease, or introduce or deliver, or import into the United States, any mobile home which is manufactured on or after the effective date of any applicable Federal mobile home construction and safety standard under this title and which does not comply with such standard, except as provided in subsection (b), where such manufacture, lease, sale, offer for sale or lease, introduction, delivery, or importation affects commerce;

(2) fail or refuse to permit access to or copying of records, or fail to make reports or provide information, or fail or refuse to permit entry or inspection, as required under section 614;

(3) fail to furnish notification of any defect as required by section 615;

(4) fail to issue a certification required by section 616, or issue a certification to the effect that a mobile home conforms to all

applicable Federal mobile home construction and safety standards, if such person in the exercise of due care has reason to know that such certification is false or misleading in a material respect; or

(5) fail to comply with a final order issued by the Secretary under this title.

(b) (1) Paragraph (1) of subsection (a) shall not apply to the sale, the offer for sale, or the introduction or delivery for introduction in interstate commerce of any mobile home after the first purchase of it in good faith for purposes other than resale.

(2) For purposes of section 611, paragraph (1) of subsection (a) shall not apply to any person who establishes that he did not have reason to know in the exercise of due care that such mobile home is not in conformity with applicable Federal mobile home construction and safety standards, or to any person who, prior to such first purchase, holds a certificate issued by the manufacturer or importer of such mobile home to the effect that such mobile home conforms to all applicable Federal mobile home construction and safety standards, unless such person knows that such mobile home does not so conform.

Importation,
refusal.

(3) A mobile home offered for importation in violation of paragraph (1) of subsection (a) shall be refused admission into the United States under joint regulations issued by the Secretary of the Treasury and the Secretary, except that the Secretary of the Treasury and the Secretary may, by such regulations, provide for authorizing the importation of such mobile home into the United States upon such terms and conditions (including the furnishing of a bond) as may appear to them appropriate to insure that any such mobile home will be brought into conformity with any applicable Federal mobile home construction or safety standard prescribed under this title, or will be exported from, or forfeited to, the United States.

(4) The Secretary of the Treasury and the Secretary may, by joint regulations, permit the importation of any mobile home after the first purchase of it in good faith for purposes other than resale.

(5) Paragraph (1) of subsection (a) shall not apply in the case of a mobile home intended solely for export, and so labeled or tagged on the mobile home itself and on the outside of the container, if any, in which it is to be exported.

Liability under
common law,
exemption,
prohibition.

(c) Compliance with any Federal mobile home construction or safety standard issued under this title does not exempt any person from any liability under common law.

CIVIL AND CRIMINAL PENALTY

42 USC 5410.

SEC. 611. (a) Whoever violates any provision of section 610, or any regulation or final order issued thereunder, shall be liable to the United States for a civil penalty of not to exceed \$1,000 for each such violation. Each violation of a provision of section 610, or any regulation or order issued thereunder shall constitute, a separate violation with respect to each mobile home or with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty may not exceed \$1,000,000 for any related series of violations occurring within one year from the date of the first violation.

(b) An individual or a director, officer, or agent of a corporation who knowingly and willfully violates section 610 in a manner which threatens the health or safety of any purchaser shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

JURISDICTION AND VENUE

42 USC 5411.

SEC. 612. (a) The United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and

August 22, 1974

- 73 -

Pub. Law 93-383

88 STAT. 706

(b) of the Federal Rules of Civil Procedure, to restrain violations of this title, or to restrain the sale, offer for sale, or the importation into the United States, of any mobile home which is determined, prior to the first purchase of such mobile home in good faith for purposes other than resale, not to conform to applicable Federal mobile home construction and safety standards prescribed pursuant to this title or to contain a defect which constitutes an imminent safety hazard, upon petition by the appropriate United States attorney or the Attorney General on behalf of the United States. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views and the failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

28 USC app.

(b) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section, which violation also constitutes a violation of this title, trial shall be by the court or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

Trial by court
or jury.

(c) Actions under subsection (a) of this section and section 611 may be brought in the district wherein any act or transaction constituting the violation occurred, or in the district wherein the defendant is found or is an inhabitant or transacts business, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found.

18 USC app.

(d) In any action brought by the United States under subsection (a) of this section or section 611, subpoenas by the United States for witnesses who are required to attend at United States district court may run into any other district.

Subpenas.

(e) It shall be the duty of every manufacturer offering a mobile home for importation into the United States to designate in writing an agent upon whom service of all administrative and judicial processes, notices, orders, decisions, and requirements may be made for and on behalf of such manufacturer, and to file such designation with the Secretary, which designation may from time to time be changed by like writing, similarly filed. Service of all administrative and judicial processes, notices, orders, decisions, and requirements may be made upon such manufacturer by service upon such designated agent at his office or usual place of residence with like effect as if made personally upon such manufacturer, and in default of such designation of such agent, service of process or any notice, order, requirement, or decision in any proceeding before the Secretary or in any judicial proceeding pursuant to this title may be made by mailing such process, notice, order, requirement, or decision to the Secretary by registered or certified mail.

Agent, designation by manufacturer for unparted homes.

NONCOMPLIANCE WITH STANDARDS

SEC. 613. (a) If the Secretary or a court of appropriate jurisdiction determines that any mobile home does not conform to applicable Federal mobile home construction and safety standards, or that it contains a defect which constitutes an imminent safety hazard, after the sale of such mobile home by a manufacturer to a distributor or a dealer and prior to the sale of such mobile home by such distributor or dealer to a purchaser—

42 USC 5412.

(1) the manufacturer shall immediately repurchase such mobile home from such distributor or dealer at the price paid by such distributor or dealer, plus all transportation charges involved and a reasonable reimbursement of not less than 1 per centum per

Parts, re-
placement
and reim-
bursement for
installation.

month of such price paid prorated from the date of receipt by certified mail of notice of such nonconformance to the date of repurchase by the manufacturer; or

(2) the manufacturer, at his own expense, shall immediately furnish the purchasing distributor or dealer the required conforming part or parts or equipment for installation by the distributor or dealer on or in such mobile home, and for the installation involved the manufacturer shall reimburse such distributor or dealer for the reasonable value of such installation plus a reasonable reimbursement of not less than 1 per centum per month of the manufacturer's or distributor's selling price prorated from the date of receipt by certified mail of notice of such nonconformance to the date such vehicle is brought into conformance with applicable Federal standards, so long as the distributor or dealer proceeds with reasonable diligence with the installation after the required part or equipment is received.

The value of such reasonable reimbursements as specified in paragraphs (1) and (2) of this subsection shall be fixed by mutual agreement of the parties, or, failing such agreement, by the court pursuant to the provisions of subsection (b).

Noncompliance,
court injunc-
tion.

(b) If any manufacturer fails to comply with the requirements of subsection (a), then the distributor or dealer, as the case may be, to whom such mobile home has been sold may bring an action seeking a court injunction compelling compliance with such requirements on the part of such manufacturer. Such action may be brought in any district court in the United States in the district in which such manufacturer resides, or is found, or has an agent, without regard to the amount in controversy, and the person bringing the action shall also be entitled to recover any damage sustained by him, as well as all court costs plus reasonable attorneys' fees. Any action brought pursuant to this section shall be forever barred unless commenced within three years after the cause of action shall have accrued.

Statute of
limitations.

INSPECTION OF MOBILE HOMES AND RECORDS

42 USC 5413.

SEC. 614. (a) The Secretary is authorized to conduct such inspections and investigations as may be necessary to promulgate or enforce Federal mobile home construction and safety standards established under this title or otherwise to carry out his duties under this title. He shall furnish the Attorney General and, when appropriate, the Secretary of the Treasury any information obtained indicating non-compliance with such standards for appropriate action.

(b) (1) For purposes of enforcement of this title, persons duly designated by the Secretary, upon presenting appropriate credentials to the owner, operator, or agent in charge, are authorized—

(A) to enter, at reasonable times and without advance notice, any factory, warehouse, or establishment in which mobile homes are manufactured, stored, or held for sale; and

(B) to inspect, at reasonable times and within reasonable limits and in a reasonable manner, any such factory, warehouse, or establishment, and to inspect such books, papers, records, and documents as are set forth in subsection (c). Each such inspection shall be commenced and completed with reasonable promptness.

(2) The Secretary is authorized to contract with State and local governments and private inspection organizations to carry out his functions under this subsection.

(c) For the purpose of carrying out the provisions of this title, the Secretary is authorized—

Hearings.

(1) to hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by

subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records, as the Secretary or such officer or employee deems advisable. Witnesses summoned pursuant to this subsection shall be paid the same fees and mileage that are paid witnesses in the courts of the United States;

Witness fees.

(2) to examine and copy any documentary evidence of any person having materials or information relevant to any function of the Secretary under this title;

(3) to require, by general or special orders, any person to file, in such form as the Secretary may prescribe, reports or answers in writing to specific questions relating to any function of the Secretary under this title. Such reports and answers shall be made under oath or otherwise, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe;

Filing of reports or answers to questions.

(4) to request from any Federal agency any information he deems necessary to carry out his functions under this title, and each such agency is authorized and directed to cooperate with the Secretary and to furnish such information upon request made by the Secretary, and the head of any Federal agency is authorized to detail, on a reimbursable basis, any personnel of such agency to assist in carrying out the duties of the Secretary under this title; and

Information request from Federal agency.

(5) to make available to the public any information which may indicate the existence of a defect which relates to mobile home construction or safety or of the failure of a mobile home to comply with applicable mobile home construction and safety standards. The Secretary shall disclose so much of other information obtained under this subsection to the public as he determines will assist in carrying out this title; but he shall not (under the authority of this sentence) make available or disclose to the public any information which contains or relates to a trade secret or any information the disclosure of which would put the person furnishing such information at a substantial competitive disadvantage, unless he determines that it is necessary to carry out the purpose of this title.

Safety construction and safety standards, disclosure by Secretary.

(d) Any of the district courts of the United States within the jurisdiction of which an inquiry is carried on may, in the case of contumacy or refusal to obey a subpena or order of the Secretary issued under paragraph (1) or paragraph (3) of subsection (c) of this section, issue an order requiring compliance therewith; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

Violation, penalty.

(e) Each manufacturer of mobile homes shall submit the building plans for every model of such mobile homes to the Secretary or his designee for the purpose of inspection under this section. The manufacturer must certify that each such building plan meets the Federal construction and safety standards in force at that time before the model involved is produced.

Building plans, submission to Secretary for approval.

(f) Each manufacturer, distributor, and dealer of mobile homes shall establish and maintain such records, make such reports, and provide such information as the Secretary may reasonably require to enable him to determine whether such manufacturer, distributor, or dealer has acted or is acting in compliance with this title and Federal mobile home construction and safety standards prescribed pursuant to this title and shall, upon request of a person duly designated by the Secretary, permit such person to inspect appropriate books, papers, records, and documents relevant to determining whether such manufacturer, distributor, or dealer has acted or is acting in compliance

Records and reports, inspection.

88 STAT. 709

Performance
and techni-
cal data.Notification
to purchasers.Information
disclosure,
exception.

42 USC 5414.

Description.

with this title and mobile home construction and safety standards prescribed pursuant to this title.

(g) Each manufacturer of mobile homes shall provide to the Secretary such performance data and other technical data related to performance and safety as may be required to carry out the purposes of this title. These shall include records of tests and test results which the Secretary may require to be performed. The Secretary is authorized to require the manufacturer to give notification of such performance and technical data to—

(1) each prospective purchaser of a mobile home before its first sale for purposes other than resale, at each location where any such manufacturer's mobile homes are offered for sale by a person with whom such manufacturer has a contractual, proprietary, or other legal relationship and in a manner determined by the Secretary to be appropriate, which may include, but is not limited to, printed matter (A) available for retention by such prospective purchaser, and (B) sent by mail to such prospective purchaser upon his request; and

(2) the first person who purchases a mobile home for purposes other than resale, at the time of such purchase or in printed matter placed in the mobile home.

(h) All information reported to or otherwise obtained by the Secretary or his representative pursuant to subsection (b), (c), (f), or (g) which contains or relates to a trade secret, or which, if disclosed, would put the person furnishing such information at a substantial competitive disadvantage, shall be considered confidential, except that such information may be disclosed to other officers or employees concerned with carrying out this title or when relevant in any proceeding under this title. Nothing in this section shall authorize the withholding of information by the Secretary or any officer or employee under his control from the duly authorized committees of the Congress.

NOTIFICATION AND CORRECTION OF DEFECTS

SEC. 615. (a) Every manufacturer of mobile homes shall furnish notification of any defect in any mobile home produced by such manufacturer which he determines, in good faith, relates to a Federal mobile home construction or safety standard or contains a defect which constitutes an imminent safety hazard to the purchaser of such mobile home, within a reasonable time after such manufacturer has discovered such defect.

(b) The notification required by subsection (a) shall be accomplished—

(1) by mail to the first purchaser (not including any dealer or distributor of such manufacturer) of the mobile home containing the defect, and to any subsequent purchaser to whom any warranty on such mobile home has been transferred;

(2) by mail to any other person who is a registered owner of such mobile home and whose name and address has been ascertained pursuant to procedures established under subsection (f); and

(3) by mail or other more expeditious means to the dealer or dealers of such manufacturer to whom such mobile home was delivered.

(c) The notification required by subsection (a) shall contain a clear description of such defect or failure to comply, an evaluation of the risk to mobile home occupants' safety reasonably related to such defect, and a statement of the measures needed to repair the defect. The notification shall also inform the owner whether the defect is a construction or safety defect which the manufacturer will have corrected

August 22, 1974

- 77 -

Pub. Law 93-383

88 STAT. 710

at no cost to the owner of the mobile home under subsection (g) or otherwise, or is a defect which must be corrected at the expense of the owner.

(d) Every manufacturer of mobile homes shall furnish to the Secretary a true or representative copy of all notices, bulletins, and other communications to the dealers of such manufacturer or purchasers of mobile homes of such manufacturer regarding any defect in any such mobile home produced by such manufacturer. The Secretary shall disclose to the public so much of the information contained in such notices or other information obtained under section 614 as he deems will assist in carrying out the purposes of this title, but he shall not disclose any information which contains or relates to a trade secret, or which, if disclosed, would put such manufacturer at a substantial competitive disadvantage, unless he determines that it is necessary to carry out the purposes of this title.

Communications
to dealers,
copies to Sec-
retary.

Information
disclosure,
exception.

(e) If the Secretary determines that any mobile home—

(1) does not comply with an applicable Federal mobile home construction and safety standard prescribed pursuant to section 604; or

(2) contains a defect which constitutes an imminent safety hazard,

then he shall immediately notify the manufacturer of such mobile home of such defect or failure to comply. The notice shall contain the findings of the Secretary and shall include all information upon which the findings are based. The Secretary shall afford such manufacturer an opportunity to present his views and evidence in support thereof, to establish that there is no failure of compliance. If after such presentation by the manufacturer the Secretary determines that such mobile home does not comply with applicable Federal mobile home construction or safety standards, or contains a defect which constitutes an imminent safety hazard, the Secretary shall direct the manufacturer to furnish the notification specified in subsections (a) and (b) of this section.

Noncompliance
notice to man-
ufacturer.

(f) Every manufacturer of mobile homes shall maintain a record of the name and address of the first purchaser of each mobile home (for purposes other than resale), and, to the maximum extent feasible, shall maintain procedures for ascertaining the name and address of any subsequent purchaser thereof and shall maintain a record of names and addresses so ascertained. Such records shall be kept for each home produced by a manufacturer. The Secretary may establish by order procedures to be followed by manufacturers in establishing and maintaining such records, including procedures to be followed by distributors and dealers to assist manufacturers to secure the information required by this subsection. Such procedures shall be reasonable for the particular type of mobile home for which they are prescribed.

Record of pur-
chasers.

(g) A manufacturer required to furnish notification of a defect under subsection (a) or (e) shall also bring the mobile home into compliance with applicable standards and correct the defect or have the defect corrected within a reasonable period of time at no expense to the owner, but only if—

Defect correc-
tions, condi-
tions.

(1) the defect presents an unreasonable risk of injury or death to occupants of the affected mobile home or homes;

(2) the defect can be related to an error in design or assembly of the mobile home by the manufacturer.

The Secretary may direct the manufacturer to make such corrections after providing an opportunity for oral and written presentation of views by interested persons. Nothing in this section shall limit the rights of the purchaser or any other person under any contract or applicable law.

Compliance,
effective date.

Publication in
Federal Register.

Defects, re-
placement or
reimbursement.

(h) The manufacturer shall submit his plan for notifying owners of the defect and for repairing such defect (if required under subsection (g)) to the Secretary for his approval before implementing such plan. Whenever a manufacturer is required under subsection (g) to correct a defect, the Secretary shall approve with or without modification, after consultation with the manufacturer of the mobile home involved, such manufacturer's remedy plan including the date when, and the method by which, the notification and remedy required pursuant to this section shall be effectuated. Such date shall be the earliest practicable one but shall not be more than sixty days after the date of discovery or determination of the defect or failure to comply, unless the Secretary grants an extension of such period for good cause shown and publishes a notice of such extension in the Federal Register. Such manufacturer is bound to implement such remedy plan as approved by the Secretary.

(i) Where a defect or failure to comply in a mobile home cannot be adequately repaired within sixty days from the date of discovery or determination of the defect, the Secretary may require that the mobile home be replaced with a new or equivalent home without charge, or that the purchase price be refunded in full, less a reasonable allowance for depreciation based on actual use if the home has been in the possession of the owner for more than one year.

CERTIFICATION OF CONFORMITY WITH CONSTRUCTION AND SAFETY STANDARDS

42 USC 5415.

SEC. 616. Every manufacturer of mobile homes shall furnish to the distributor or dealer at the time of delivery of each such mobile home produced by such manufacturer certification that such mobile home conforms to all applicable Federal construction and safety standards. Such certification shall be in the form of a label or tag permanently affixed to each such mobile home.

CONSUMER INFORMATION

Consumer's
manual.
42 USC 5416.

SEC. 617. The Secretary shall develop guidelines for a consumer's manual to be provided to mobile home purchasers by the manufacturer. These manuals should identify and explain the purchasers' responsibilities for operation, maintenance, and repair of their mobile homes.

EFFECT UPON ANTITRUST LAWS

42 USC 5417.

"Antitrust
laws."
15 USC 1-7.
15 USC 58.
15 USC 8,9.

SEC. 618. Nothing contained in this title shall be deemed to exempt from the antitrust laws of the United States any conduct that would otherwise be unlawful under such laws, or to prohibit under the antitrust laws of the United States any conduct that would be lawful under such laws. As used in this section, the term "antitrust laws" includes, but is not limited to, the Act of July 2, 1890, as amended; the Act of October 14, 1914, as amended; the Federal Trade Commission Act (15 U.S.C. 41 et seq.); and sections 73 and 74 of the Act of August 27, 1894, as amended.

USE OF RESEARCH AND TESTING FACILITIES OF PUBLIC AGENCIES

42 USC 5418.

SEC. 619. The Secretary, in exercising the authority under this title, shall utilize the services, research and testing facilities of public agencies and independent testing laboratories to the maximum extent practicable in order to avoid duplication.

August 22, 1974

- 79 -

Pub. Law 93-383

88 STAT. 712

INSPECTION FEES

SEC. 620. In carrying out the inspections required under this title, the Secretary may establish and impose on mobile home manufacturers, distributors, and dealers such reasonable fees as may be necessary to offset the expenses incurred by him in conducting such inspections, except that this section shall not apply in any State which has in effect a State plan under section 623. 42 USC 5419.

PENALTIES ON INSPECTIONS

SEC. 621. Any person, other than an officer or employee of the United States, or a person exercising inspection functions under a State plan pursuant to section 623, who knowingly and willfully fails to report a violation of any construction or safety standard established under section 604 may be fined up to \$1,000 or imprisoned for up to one year, or both. 42 USC 5420.

PROHIBITION ON WAIVER OF RIGHTS

SEC. 622. The rights afforded mobile home purchasers under this title may not be waived, and any provision of a contract or agreement entered into after the enactment of this title to the contrary shall be void. 42 USC 5421.

STATE JURISDICTION; STATE PLANS

SEC. 623. (a) Nothing in this title shall prevent any State agency or court from asserting jurisdiction under State law over any mobile home construction or safety issue with respect to which no Federal mobile home construction and safety standard has been established pursuant to the provisions of section 604. 42 USC 5422.

(b) Any State which, at any time, desires to assume responsibility for enforcement of mobile home safety and construction standards relating to any issue with respect to which a Federal standard has been established under section 604, shall submit to the Secretary a State plan for enforcement of such standards. Enforcement standards plan, submittal to Secretary.

(c) The Secretary shall approve the plan submitted by a State under subsection (b), or any modification thereof, if such plan in his judgment— Approval.

(1) designates a State agency or agencies as the agency or agencies responsible for administering the plan throughout the State;

(2) provides for the enforcement of mobile home safety and construction standards promulgated under section 604;

(3) provides for a right of entry and inspection of all factories, warehouses, or establishments in such State in which mobile homes are manufactured and for the review of plans, in a manner which is identical to that provided in section 614;

(4) provides for the imposition of the civil and criminal penalties under section 611;

(5) provides for the notification and correction procedures under section 615;

(6) provides for the payment of inspection fees by manufacturers in amounts adequate to cover the costs of inspections;

(7) contains satisfactory assurances that the State agency or agencies have or will have the legal authority and qualified personnel necessary for the enforcement of such standards;

(8) give satisfactory assurances that such State will devote adequate funds to the administration and enforcement of such standards;

(9) requires manufacturers, distributors, and dealers in such State to make reports to the Secretary in the same manner and to the same extent as if the State plan were not in effect;

(10) provides that the State agency or agencies will make such reports to the Secretary in such form and containing such information as the Secretary shall from time to time require; and

(11) complies with such other requirements as the Secretary may by regulation prescribe for the enforcement of this title.

(d) If the Secretary rejects a plan submitted under subsection (b), he shall afford the State submitting the plan due notice and opportunity for a hearing before so doing.

(e) After the Secretary approves a State plan submitted under subsection (b), he may, but shall not be required to, exercise his authority under this title with respect to enforcement of mobile home construction and safety standards in the State involved.

Evaluation.

(f) The Secretary shall, on the basis of reports submitted by the designated State agency and his own inspections, make a continuing evaluation of the manner in which each State having a plan approved under this section is carrying out such plan. Such evaluation shall be made by the Secretary at least annually for each State, and the results of such evaluation and the inspection reports on which it is based shall be promptly submitted to the appropriate committees of the Congress. Whenever the Secretary finds, after affording due notice and opportunity for a hearing, that in the administration of the State plan there is a failure to comply substantially with any provision of the State plan or that the State plan has become inadequate, he shall notify the State agency or agencies of his withdrawal of approval of such plan. Upon receipt of such notice by such State agency or agencies such plan shall cease to be in effect, but the State may retain jurisdiction in any case commenced before the withdrawal of the plan in order to enforce mobile home standards under the plan whenever the issues involved do not relate to the reasons for the withdrawal of the plan.

GRANTS TO STATES

SEC. 624. (a) The Secretary is authorized to make grants to the States which have designated a State agency under section 623 to assist them—

(1) in identifying their needs and responsibilities in the area of mobile home construction and safety standards; or

(2) in developing State plans under section 623.

(b) The Governor of each State shall designate the appropriate State agency for receipt of any grant made by the Secretary under this section.

Application.

(c) Any State agency designated by the Governor of a State desiring a grant under this section shall submit an application therefor to the Secretary. The Secretary shall review and either accept or reject such application.

(d) The Federal share for each State grant under subsection (a) of this section may not exceed 90 per centum of the total cost to the State in identifying its needs and developing its plan. In the event the Federal share for all States under such subsection is not the same, the differences among the States shall be established on the basis of objective criteria.

RULES AND REGULATIONS

SEC. 625. The Secretary is authorized to issue, amend, and revoke such rules and regulations as he deems necessary to carry out this title.

August 22, 1974

- 81 -

Pub. Law 93-383

88 STAT. 714

ANNUAL REPORT TO CONGRESS

SEC. 626. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress on March 1 of each year a comprehensive report on the administration of this title for the preceding calendar year. Such report shall include but not be restricted to (1) a thorough statistical compilation of the accidents, injuries, deaths, and property losses occurring in or involving mobile homes in such year; (2) a list of Federal mobile home construction and safety standards prescribed or in effect in such year; (3) the level of compliance with all applicable Federal mobile home standards; (4) a summary of all current research grants and contracts together with a description of the problems to be studied in such research; (5) an analysis and evaluation, including relevant policy recommendations, of research activities completed and technological progress achieved during such year; (6) a statement of enforcement actions including judicial decisions, settlements, defect notifications, and pending litigation commenced during the year; and (7) the extent to which technical information was disseminated to the scientific community and consumer-oriented information was made available to mobile home owners and prospective buyers.

Submittal to
President.
42 USC 5425.
Contents.

(b) The report required by subsection (a) of this section shall contain such recommendations for additional or revised legislation as the Secretary deems necessary to promote the improvement of mobile home construction and safety and to strengthen the national mobile home program.

Recommendations
for legisla-
tion.

(c) In order to assure a continuing and effective national mobile home construction and safety program, it is the policy of Congress to encourage the adoption of State inspection of used mobile homes. Therefore, to that end the Secretary shall conduct a thorough study and investigation to determine the adequacy of mobile home construction and safety standards and mobile home inspection requirements and procedures applicable to used mobile homes in each State, and the effect of programs authorized by this title upon such standards, requirements, and procedures for used mobile homes, and report to Congress as soon as practicable, but not later than one year after the date of enactment of this Act, the results of such study, and recommendations for such additional legislation as he deems necessary to carry out the purposes of this title. Such report shall also include recommendations by the Secretary relating to the problems of disposal of used mobile homes.

AUTHORIZATION OF APPROPRIATIONS

SEC. 627. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

42 USC 5426.

EFFECTIVE DATE

SEC. 628. The provisions of this title shall take effect upon the expiration of 180 days following the date of enactment of this title.

42 USC 5401
note.

TITLE VII—CONSUMER HOME MORTGAGE ASSISTANCE

SHORT TITLE

SEC. 701. This title may be cited as the "Consumer Home Mortgage Assistance Act of 1974".

Consumer Home
Mortgage As-
sistance Act of
1974.
12 USC 1464
note.

PART A—LENDING AND INVESTMENT POWERS, FEDERAL SAVINGS AND
LOAN ASSOCIATIONS

CONSTRUCTION LOANS

SEC. 702. Section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)) is amended by adding at the end thereof the following new paragraph:

"Without regard to any other provision of this subsection, any such association is authorized to invest an amount, not exceeding the greater of (A) the sum of its surplus, undivided profits, and reserves or (B) 3 per centum of its assets, in loans or in interests therein the principal purpose of which is to provide financing with respect to what is or is expected to become primarily residential real estate within one hundred miles of its home office or within the State in which such office is located, where (i) the association relies substantially for repayment on the borrower's general credit standing and forecast of income, with or without other security, or (ii) the association relies on other assurances for repayment, including but not limited to a guaranty or similar obligation of a third party, and, in either case described in clause (i) or (ii), regardless of whether or not the association takes security; and investments under this sentence shall not be included in any percentage of assets or other percentage referred to in this subsection."

SINGLE FAMILY DWELLING LIMITATIONS

SEC. 703. Section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)) is amended by striking out "\$45,000" immediately before "for each single family dwelling" and inserting in lieu thereof "\$55,000 (except that with respect to dwellings in Alaska, Guam, and Hawaii the foregoing limitation may, by regulation of the Board, be increased by not to exceed 50 per centum)".

LENDING AUTHORITY UNDER THE HOME OWNERS' LOAN ACT

SEC. 704. Section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)), as amended by section 702 of this Act, is amended by adding at the end thereof the following new paragraph:

"Subject to such prohibitions, limitations, and conditions as the Board may prescribe, any such association may invest in loans and advances of credit and interests therein upon the security of or respecting real property or interests therein used for primarily residential purposes (all of which may be defined by the Board) that do not comply with the limitations and restrictions in this subsection, but no investment shall be made by an association under this sentence if its aggregate outstanding investment under this sentence determined as prescribed by the Board, exclusive of any investment which is or at the time of its making was otherwise authorized, would thereupon exceed 5 per centum of its assets."

AMENDMENT TO THE HOME OWNERS' LOAN ACT OF 1933 CONCERNING
PROPERTY IMPROVEMENT LOANS

SEC. 705. The second and third undesignated paragraphs of section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)) are amended by striking out "\$5,000" and inserting in lieu thereof "\$10,000".

Supra.

August 22, 1974

- 83 -

Pub. Law 93-383

88 STAT 716

ADVANCES FROM A STATE CHARTERED CENTRAL RESERVE INSTITUTION
INCLUDING MORTGAGE FINANCE AGENCIES

Sec. 706. Section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)), as amended by sections 702 and 704 of this Act, is amended by adding at the end thereof the following new paragraph: *Arte, p. 715.*

"Subject to regulation by the Board but without regard to any other provision of this subsection, any such association whose general reserves, surplus, and undivided profits aggregate a sum in excess of 5 per centum of its withdrawable accounts is authorized to borrow funds from a State mortgage finance agency of the State in which the head office of such association is situated to the same extent as State law authorizes a savings and loan association organized under the laws of such State to borrow from the State mortgage finance agency, except that such an association may not make any loan of such funds at an interest rate which exceeds by more than $1\frac{3}{4}$ per centum per annum the interest rate paid to the State mortgage finance agency on the obligations issued to obtain the funds so borrowed."

PART B—NATIONAL BANKS

REAL ESTATE LOANS BY NATIONAL BANKS

Sec. 711. Section 24 of the Federal Reserve Act (12 U.S.C. 371) is amended to read as follows:

"REAL ESTATE LOANS BY NATIONAL BANKS

"Sec. 24 (a) (1) Any national banking association may make real estate loans, secured by liens upon unimproved real estate, upon improved real estate, including improved farmland and improved business and residential properties, and upon real estate to be improved by a building or buildings to be constructed or in the process of construction, in an amount which when added to the amount unpaid upon prior mortgages, liens, encumbrances, if any, upon such real estate does not exceed the respective proportions of appraised value as provided in this section. A loan secured by real estate within the meaning of this section shall be in the form of an obligation or obligations secured by a mortgage, trust deed, or other instrument, which shall constitute a lien on real estate in fee or, under such rules and regulations as may be prescribed by the Comptroller of the Currency, on a leasehold under a lease which does not expire for at least ten years beyond the maturity date of the loan, and any national banking association may purchase or sell any obligations so secured in whole or in part. The amount of any such loan hereafter made shall not exceed 66 $\frac{2}{3}$ per centum of the appraised value if such real estate is unimproved, 75 per centum of the appraised value if such real estate is improved by offsite improvements such as streets, water, sewers, or other utilities, 75 per centum of the appraised value if such real estate is in the process of being improved by a building or buildings to be constructed or in the process of construction, or 90 per centum of the appraised value if such real estate is improved by a building or buildings. If any such loan exceeds 75 per centum of the appraised value of the real estate or if the real estate is improved with a one- to four-family dwelling, installment payments shall be required which are sufficient to amortize the entire principal of the loan within a period of not more than thirty years.

"(2) The limitations and restrictions set forth in paragraph (1) shall not prevent the renewal or extension of loans heretofore made and shall not apply to real estate loans (A) which are insured under

Renewals or
extensions.

48 Stat. 1246.
12 USC 1701
and note.
50 Stat. 522.
7 USC 1010.
42 USC 1471.

the provisions of the National Housing Act, (B) which are insured by the Secretary of Agriculture pursuant to title I of the Bankhead-Jones Farm Tenant Act, or the Act of August 28, 1937, as amended, or title V of the Housing Act of 1949, as amended, or (C) which are guaranteed by the Secretary of Housing and Urban Development, for the payment of the obligations of which the full faith and credit of the United States is pledged, and such limitations and restrictions shall not apply to real estate loans which are fully guaranteed or insured by a State, or any agency or instrumentality thereof, or by a State authority for the payment of the obligations of which the faith and credit of the State is pledged, if under the terms of the guaranty or insurance agreement the association will be assured of repayment in accordance with the terms of the loan, or to any loan at least 20 per centum of which is guaranteed under chapter 37 of title 38, United States Code.

38 USC 1801.

"(3) Loans which are guaranteed or insured as described in paragraph (2) shall not be taken into account in determining the amount of real estate loans which a national banking association may make in relation to its capital and surplus or its time and savings deposits or in determining the amount of real estate loans secured by other than first liens. Where the collateral for any loan consists partly of real estate security and partly of other security, including a guaranty or endorsement by or an obligation or commitment of a person other than the borrower, only the amount by which the loan exceeds the value as collateral of such other security shall be considered a loan upon the security of real estate, and in no event shall a loan be considered as a real estate loan where there is a valid and binding agreement which is entered into by a financially responsible lender or other party either directly with the association or which is for the benefit of or has been assigned to the association and pursuant to which agreement the lender or other party is required to advance to the association within sixty months from the date of the making of such loan the full amount of the loan to be made by the association upon the security of real estate. Except as otherwise provided, no such association shall make real estate loans in an aggregate sum in excess of the amount of the capital stock of such association paid in and unimpaired plus the amount of its unimpaired surplus fund, or in excess of the amount of its time and savings deposits, whichever is greater: *Provided*, That the amount unpaid upon real estate loans secured by other than first liens, when added to the amount unpaid upon prior mortgages, liens, and encumbrances, shall not exceed in an aggregate sum 20 per centum of the amount of the capital stock of such association paid in and unimpaired plus 20 per centum of the amount of its unimpaired surplus fund.

"(b) Any national banking association may make real estate loans secured by liens upon forest tracts which are properly managed in all respects. Such loans shall be in the form of an obligation or obligations secured by mortgage, trust deed, or other such instrument; and any national banking association may purchase or sell any obligations so secured in whole or in part. The amount of any such loan, when added to the amount unpaid upon prior mortgages, liens, and encumbrances, if any, shall not exceed 66⅔ per centum of the appraised fair market value of the growing timber, lands, and improvements thereon offered as security and the loan shall be made upon such terms and conditions as to assure that at no time shall the loan balance, when added to the amount unpaid upon prior mortgages, liens, and encumbrances, if any, exceed 66⅔ per centum of the original appraised total value of the property then remaining. No such loan shall be made for a longer term than three years; except that any such loan may be made for a term not longer than fifteen years

if the loan is secured by an amortized mortgage, deed of trust, or other such instrument under the terms of which the installment payments are sufficient to amortize the principal of the loan within a period of not more than fifteen years and at a rate at least $6\frac{2}{3}$ per centum per annum. All such loans secured by liens upon forest tracts shall be included in the permissible aggregate of all real estate loans and, when secured by other than first liens, in the permissible aggregate of all real estate loans secured by other than first liens, prescribed in subsection (a), but no national banking association shall make forest tract loans in an aggregate sum in excess of 50 per centum of its capital stock paid in and unimpaired plus 50 per centum of its unimpaired surplus fund.

"(c) Loans made to finance the construction of a building or buildings and having maturities of not to exceed sixty months where there is a valid and binding agreement entered into by a financially responsible lender or other party to advance the full amount of the bank's loan upon completion of the building or buildings, and loans made to finance the construction of residential or farm buildings and having maturities of not to exceed sixty months, may be considered as real estate loans if the loans qualify under this section, or such loans may be classed as commercial loans whether or not secured by a mortgage or similar lien on the real estate upon which the building or buildings are being constructed, at the option of each national banking association that may have an interest in such loan: *Provided*, That no national banking association shall invest in, or be liable on, any such loans classed as commercial loans under this subsection in an aggregate amount in excess of 100 per centum of its actually paid-in and unimpaired capital plus 100 per centum of its unimpaired surplus fund.

"(d) Notes representing loans made under this section to finance the construction of residential or farm buildings and having maturities of not to exceed nine months shall be eligible for discount as commercial paper within the terms of the second paragraph of section 13 of this Act if accompanied by a valid and binding agreement to advance the full amount of the loan upon the completion of the building entered into by an individual, partnership, association, or corporation acceptable to the discounting bank.

12 USC 343.

"(e) Loans made to any borrower (i) where the association looks for repayment by relying primarily on the borrower's general credit standing and forecast of income, with or without other security, or (ii) secured by an assignment of rents under a lease, and where, in either case described in clause (i) or (ii) above, the association wishes to take a mortgage, deed of trust, or other instrument upon real estate (whether or not constituting a first lien) as a precaution against contingencies, and loans in which the Small Business Administration cooperates through agreements to participate on an immediate or deferred or guaranteed basis under the Small Business Act, shall not be considered as real estate loans within the meaning of this section but shall be classed as commercial loans.

72 Stat. 384.
15 USC 631
note.

"(f) Any national banking association may make loans upon the security of real estate that do not comply with the limitations and restrictions in this section, if the total unpaid amount loaned, exclusive of loans which subsequently comply with such limitations and restrictions, does not exceed 10 per centum of the amount that a national banking association may invest in real estate loans. The total unpaid amount so loaned shall be included in the aggregate sum that such association may invest in real estate loans.

"(g) Loans made pursuant to this section shall be subject to such conditions and limitations as the Comptroller of the Currency may prescribe by rule or regulation."

PART C—FEDERAL CREDIT UNIONS

LENDING AUTHORITY AND DEPOSITORY AUTHORITY

SEC. 721. (a) Paragraph (6) of section 107 of the Federal Credit Union Act (12 U.S.C. 1757(6)) is amended to read as follows:

"(6) to make loans to its own directors and to members of its own supervisory credit committee provided that any such loan or aggregate of loans to one director or committee member which exceeds \$2,500 plus pledged shares must be approved by the board of directors, and to permit directors and members of its own supervisory or credit committee to act as guarantor or endorser of loans to other members, except that when such a loan standing alone or when added to any outstanding loan or loans of the guarantor exceeds \$2,500, approval by the board of directors is required;"

(b) Paragraph (9) of such section is amended by inserting immediately before the semicolon at the end thereof the following: ", and for Federal credit unions or credit unions authorized by the Department of Defense operating suboffices on American military installations in foreign countries or trust territories of the United States to maintain demand deposit accounts in banks located in those countries or trust territories, subject to such regulations as may be issued by the Administrator and provided such banks are correspondents of banks described in this paragraph".

FEES

SEC. 722. The first sentence of section 109 of the Federal Credit Union Act (12 U.S.C. 1759) is amended by striking out "the entrance fee" and inserting in lieu thereof "a uniform entrance fee if required by the board of directors".

DIRECTORS

SEC. 723. (a) The third sentence of section 113 of the Federal Credit Union Act (12 U.S.C. 1761b) is amended by inserting ", except that the board may designate a committee of not less than two to act as an investment committee, such investment committee to have charge of making investments under rules and procedures established by the board of directors" immediately after "have charge of investments other than loans to members".

(b) The fourth sentence of such section is amended by striking out "act for it in the purchase and sale of securities, the borrowing of funds, and making of loans to other credit unions" and inserting in lieu thereof "exercise such authority as may be delegated to it subject to such conditions and limitations as may be prescribed by the board".

(c) The fifth sentence of such section is amended by striking out "a membership officer" and inserting in lieu thereof "one or more membership officers".

(d) Such section is amended by adding at the end thereof the following new sentence: "If a membership application is denied, the reasons therefor shall be furnished in writing to the person whose application is denied, upon written request."

SUPERVISORY COMMITTEES

SEC. 724. Section 115 of the Federal Credit Union Act (12 U.S.C. 1761d) is amended by striking out "a semiannual" and inserting in lieu thereof "an annual".

August 22, 1974

- 87 -

Pub. Law 93-383

88 STAT. 720

DIVIDENDS

SEC. 725. (a) The first sentence of section 117 of the Federal Credit Union Act (12 U.S.C. 1763) is amended by striking out "Annually, semiannually, or quarterly, as the bylaws may provide" and inserting in lieu thereof "At such intervals as the board of directors may authorize".

(b) The last sentence of such section is amended by striking out "for a month", and by striking out "which are or become fully paid up during the first ten days of that month" and inserting in lieu thereof "as authorized by the board of directors".

APPLICABILITY

SEC. 726. Section 126 of the Federal Credit Union Act (12 U.S.C. 1772) is amended by inserting immediately after "the several territories" the following: ", including the trust territories".

DEFINITION OF MEMBERS ACCOUNTS

SEC. 727. Section 202(h) of the Federal Credit Union Act (12 U.S.C. 1782(h)) is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (2) the following new paragraph:

"(3) the term 'members accounts' when applied to the premium charge for insurance of the accounts of federally insured credit unions shall not include amounts in excess of the insured account limit set forth in section 207(c)."

12 USC 1787.

TERMINATION

SEC. 728. (a) Section 206(a) of the Federal Credit Union Act (12 U.S.C. 1786(a)) is amended to read as follows:

"(a) (1) Any insured credit union other than a Federal credit union may, upon not less than ninety days' written notice to the Administrator and upon the affirmative vote of a majority of its members within one year prior to the giving of such notice, terminate its status as an insured credit union.

"(2) Any insured credit union, other than a Federal credit union, which has obtained a new certificate of insurance from a corporation authorized and duly licensed to insure member accounts may upon not less than ninety days' written notice to the Administrator convert from status as an insured credit union under this Act: *Provided*, That at the time of giving notice to the Administrator the provisions of paragraph (b) (1) of this section are not being invoked against the credit union."

(b) The first sentence of section 206(c) of such Act is amended by inserting "(1)" immediately after "(a)".

(c) Section 206(d) of such Act is amended by inserting "(1)" immediately after "(d)", and by adding at the end thereof the following new paragraphs:

"(2) No credit union shall convert from status as an insured credit union under this Act as provided under subsection (a) (2) of this section until the proposition for such conversion has been approved by a Supra. majority of all the directors of the credit union, and by affirmative vote of a majority of the members of the credit union who vote on the proposition in a vote in which at least 20 per centum of the total membership

of the credit union participates. Following approval by the directors, written notice of the proposition and of the date set for the membership vote shall be delivered in person to each member, or mailed to each member at the address for such member appearing on the records of the credit union, not more than thirty nor less than seven days prior to such date. The membership shall be given the opportunity to vote by mail ballot. If the proposition is approved by the membership, prompt and reasonable notice of insurance conversion shall be given to all members.

12 USC 1782. (3) In the event of a conversion of a credit union from status as an insured credit union under this Act as provided under subsection (a) (2) of this section, premium charges payable under section 202(c) of this Act shall be reduced by an amount proportionate to the number of calendar months for which the converting credit union will no longer be insured under this Act. As long as a converting credit union remains insured under this Act, it shall remain subject to all of the provisions of chapter II of this Act."

LIQUIDATION

SEC. 729. Section 208(a)(1) of the Federal Credit Union Act (12 U.S.C. 1788(a)(1)) is amended to read as follows:

"(1) In order to reopen a closed insured credit union or in order to prevent the closing of an insured credit union which the Administrator has determined is in danger of closing or in order to assist in the voluntary liquidation of a solvent credit union, the Administrator, in his discretion, is authorized to make loans to, or purchase the assets of, or establish accounts in such insured credit union upon such terms and conditions as he may prescribe. Except with respect to the voluntary liquidation of a solvent credit union, such loans shall be made and such accounts shall be established only when, in the opinion of the Administrator, such action is necessary to protect the fund or the interests of the members of the credit union."

TITLE VIII—MISCELLANEOUS

NATIONAL HOUSING GOAL

SEC. 801. Title XVI of the Housing and Urban Development Act of 1968 is amended—

42 USC 1441a. (1) by inserting "(a)" before "The Congress" in the first sentence of section 1601;

(2) by adding at the end of section 1601 the following new subsections:

"(b) The Congress further finds that policies designed to contribute to the achievement of the national housing goal have not directed sufficient attention and resources to the preservation of existing housing and neighborhoods, that the deterioration and abandonment of housing for the Nation's lower income families has accelerated over the last decade, and that this acceleration has contributed to neighborhood disintegration and has partially negated the progress toward achieving the national housing goal which has been made primarily through new housing construction.

"(c) The Congress declares that if the national housing goal is to be achieved, a greater effort must be made to encourage the preservation of existing housing and neighborhoods through such measures as housing preservation, moderate rehabilitation, and improvements in housing management and maintenance, in conjunction with the provision of adequate municipal services. Such an effort should concentrate, to a greater extent than it has in the past, on housing and

neighborhoods where deterioration is evident but has not yet become acute.”; and

(3) by redesignating clauses (3) through (6) of section 1603 as clauses (4) through (7), respectively, and by inserting after clause (2) the following new clause:

42 USC 1441c.

“(3) provide an assessment of developments and progress during the preceding fiscal year with respect to the preservation of deteriorating housing and neighborhoods and indicate the efforts to be undertaken in future years to encourage such action;”.

STATE HOUSING FINANCE AND DEVELOPMENT AGENCIES

SEC. 802. (a) It is the purpose of this section to encourage the formation and effective operation of State housing finance agencies and State development agencies which have authority to finance, to assist in carrying out, or to carry out activities designed to (1) provide housing and related facilities through land acquisition, construction, or rehabilitation, for persons and families of low, moderate, and middle income, (2) promote the sound growth and development of neighborhoods through the revitalization of slum and blighted areas, (3) increase and improve employment opportunities for the unemployed and underemployed through the development and redevelopment of industrial, manufacturing, and commercial facilities, or (4) implement the development aspects of State land use and preservation policies, including the advance acquisition of land where it is consistent with such policies. The Secretary of Housing and Urban Development shall encourage maximum participation by private and nonprofit developers in activities assisted under this section.

42 USC 1440.

(b) (1) A State housing finance or State development agency is eligible for assistance under this section only if the Secretary determines that it is fully empowered and has adequate authority to at least carry out or assist in carrying out the purposes specified in clause (1) of subsection (a).

Definitions.

(2) for the purpose of this section—

(A) the term “State housing finance or State development agency” means any public body or agency, publicly sponsored corporation, or instrumentality of one or more States which is designated by the Governor (or Governors in the case of an interstate development agency) for purposes of this section;

(B) the term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States; and

(C) the term “Secretary” means the Secretary of Housing and Urban Development.

Guarantees.

(c) (1) The Secretary is authorized to guarantee, and enter into commitments to guarantee, the bonds, debentures, notes, and other obligations issued by State housing finance or State development agencies to finance development activities as determined by him to be in furtherance of the purpose of clause (1) or (2) of subsection (a), except that obligations issued to finance activities solely in furtherance of the purpose of clause (1) of subsection (a) may be guaranteed only if the activities are in connection with the revitalization of slum or blighted areas under title I of this Act or under any other program determined to be acceptable by the Secretary for this purpose.

Arte, p. 633.

(2) The Secretary is authorized to make, and to contract to make, grants to or on behalf of a State housing finance or State development agency to cover not to exceed 33½ per centum of the interest payable on bonds, debentures, notes, and other obligations issued by such

Grants.

Pub. Law 93-383

- 90 -

August 22, 1974

88 STAT. 723

agency to finance development activities in furtherance of the purposes of this section.

(3) No obligation shall be guaranteed or otherwise assisted under this section unless the interest income thereon is subject to Federal taxation as provided in subsection (h) (2), except that use of guarantees provided for in this subsection shall not be made a condition to nor preclude receipt of any other Federal assistance.

(4) The full faith and credit of the United States is pledged to the payment of all guarantees made under this section with respect to principal, interest, and any redemption premiums. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the obligation involved for such guarantee, and the validity of any guarantee so made shall be incontestable in the hands of a holder of the guaranteed obligation.

Fees. (5) The Secretary is authorized to establish and collect such fees and charges for and in connection with guarantees made under this section as he considers reasonable.

Appropriation. (6) There are authorized to be appropriated such sums as may be necessary to make payments as provided for in contracts entered into by the Secretary under paragraph (2) of this subsection, and payments pursuant to such contracts shall not exceed \$50,000,000 per annum prior to July 1, 1975, which maximum dollar amount shall be increased by \$60,000,000 on July 1, 1975. The aggregate principal amount of the obligations which may be guaranteed under this section and outstanding at any one time shall not exceed \$500,000,000.

(d) The Secretary shall take such steps as he considers reasonable to assure that bonds, debentures, notes, and other obligations which are guaranteed under subsection (c) will—

(1) be issued only to investors approved by, or meeting requirements prescribed by, the Secretary, or, if an offering to the public is contemplated, be underwritten upon terms and conditions approved by the Secretary;

(2) bear interest at a rate satisfactory to the Secretary;

(3) contain or be subject to repayment, maturity, and other provisions satisfactory to the Secretary; and

(4) contain or be subject to provisions with respect to the protection of the security interests of the United States, including any provisions deemed appropriate by the Secretary relating to subrogation, liens, and releases of liens, payment of taxes, cost certification procedures, escrow or trusteeship requirements, or other matters.

Revolving fund, establishment. (e) (1) The Secretary is authorized to establish a revolving fund to provide for the timely payment of any liabilities incurred as a result of guarantees under subsection (c) and for the payment of obligations issued to the Secretary of the Treasury under paragraph (2) of this subsection. Such revolving fund shall be comprised of (A) receipts from fees and charges; (B) recoveries under security, subrogation, and other rights; (C) repayments, interest income, and any other receipts obtained in connection with guarantees made under subsection (c); (D) proceeds of the obligations issued to the Secretary of the Treasury pursuant to paragraph (2) of this subsection; and (E) such sums, which are hereby authorized to be appropriated, as may be required for such purposes. Money in the revolving fund not currently needed for the purpose of this section shall be kept on hand or on deposit, or invested in obligations of the United States or guaranteed thereby, or in obligations, participations, or other instruments which are lawful investments for fiduciary, trust, or public funds.

Investments. (2) The Secretary may issue obligations to the Secretary of the Treasury in an amount sufficient to enable the Secretary to carry out his functions with respect to the guarantees authorized by subsection

(c). The obligations issued under this paragraph shall have such maturities and bear such rate or rates of interest as shall be determined by the Secretary of the Treasury. The Secretary of the Treasury is authorized and directed to purchase any obligations so issued, and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under that Act are extended to include purchases of the obligations hereunder.

Interest rate.

40 Stat. 288.

31 USC 774.

(3) Notwithstanding any other provision of law relating to the acquisition, handling, improvement, or disposal of real and other property by the United States, the Secretary shall have power, for the protection of the interests of the fund authorized under this subsection, to pay out of such fund all expenses or charges in connection with the acquisition, handling, improvement, or disposal of any property, real or personal, acquired by him as a result of recoveries under security, subrogation, or other rights.

(f) The Secretary is authorized to provide, either directly or by contract or other arrangements, technical assistance to State housing finance or State development agencies to assist them in connection with planning and carrying out development activities in furtherance of the purpose of this section.

Technical assistance.

(g) All laborers and mechanics employed by contractors or subcontractors in housing or development activities assisted under this section shall be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5) : *Provided*, That this section shall apply to the construction of residential property only if such property is designed for residential use for eight or more families. No assistance shall be extended under this section with respect to any development activities without first obtaining adequate assurance that these labor standards will be maintained upon the work involved in such activities. The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267), and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

49 Stat. 1011.

5 USC app. II.

63 Stat. 108.

(h) (1) In the performance of, and with respect to, the functions, powers, and duties rested in him by this section, the Secretary, in addition to any authority otherwise vested to him, shall—

(A) have the power, notwithstanding any other provision of law, in connection with any guarantee under this section, whether before or after default, to provide by contract for the extinguishment upon default of any redemption, equitable, legal, or other right, title, or interest of a State housing finance or State development agency in any mortgage, deed, trust, or other instrument held by or on behalf of the Secretary for the protection of the security interests of the United States; and

(B) have the power to foreclose on any property or commence any action to protect or enforce any right conferred upon him by law, contract, or other agreement, and bid for and purchase at any foreclosure or other sale any property in connection with which he has provided a guarantee pursuant to this section. In the event of any such acquisition, the Secretary may, notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real property by the United States, complete, administer, remodel and convert, dispose of, lease, and otherwise deal with, such property. Notwithstanding any other provision of law, the Secretary shall also have power to pursue to final collection by way of compromise or otherwise all claims acquired by him in

connection with any security, subrogation, or other rights obtained by him in administering this section.

(2) With respect to any obligation issued by a State housing finance or State development agency for which the issuer has elected to receive the benefits of the assistance provided under this section, the interest paid on such obligation and received by the purchaser thereof (or his successor in interest) shall be included in gross income for the purposes of chapter 1 of the Internal Revenue Code of 54.

68A Stat. 3.
26 USC 1 et
seq.
Ante, p. 716.

(i) (1) Section 24(a) (2) of the Federal Reserve Act (as amended by section 711 of this Act) is amended by inserting the following before the period at the end thereof: ", or to obligations guaranteed under section 802 of the Housing and Community Development Act of 1974".

12 USC 1464.

(2) The twelfth paragraph of section 5(c) of the Homeowners' Loan Act of 1933 is amended by adding in the last sentence immediately after the words "or under part B of the Urban Growth and New Community Development Act of 1970" the following: "or under section 802 of the Housing and Community Development Act of 1974".

NEW COMMUNITY PROGRAM AMENDMENTS

42 USC 4511.

SEC. 803. (a) (1) Part B of title VII of the Housing and Urban Development Act of 1970 is amended by striking out "Community Development Corporation" wherever it appears and inserting in lieu thereof "New Community Development Corporation".

42 USC 4532.

(2) The heading of section 729 of such Act is amended by inserting "NEW" before "COMMUNITY".

(b) Section 729(b) of such Act is amended—

(1) by striking out "five members" in the matter preceding paragraph (1) and inserting in lieu thereof "seven members"; and

(2) by striking out "three persons" in paragraph (3) and inserting in lieu thereof "five persons".

42 USC 4514.

(c) The last sentence of section 713(a) of such Act is amended by striking out "in amounts" and all that follows and inserting in lieu thereof "in amounts equal to 30 per centum of the interest paid on such obligations."

42 USC 4519.

(d) Section 718(c) of such Act is amended by inserting before the period at the end thereof the following: ", or a project or portion of a project consisting of the purchase, renovation, or construction of facilities, the purchase of land, or the acquisition of equipment or works of art assisted by contracts or grants under section 5 of the National Foundation on the Arts and the Humanities Act of 1965".

20 USC 784.

42 USC 4512.

(e) Section 711(f) of such Act is amended—

(1) by striking out "sewage disposal" in the first and second sentences and inserting in lieu thereof "sewage or waste disposal";

(2) by inserting "community or neighborhood central heating or air-conditioning systems," after "storm drainage facilities," in the first sentence; and

(3) by inserting "a community or neighborhood central heating or air-conditioning system," after "disposal installation" in the second sentence.

EXPANSION OF EXPERIMENTAL HOUSING ALLOWANCE PROGRAM

12 USC 1701z-3. SEC. 804. Section 504 of the Housing and Urban Development Act of 1970 is amended to read as follows:

August 22, 1974

- 93 -

Pub. Law 93-383

"HOUSING ALLOWANCES

88 STAT., 726

"SEC. 504. (a) The Secretary is authorized to undertake on an experimental basis programs to demonstrate the feasibility of providing housing allowance payments to assist families in meeting rental or homeownership expenses.

"(b) For the purpose of carrying out this section, the Secretary is authorized to make, and to contract to make, housing allowance payments to or on behalf of participating families. No housing allowance payments shall be made after July 1, 1985. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, including such sums as may be necessary to make payments as provided for in contracts entered into under this section and such sums as may be necessary to cover administrative costs. The aggregate amount of contracts to make housing allowance payments shall not exceed amounts approved in appropriation Acts, and payments pursuant to such contracts shall not exceed \$40,000,000 per annum. After January 1, 1975, the Secretary shall not enter into contracts under the United States Housing Act of 1937 to carry out the purposes of this section. The Secretary may contract with public or private agencies for the performance of administrative functions in connection with the programs authorized by this section.

Time limitation.
Appropriation.

Ante, p. 653.

"(c) The Secretary shall report to the Congress on his findings pursuant to this section not later than eighteen months after the enactment of the Housing and Community Development Act of 1974."

FEDERAL HOME LOAN MORTGAGE CORPORATION AMENDMENTS

SEC. 805. (a) Section 305(a)(1) of the Federal Home Loan Mortgage Corporation Act is amended—

12 USC 1454.

(1) by striking out "and to hold" and inserting in lieu thereof the following: "The Corporation may hold"; and

(2) by striking out the period after "therein" and inserting in lieu thereof the following: "and the servicing on any such mortgage may be performed by the seller or by a financial institution qualified as a seller under the provisions of the preceding sentence, or by a mortgagee approved by the Secretary of Housing and Urban Development for participation in any mortgage insurance program under the National Housing Act, with which institution or mortgagee the seller may contract."

48 Stat. 1246.
12 USC 1701
and note.

(b) Section 305(a)(2) of such Act is amended—

(1) by striking out "75 per centum" each place it appears in the first sentence and inserting in lieu thereof "80 per centum";

(2) by striking out "private" in clause (C) of the first sentence;

(3) by striking out "10 per centum" in the third sentence and inserting in lieu thereof "20 per centum"; and

(4) by striking out "which are comparable to the limitations which would be applicable if the mortgage were insured by the Secretary of Housing and Urban Development under section 203

(b) or 207 of the National Housing Act" in the fourth sentence and inserting in lieu thereof the following: "but such limitations shall not exceed the limitations contained in the first proviso to the first sentence of section 5(c) of the Home Owners' Loan Act of 1933".

12 USC 1709,
1713.

(c) (1) Section 5136 of the Revised Statutes is amended by inserting immediately after "Government National Mortgage Association" in paragraph Seventh thereof the following: "or mortgages, obligations, or other securities which are or ever have been sold by the Federal Home Loan Mortgage Corporation pursuant to section 305 or section 306 of the Federal Home Loan Mortgage Corporation Act".

12 USC 1464.
12 USC 24.

Supra.

88 STAT. 727

12 USC 1431.

(2) Section 11(h) of the Federal Home Loan Bank Act is amended by inserting immediately after "Government National Mortgage Association" the following: "; in mortgages, obligations, or other securities which are or ever have been sold by the Federal Home Loan Mortgage Corporation pursuant to section 305 or section 306 of the Federal Home Loan Mortgage Corporation Act".

12 USC 1436.

(3) Section 16 of the Federal Home Loan Bank Act is amended by inserting immediately after "Government National Mortgage Association" the following: "; in mortgages, obligations, or other securities which are or ever have been sold by the Federal Home Loan Mortgage Corporation pursuant to section 305 or section 306 of the Federal Home Loan Mortgage Corporation Act".

12 USC 1464.

(4) Section 5(c) of the Home Owners' Loan Act of 1933 is amended by inserting immediately after "Federal Home Loan Bank" in the first paragraph the following: "; or in mortgages, obligations, or other securities which are or ever have been sold by the Federal Home Loan Mortgage Corporation pursuant to section 305 or 306 of the Federal Home Loan Mortgage Corporation Act".

12 USC 1757.

(5) Section 107(8) (E) of the Federal Credit Union Act is amended by inserting immediately after "Government National Mortgage Association" the following: "; or in mortgages, obligations, or other securities which are or ever have been sold by the Federal Home Loan Mortgage Corporation pursuant to section 305 or section 306 of the Federal Home Loan Mortgage Corporation Act;".

FEDERAL NATIONAL MORTGAGE ASSOCIATION AMENDMENTS

12 USC. 1717.

SEC. 806. (a) Section 302(a)(2) of the National Housing Act is amended—

(1) by striking out "the effective date established pursuant to section 808 of the Housing and Urban Development Act of 1968" in the matter preceding subparagraph (A) and inserting in lieu thereof "September 1, 1968"; and

(2) by striking out "effective" in subparagraphs (A) and (B).

(b) The third sentence of section 302(a)(2) (B) of such Act is amended—

(1) by inserting "or the metropolitan area thereof" immediately after "District of Columbia";

(2) by inserting "jurisdiction and" immediately before "venue"; and

(3) by striking out "resident thereof" and inserting in lieu thereof "District of Columbia corporation".

(c) Section 302(b)(2) of such Act is amended by striking out "75 per centum" each place it appears and inserting in lieu thereof "80 per centum".

(d) Clause (C) of the second sentence of section 302(b)(2) of such Act is amended by striking out "private".

(e) The fourth sentence of section 302(b)(2) of such Act is amended by striking out "10 per centum" and inserting in lieu thereof "20 per centum".

(f) The last sentence of section 302(b)(2) of such Act is amended by striking out "which are comparable to the limitations which would be applicable if the mortgage were insured by the Secretary of Housing and Urban Development under section 203(b) or 207 of the National Housing Act" and inserting in lieu thereof the following: "; but such limitations shall not exceed the limitations contained in the first proviso of the first sentence of section 5(c) of the Home Owners Loan Act of 1933".

12 USC 1718.

(g) Section 303(a) of such Act is amended—

August 22, 1974

- 95 -

Pub. Law 93-383

88 STAT. 726

- (1) by striking out all of the first sentence which follows "directors" and inserting in lieu thereof a period; and
- (2) by striking out everything after the second sentence.
- (h) Section 303(c) of such Act is amended—
- (1) by striking out "the effective date established pursuant to section 808 of the Housing and Urban Development Act of 1968" in the fourth sentence and inserting in lieu thereof "September 1, 1968,"; and
- (2) by striking out the proviso in the last sentence.
- (i) Subsections (d) and (e) of section 303 of such Act are repealed. Repeal.
- (j) The last sentence of section 304(a) (1) of such Act is amended by striking out "section 502 of the Emergency Home Finance Act of 1970" and inserting in lieu thereof "section 243 of the National Housing Act". 12 USC 1718.
- (k) Except with respect to any person receiving an annuity on the date of the enactment of this Act, section 309(d) (2) of such Act is amended— 12 USC 1723a note.
- (1) by striking out "the termination of the transitional period referred to in section 810(b) of the Housing and Urban Development Act of 1968" and inserting in lieu thereof "January 31, 1972,"; 12 USC 1723a.
- (2) by inserting "positions listed" immediately before "in section 5312"; and
- (3) by inserting before the period at the end of the next to last sentence the following: "Provided, That with respect to any person whose employment is made subject to the civil service retirement law by section 806 of the Housing and Community Development Act of 1974, there shall not be considered for the purposes of such law that portion of his basic pay in any one year which exceeds the basic pay provided for positions listed in section 5316 of such title 5 on the last day of such year".
- (l) Subsections (b) and (c) of section 810 of the Housing and Urban Development Act of 1968 are repealed. Repeal.

LIMITATION ON DOLLAR AMOUNT OF GNMA-PURCHASED MORTGAGES

SEC. 807. Clause (3) of the proviso in the first sentence of section 302(b) (1) of the National Housing Act is amended by striking out "\$22,000" and inserting in lieu thereof the following: "\$33,000 (or such higher amount not in excess of \$38,000 as the Secretary may by regulation specify in any geographical area where he finds that cost levels so require)". 12 USC 1717.

PROHIBITION AGAINST DISCRIMINATION ON ACCOUNT OF SEX IN EXTENSION OF MORTGAGE ASSISTANCE; FAIR HOUSING

SEC. 808. (a) Title V of the National Housing Act is (as amended by sections 301 and 305 of this Act) is amended by adding at the end thereof the following new section: Ante, p. 678.

"PROHIBITION AGAINST DISCRIMINATION ON ACCOUNT OF SEX IN EXTENSION OF MORTGAGE ASSISTANCE

"Sec. 527. No federally related mortgage loan, or Federal insurance, guaranty, or other assistance in connection therewith (under this or any other Act), shall be denied to any person on account of sex; and every person engaged in making mortgage loans secured by residential real property shall consider without prejudice the combined income of both husband and wife for the purpose of extending mort- 12 USC 1735f-5.

88 STAT. 729

"Federally
related mort-
gage loan."

gage credit in the form of a federally related mortgage loan to a married couple or either member thereof.

"(b) For purposes of subsection (a), the term 'federally related mortgage loan' means any loan which—

"(1) is secured by residential real property designed principally for the occupancy of from one to four families; and

"(2) (A) is made in whole or in part by any lender the deposits or accounts of which are insured by any agency of the Federal Government, or is made in whole or in part by any lender which is itself regulated by any agency of the Federal Government; or

"(B) is made in whole or in part, or insured, guaranteed, supplemented, or assisted in any way, by the Secretary of Housing and Urban Development or any other officer or agency of the Federal Government or under or in connection with a housing or urban development program administered by the Secretary of Housing and Urban Development or a housing or related program administered by any other such officer or agency; or

"(C) is eligible for purchase by the Federal National Mortgage Association, the Government National Mortgage Association, or the Federal Home Loan Mortgage Corporation, or from any financial institution from which it could be purchased by the Federal Home Loan Mortgage Corporation; or

"(D) is made in whole or in part by any 'creditor', as defined in section 103(f) of the Consumer Credit Protection Act of 1968 (15 U.S.C. 1602(f)), who makes or invests in residential real estate loans aggregating more than \$1,000,000 per year."

(b) (1) Subsections (a), (b), (c), (d), and (e) of section 804 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes", approved April 11, 1968 (42 U.S.C. 3604), are amended by inserting a comma and the word "sex" immediately after the word "religion" each time it appears.

42 USC 3605.

(2) Section 805 of such Act is amended by inserting a comma and the word "sex" immediately after the word "religion".

42 USC 3606.

(3) Section 806 of such Act is amended by inserting a comma and the word "sex" immediately after the word "religion".

42 USC 3631.

(4) Subsection (a), paragraph (1) of subsection (b), and subsection (c) of section 901 of such Act are amended by inserting a comma and the word "sex" immediately after the word "religion" each time it appears.

NATIONAL INSTITUTE OF BUILDING SCIENCES

12 USC 1701j-2.

SEC. 809. (a) (1) The Congress finds (A) that the lack of an authoritative national source to make findings and to advise both the public and private sectors of the economy with respect to the use of building science and technology in achieving nationally acceptable standards and other technical provision for use in Federal, State, and local housing and building regulations is an obstacle to efforts by and imposes severe burdens upon all those who procure, design, construct, use, operate, maintain, and retire physical facilities, and frequently results in the failure to take full advantage of new and useful developments in technology which could improve our living environment; (B) that the establishment of model buildings codes or of a single national building code will not completely resolve the problem because of the difficulty at all levels of government in updating their housing and building regulations to reflect new developments in technology, as well as the irregularities and inconsistencies which arise in applying such requirements to particular localities or special local conditions; (C) that the lack of uniform housing and building regulatory provisions increases the costs of construction and thereby reduces the amount

of housing and other community facilities which can be provided; and (D) that the existence of a single authoritative nationally recognized institution to provide for the evaluation of new technology could facilitate introduction of such innovations and their acceptance at the Federal, State, and local levels.

(2) The Congress further finds, however, that while an authoritative source of technical findings is needed, various private organizations and institutions, private industry, labor, and Federal and other governmental agencies and entities are presently engaged in building research, technology development, testing, and evaluation, standards and model code development and promulgation, and information dissemination. These existing activities should be encouraged and these capabilities effectively utilized wherever possible and appropriate to the purposes of this section.

(3) The Congress declares that an authoritative nongovernmental instrument needs to be created to address the problems and issues described in paragraph (1), that the creation of such an instrument should be initiated by the Government, with the advice and assistance of the National Academy of Sciences-National Academy of Engineering-National Research Council (hereinafter referred to as the "Academies-Research Council") and of the various sectors of the building community, including labor and management, technical experts in building science and technology, and the various levels of government.

(b)(1) There is authorized to be established, for the purposes described in subsection (a) (3), an appropriate nonprofit, nongovernmental instrument to be known as the National Institute of Building Sciences (hereinafter referred to as the "Institute"), which shall not be an agency or establishment of the United States Government. The Institute shall be subject to the provisions of this section and, to the extent consistent with this section, to a charter of the Congress if such a charter is requested and issued or to the District of Columbia Non-profit Corporation Act if that is deemed preferable.

National Institute of Building Sciences Establishment.

D.C. Code 29-1001.

(2) The Academies-Research Council, along with other agencies and organizations which are knowledgeable in the field of building technology, shall advise and assist in (A) the establishment of the Institute; (B) the development of an organizational framework to encourage and provide for the maximum feasible participation of public and private scientific, technical, and financial organizations, institutions, and agencies now engaged in activities pertinent to the development, promulgation, and maintenance of performance criteria, standards, and other technical provisions for building codes and other regulations; and (C) the promulgation of appropriate organizational rules and procedures including those for the selection and operation of a technical staff, such rules and procedures to be based upon the primary object of promoting the public interest and insuring that the widest possible variety of interests and experience essential to the functions of the Institute are represented in the Institute's operations. Recommendations of the Academies-Research Council shall be based upon consultations with and recommendations from various private organizations and institutions, labor, private industry, and governmental agencies entities operating in the field, and the Consultative Council as provided for under subsection (c) (8).

(3) Nothing in this section shall be construed as expressing the intent of the Congress that the Academies-Research Council itself be required to assume any function or operation vested in the Institute by or under this section.

(c) (1) The Institute shall have a Board of Directors (hereinafter referred to as the "Board") consisting of not less than fifteen nor more than twenty-one members, appointed by the President of the United

States by and with the advice and consent of the Senate. The Board shall be representative of the various segments of the building community, of the various regions of the country, and of the consumers who are or would be affected by actions taken in the exercise of the functions and responsibilities of the Institute, and shall include (A) representatives of the construction industry, including representatives of construction labor organizations, product manufacturers, and builders, housing management experts, and experts in building standards, codes, and fire safety, and (B) members representative of the public interest in such numbers as may be necessary to assure that a majority of the members of the Board represent the public interest and that there is adequate consideration by the Institute of consumer interests in the exercise of its functions and responsibilities. Those representing the public interest on the Board shall include architects, professional engineers, officials of Federal, State, and local agencies, and representatives of consumer organizations. Such members of the Board shall hold no financial interest or membership in, nor be employed by, or receive other compensation from, any company, association, or other group associated with the manufacture, distribution, installation, or maintenance of specialized building products, equipment, systems, subsystems, or other construction materials and techniques for which there are available substitutes.

(2) The members of the initial Board shall serve as incorporators and shall take whatever actions are necessary to establish the Institute as provided for under subsection (b) (1).

(3) The term of office of each member of the initial and succeeding Boards shall be three years; except that (A) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (B) the terms of office of members first taking office shall begin on the date of incorporation and shall expire, as designated at the time of their appointment, one-third at the end of one year, one-third at the end of two years, and one-third at the end of three years. No member shall be eligible to serve in excess of three consecutive terms of three years each. Notwithstanding the preceding provisions of this subsection, a member whose term has expired may serve until his successor has qualified.

(4) Any vacancy in the initial and succeeding Boards shall not affect its power, but shall be filled in the manner in which the original appointments were made, or, after the first five years of operation, as provided for by the organizational rules and procedures of the Institute.

(5) The President shall designate one of the members appointed to the initial Board as Chairman; thereafter, the members of the initial and succeeding Boards shall annually elect one of their number as Chairman. The members of the Board shall also elect one or more of their Members as Vice Chairman. Terms of the Chairman and Vice Chairman shall be for one year and no individual shall serve as Chairman or Vice Chairman for more than two consecutive terms.

(6) The members of the initial or succeeding Boards shall not, by reason of such membership, be deemed to be employees of the United States Government. They shall, while attending meetings of the Board or while engaged in duties related to such meetings or in other activities of the Board pursuant to this section, be entitled to receive compensation at the rate of \$100 per day including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, equal to that authorized under section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

Term of
office.

Vacancies.

Chairman.

Compensation
and travel
expenses.

(7) The Institute shall have a president and such other executive officers and employees as may be appointed by the Board at rates of compensation fixed by the Board. No such executive officer or employee may receive any salary or other compensation from any source other than the Institute during the period of his employment by the Institute.

(8) The Institute shall establish, with the advice and assistance of the Academies-Research Council and other agencies and organizations which are knowledgeable in the field of building technology, a Consultative Council, membership in which shall be available to representatives of all appropriate private trade, professional, and labor organizations, private and public standards, code, and testing bodies, public regulatory agencies, and consumer groups, so as to insure a direct line of communication between such groups and the Institute and a vehicle for representative hearings on matters before the Institute.

(d)(1) The Institute shall have no power to issue any shares of stock, or to declare or pay any dividends.

(2) No part of the income or assets of the Institute shall inure to the benefit of any director, officer, employee, or other individual except as salary or reasonable compensation for services.

(3) The Institute shall not contribute to or otherwise support any political party or candidate for elective public office.

(e)(1) The Institute shall exercise its functions and responsibilities in four general areas, relating to building regulations, as follows:

(A) Development, promulgation, and maintenance of nationally recognized performance criteria, standards, and other technical provisions for maintenance of life, safety, health, and public welfare suitable for adoption by building regulating jurisdictions and agencies, including test methods and other evaluative techniques relating to building systems, subsystems, components, products, and materials with due regard for consumer problems.

(B) Evaluation and prequalification of existing and new building technology in accordance with subparagraph (A).

(C) Conduct of needed investigations in direct support of subparagraphs (A) and (B).

(D) Assembly, storage, and dissemination of technical data and other information directly related to subparagraphs (A), (B), and (C).

(2) The Institute in exercising its functions and responsibilities described in paragraph (1) shall assign and delegate, to the maximum extent possible, responsibility for conducting each of the needed activities described in paragraph (1) to one or more of the private organizations, institutions, agencies, and Federal and other governmental entities with a capacity to exercise or contribute to the exercise of such responsibility, monitor the performance achieved through assignment and delegation, and, when deemed necessary, reassign and delegate such responsibility.

(3) The Institute in exercising its functions and responsibilities under paragraphs (1) and (2) shall (A) give particular attention to the development of methods for encouraging all sectors of the economy to cooperate with the Institute and to accept and use its technical findings, and to accept and use the nationally recognized performance criteria, standards, and other technical provisions developed for use in Federal, State, and local building codes and other regulations which result from the program of the Institute; (B) seek to assure that its actions are coordinated with related requirements which are imposed in connection with community and environmental development generally; and (C) consult with the Department of Justice and other agen-

88 STAT. 733

cies of government to the extent necessary to insure that the national interest is protected and promoted in the exercise of its functions and responsibilities.

Contracts and grants.

(f) (1) The Institute is authorized to accept contracts and grants from Federal, State, and local governmental agencies and other entities, and grants and donations from private organizations, institutions, and individuals.

Fees.

(2) The Institute may, in accordance with rates and schedules established with guidance as provided under subsection (b) (2), establish fees and other charges for services provided by the Institute or under its authorization.

(3) Amounts received by the Institute under this section shall be in addition to any amounts which may be appropriated to provide its initial operating capital under subsection (h).

(g) (1) Every department, agency, and establishment of the Federal Government, in carrying out any building or construction, or any building- or construction-related programs, which involves direct expenditures, and in developing technical requirements for any such building or construction, shall be encouraged to accept the technical findings of the Institute, or any nationally recognized performance criteria, standards, and other technical provisions for building regulations brought about by the Institute, which may be applicable.

(2) All projects and programs involving Federal assistance in the form of loans, grants, guarantees, insurance, or technical aid, or in any other form, shall be encouraged to accept, use, and comply with any of the technical findings of the Institute, or any nationally recognized performance criteria, standards, and other technical provisions for building codes and other regulations brought about by the Institute, which may be applicable to the purposes for which the assistance is to be used.

(3) Every department, agency, and establishment of the Federal Government having responsibility for building or construction, or for building- or construction-related programs, is authorized and encouraged to request authorization and appropriations for grants to the Institute for its general support, and is authorized to contract with and accept contracts from the Institute for specific services where deemed appropriate by the responsible Federal official involved.

(4) The Institute shall establish and carry on a specific and continuing program of cooperation with the States and their political subdivisions designed to encourage their acceptance and its technical findings and of nationally recognized performance criteria, standards, and other technical provisions for building regulations brought about by the Institute. Such program shall include (A) efforts to encourage any changes in existing State and local law to utilize or embody such findings and regulatory provisions; and (B) assistance to States in the development of inservice training programs for building officials, and in the establishment of fully staffed and qualified State technical agencies to advise local officials on questions of technical interpretation.

Appropriation.

(h) There is authorized to be appropriated to the Institute not to exceed \$5,000,000 for the fiscal year 1975, and \$5,000,000 for the fiscal year 1976 (with each appropriation to be available until expended), to provide the Institute with initial capital adequate for the exercise of its functions and responsibilities during such years; and thereafter the Institute shall be financially self-sustaining through the means described in subsection (f).

Annual report to President.

(i) The Institute shall submit an annual report for the preceding fiscal year to the President for transmittal to the Congress within sixty days of its receipt. The report shall include a comprehensive and detailed report of the Institute's operations, activities, financial con-

dition, and accomplishments under this section and may include such recommendations as the Institute deems appropriate.

URBAN HOMESTEADING

SEC. 810. (a) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary") is authorized to transfer without payment to a unit of general local government or a State, or a public agency designated by a unit of general local government or a State, any real property—

12 USC 1706e.

- (1) which is improved by a one- to four-family residence;
- (2) to which the Secretary holds title;
- (3) which is not occupied;
- (4) which is requested by such unit, State, or agency for use in an urban homestead program; and

(5) which the Secretary determines is suitable for use in an urban homestead program which meets the requirements of subsection (b). In determining the suitability of such property for use in an urban homestead program, the Secretary shall consider—

(A) the difficulties and delays which would be involved in the sale of the property;

(B) the value of any repairs and improvements required by the program;

(C) the benefits to the community and the reduced administrative costs to the Federal Government which would accrue from the expedited occupancy of the unoccupied property; and

(D) the possible financial loss to the Federal Government which may result from the transfer of the property without payment.

(b) For the purposes of subsections (a) and (c), the Secretary shall approve an urban homestead program carried out by a unit of general local government or a State or a public agency designated by a unit of general local government or a State, which provides for—

(1) the conditional conveyance of unoccupied residential property by the responsible administrative entity to an individual or a family without any substantial consideration;

(2) an equitable procedure for selecting the recipients of the unoccupied residential property, giving special consideration to the recipients' need for housing and capacity to make or cause to be made the repairs and improvements required under paragraph (3) (C) of this subsection;

(3) an agreement whereby the individual or family to whom such property is conveyed agrees to—

(A) occupy such property as a principal residence for a period of not less than three years;

(B) make repairs required to meet minimum health and safety standards for occupancy prior to occupying the property;

(C) make such repairs and improvements to the property as may be necessary to meet applicable local standards for decent, safe, and sanitary housing within eighteen months after occupying the property; and

(D) permit reasonable periodic inspections at reasonable times by employees of the unit of general local government or State or the public agency designated by the unit of general local government or State for the purpose of determining compliance with the agreement;

(4) the revocation of such conveyance upon any material breach of the agreement referred to in paragraph (3);

(5) the conveyance from the unit of general local government or State or the public agency designated by the unit of general local government or State of fee simple title to such property without consideration upon compliance with the agreement; and

(6) a coordinated approach toward neighborhood improvement through the homestead program and the upgrading of community services and facilities.

The Secretary may approve such other programs as he determines to reasonably fulfill these criteria.

(c) The Secretary is authorized to enter into agreements with units of general local government or States or public agencies designated by units of general local government or State to provide technical assistance for the administration of urban homestead programs which meet the requirements of subsection (b) and to individuals and families who are participants in such programs.

(d) The Secretary is authorized to issue such rules and regulations as may be necessary to carry out his functions under this section.

Continuing
evaluation.
Report, trans-
mittal to
Congress.

(e) The Secretary shall conduct a continuing evaluation of programs carried out pursuant to this section and, beginning with the third year commencing after the date of enactment of this section, shall transmit to the Congress an annual report containing a summary of his evaluation of such programs and his recommendations for future conduct of such programs.

(f) In order to facilitate planning for purposes of this section, the Secretary shall, upon request of a unit of general local government or a State or a public agency designated by a unit of general local government or a State, provide a listing of all unoccupied one- to four-family residences to which the Secretary holds title and which are located within the geographic jurisdiction of such unit, State, or agency.

(g) To reimburse the housing loan funds for properties transferred pursuant to this section, and to carry out the provisions of subsection (c), there are authorized to be appropriated not to exceed \$5,000,000 for the fiscal year 1975, and not to exceed \$5,000,000 for the fiscal year 1976. Any amounts so appropriated shall remain available until expended.

COUNSELING AND TECHNICAL ASSISTANCE

12 USC 1701x.

SEC. 811. (a) Section 106 of the Housing and Urban Development Act of 1968 is amended by rewriting the heading to read as follows: "Technical Assistance, Counseling to Tenants and Homeowners, and Loans to Sponsors of Low- and moderate-income Housing".

(b) (1) Section 106(a) (1) (iii) of such Act is amended to read as follows:

"(iii) counseling and advice to tenants and homeowners with respect to property maintenance, financial management, and such other matters as may be appropriate to assist them in improving their housing conditions and in meeting the responsibilities of tenancy or homeownership; and".

(2) Section 106(a) of such Act is amended by redesignating paragraph (2) as paragraph (3) and inserting immediately after paragraph (1) the following new paragraph:

"(2) The Secretary shall provide the services described in clause (iii) of paragraph (1) for homeowners assisted under section 235 of the National Housing Act. For purposes of this paragraph and clause (iii) of paragraph (1), the Secretary may provide the services described in such clause directly or may enter into contracts with, make grants to, and provide other types of assistance to private or public organizations with special competence and knowledge in counseling low- and moderate-income families to provide such services."

12 USC 1715z.

August 22, 1974

- 103 -

Pub. Law 93-383

88 STAT. 736

(c) Section 106(a)(1) of such Act is further amended by adding at the end thereof the following new subparagraph:

Ante, p. 735.

"(iv) the provision of technical assistance to communities, particularly smaller communities, to assist such communities in planning, developing, and administering Community Development Programs pursuant to title I of the Housing and Community Development Act of 1974."

Ante, p. 633.

(d) Section 106(a)(3) of such Act (as redesignated by subsection (b)(2) of this section) is amended by striking out "not to exceed \$5,000,000" and inserting in lieu thereof "such sums as may be necessary".

(e) Section 106(b)(1) of such Act is amended by inserting "or public housing agencies" immediately after "nonprofit organizations".

(f) Section 106(b)(2) of such Act is amended by inserting "or public housing agency" immediately after "nonprofit organization".

INTERSTATE LAND SALES

SEC. 812. (a) Section 1402 of the Housing and Urban Development Act of 1968 is amended—

15 USC 1701.

(1) by inserting after "land" where it first appears in paragraph (3) the following: "; located in any State or in a foreign country,"; and

(2) by inserting before the semicolon at the end of paragraph (7) the following: "or between any foreign country and any State".

(b) Section 1403(a) of such Act is amended by striking out "or" at the end of paragraph (9), by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; or", and by adding after paragraph (10) the following new paragraph:

15 USC 1702.

"(11) the sale or lease of real estate which is zoned by the appropriate governmental authority for industrial or commercial development, when—

Real estate,
sale or lease.

"(A) local authorities have approved access from such real estate to a public street or highway;

"(B) the purchaser or lessee of such real estate is a duly organized corporation, partnership, trust, or business entity engaged in commercial or industrial business;

"(C) the purchaser or lessee of such real estate is represented in the transaction of sale or lease by a representative of its own selection;

"(D) the purchaser or lessee of such real estate affirms in writing to the seller that it either (i) is purchasing or leasing such real estate substantially for its own use or (ii) has a binding commitment to sell, lease, or sublease such real estate to an entity which meets the requirements of subparagraph (B), is engaged in commercial or industrial business, and is not affiliated with the seller or agent; and

Written
affirmation.

"(E) a policy of title insurance or title opinion is issued in connection with the transaction showing that title to the real estate purchased or leased is vested in the seller or lessor, subject only to such exceptions as may be approved in writing by such purchaser or the lessee prior to recordation of the instrument of conveyance or execution of the lease, but (i) nothing herein shall be construed as requiring the recordation of a lease, and (ii) any purchaser or lessee may waive, in writing in a separate document, the requirement of this subparagraph that a policy of title insurance or title opinion be issued in connection with the transaction."

Waiver.

88 STAT. 737

15 USC 1703.

(c) (1) The second sentence of section 1404(b) of such Act is amended—

(A) by striking out “within forty-eight hours” where it first appears and inserting in lieu thereof “until midnight of the third business day following the consummation of the transaction”; and

(B) by striking out all after “provide” and inserting in lieu thereof a period.

Effective date.

(2) The amendments made by paragraph (1) shall be effective sixty days after the date of the enactment of this Act.

15 USC 1703 note.

MASS TRANSPORTATION

49 USC 1602.

SEC. 813. (a) Section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

“(f) No Federal financial assistance under this Act may be provided for the purchase of buses unless the applicant or any public body receiving such assistance for the purchase of buses, or any publicly owned operator receiving such assistance, shall as a condition of such assistance enter into an agreement with the Secretary that such public body, or any operator of mass transportation for such public body, will not engage in charter bus operations outside the urban area within which it provides regularly scheduled mass transportation service, except as provided in the agreement authorized by this subsection. Such agreement shall provide for fair and equitable arrangements, appropriate in the judgment of the Secretary, to assure that the financial assistance granted under this Act will not enable public bodies and publicly and privately owned operators for public bodies to foreclose private operators from the intercity charter bus industry where such private operators are willing and able to provide such service. In addition to any other remedies specified in the agreement, the Secretary shall have the authority to bar a grantee or operator from the receipt of further financial assistance for mass transportation facilities and equipment where he determines that there has been a continuing pattern of violations of the terms of agreement. Upon receiving a complaint regarding an alleged violation, the Secretary shall investigate and shall determine whether a violation has occurred. Upon determination that a violation has occurred, he shall take appropriate action to correct the violation under the terms and conditions of the agreement.”.

49 USC 1602a.

(b) Section 164(a) of the Federal-Aid Highway Act of 1973 is amended—

(1) by inserting “or” before “(2)” in the first sentence;

(2) by striking out “or (3) the Urban Mass Transportation Act of 1964,” in the first sentence; and

(3) by striking out all after the word “operations” in the first sentence and all of the second sentence, and inserting in lieu thereof “outside of the urban area (or areas) within which it provides regularly scheduled mass transportation service, except as provided in an agreement authorized and required by section 3(f) of the Urban Mass Transportation Act of 1964, which section shall apply to Federal financial assistance for the purchase of buses under the provisions of title 23, United States Code, referred to in clauses (1) and (2) of this sentence.”

23 USC 101 et seq.

(c) The Secretary shall amend any agreements entered into pursuant to section 164(a) of the Federal-Aid Highway Act of 1973, to conform to the requirements of the amendments made by this section. The effective date of such conformed agreements shall be the effective date of the original agreements entered into pursuant to such section 164(a).

49 USC 1602a note.

SOLAR ENERGY

SEC. 814. Title V of the Housing and Urban Development Act of 1970 is amended by adding at the end thereof the following new section: 12 USC 1701z-1.

"SOLAR ENERGY

"SEC. 506. (a) In carrying out activities under section 501, the Secretary may, after consultation with the National Science Foundation, undertake demonstrations to determine the economic and technical feasibility of utilizing solar energy for heating or cooling residential housing (including demonstrations of new housing design or structure involving the use of solar energy). Demonstrations carried out under this section should involve both single family and multifamily housing located in areas having distinguishable climatic characteristics in urban as well as rural environments. To carry out the purpose of this section the Secretary is authorized— Demonstrations. 12 USC 1701z-5.

"(1) to enter into contracts with, to make grants to, and to provide other types of assistance to individuals and entities with special competence and knowledge to contribute to the planning, design, development, and operation of such housing;

"(2) to utilize the contract, loan, or mortgage insurance authority of any federally assisted housing program in the actual planning, development, and occupancy of such housing; and

"(3) to set aside any development, construction, design, or occupancy requirements for the purpose of any demonstration under this section if he determines that such requirements inhibit such demonstration.

"(b) The Secretary shall include in any demonstration under this section an evaluation of the demonstration to cover the full experience involved in all stages of the demonstration. Evaluation.

"(c) The Secretary shall transmit to the Congress not later than 6 months following the close of any year in which he carries out a demonstration under this section a full report on such demonstration. Such report may include an evaluation of the economic and technological feasibility of the widespread application of solar energy to residential housing." Report to Congress.

ADDITIONAL RESEARCH AUTHORITY

SEC. 815. Title V of the Housing and Urban Development Act of 1970 (as amended by section 814 of this Act) is amended by adding at the end thereof the following new section:

"ADDITIONAL RESEARCH AUTHORITY

"SEC. 507. (a) In carrying out activities under section 501, the Secretary may undertake special demonstrations to determine the housing design, the housing structure, and the housing-related facilities, and amenities most effective or appropriate to meet the needs of groups with special housing needs including the elderly, the handicapped, the displaced, single individuals, broken families, and large households. For this purpose, the Secretary is authorized to enter into contracts with, to make grants to, and to provide other types of assistance to individuals and entities with special competence and knowledge to contribute to the planning, development, design, and management of such housing. 12 USC 1701z-6.

"(b) In carrying out his functions under this section, the Secretary shall give preferential attention to demonstrations which in his judgment involve areas of housing user needs most neglected in past and current research and demonstration efforts.

"(c) The Secretary is authorized to undertake demonstrations involving the actual planning, development, and occupancy of housing utilizing the contract and loan authority of any federally assisted housing program. He is also authorized to set aside any development, construction, design, and occupancy requirements, for the purposes of these demonstrations, if in his judgment they inhibit the testing of housing designed to meet the special housing needs.

Evaluation.

"(d) In carrying out this section, the Secretary shall include, as part of any demonstration, an evaluation of the demonstration to cover the full experience involved in planning, development, and occupancy.

"(e) In addition to any other contract or loan authority which the Secretary may utilize under subsection (c), not more than \$10,000,000 from amounts approved in appropriation Acts shall be available for research under this section."

FLOOD INSURANCE PROGRAM

42 USC 4101.

SEC. 816. (a) Chapter III of title XIII of the Housing and Urban Development Act of 1968 is amended by adding at the end thereof the following new section:

"NOTICE OF FLOOD HAZARDS

42 USC 4104a.

"SEC. 1364. Each Federal instrumentality responsible for the supervision, approval, regulation, or insuring of banks, savings and loan associations, or similar institutions shall by regulation require such institutions, as a condition of making, increasing, extending, or renewing (after the expiration of thirty days following the date of the enactment of this section) any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary under this title or Public Law 93-234 as an area having special flood hazards, to notify the purchaser or lessee (or obtain satisfactory assurances that the seller or lessor has notified the purchaser or lessee) of such special flood hazards, in writing, a reasonable period in advance of the signing of the purchase agreement, lease, or other documents involved in the transaction."

87 Stat., 975.

42 USC 4014.

(b) Section 1307 of such Act is amended by adding at the end thereof the following new subsection:

Flood insurance, eligibility.

"(e) Notwithstanding any other provision of law, any community that has made adequate progress, acceptable to the Secretary, on the construction of a flood protection system which will afford flood protection for the one-hundred year frequency flood as determined by the Secretary, shall be eligible for flood insurance under this title (if and to the extent it is eligible for such insurance under the other provisions of this title) at premium rates not exceeding those which would be applicable under this section if such flood protection system had been completed. The Secretary shall find that adequate progress on the construction of a flood protection system as required herein has been only if (1) 100 percent of the project cost of the system has been authorized, (2) at least 60 percent of the project cost of the system has been appropriated, (3) at least 50 percent of the project cost of the system has been expended, and (4) the system is at least 50 percent completed."

LIMITATION ON WITHHOLDING OR CONDITIONING OF ASSISTANCE

12 USC 1701.

Ante, p. 653.

42 USC 1441

note, 3301 note.

SEC. 817. Assistance provided for in this Act, the National Housing Act, the United States Housing Act of 1937, the Housing Act of 1949, the Demonstration Cities and Metropolitan Development Act of 1966, and the Housing and Urban Development Acts of 1965, 1968, 1969,

August 22, 1974

- 107 -

Pub. Law 93-383

88 STAT. 740

and 1970 shall not be withheld or made subject to conditions or preference by reason of the tax-exempt status of bonds or other obligations issued or to be issued to provide financing for use in connection with such assistance, except where otherwise expressly provided or authorized by law.

12 USC 1749aa
note, 1701t
note, 1720
note, 1701g
note.

ADDITIONAL ASSISTANT SECRETARIES OF HOUSING AND URBAN DEVELOPMENT

SEC. 818. (a) Section 4 of the Department of Housing and Urban Development Act (Public Law 89-174, 79 Stat. 667) is amended—

42 USC 3533.

(1) by striking out "six" in the first sentence of subsection (a) and inserting in lieu thereof "eight";

(2) by striking out subsection (b); and

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively,

(b) Section 5316 of title 5, United States Code, is amended by striking out paragraph (122).

80 Stat. 463.

(c) Paragraph (87) of section 5315 of title 5, United States Code, is amended by striking out "(6)" and inserting in lieu thereof "(8)".

MORTGAGE PROCEEDS FRAUDULENTLY MISAPPROPRIATED BY MORTGAGOR

SEC. 819. The Secretary of Housing and Urban Development shall take action to secure the payment of any deficiency after foreclosure on a mortgage insured or assisted under Federal law where the Secretary has reason to believe that mortgage proceeds have been fraudulently misappropriated by the mortgagor.

12 USC 1701l-1.

NEIGHBORHOOD DEVELOPMENT PROGRAM

SEC. 820. Notwithstanding the provisions of section 133(b) of the Housing Act of 1949 or of any other law, local expenditures made in connection with the Broad and Front Street Garage in Trenton, New Jersey, shall, to the extent otherwise eligible, be counted as a local grant-in-aid to the first two action years of the Trenton Neighborhood Development Program (N.J. A-1) in accordance with the provisions of title I of the Housing Act of 1949.

42 USC 1469b.

42 USC 1450.

CONDOMINIUM AND COOPERATIVE STUDY

SEC. 821. The Secretary of Housing and Urban Development is authorized and directed to conduct a full and complete investigation and study, and report to Congress not later than one year after the date of enactment of this Act, with respect to condominiums and cooperatives, and the problems, difficulties, and abuses or potential abuses applicable to condominium and cooperative housing.

42 USC 3532
note.Report to
Congress.

DIRECT FINANCING STUDY

SEC. 822. The Secretary of Housing and Urban Development and the Secretary of the Treasury shall study the feasibility of financing the programs authorized under section 236 of the National Housing Act and section 802 of this Act through various financing methods, including direct loans from the Federal Financing Bank, with a view to determining whether there is any such method that would result in net savings to the Federal Government (after taking into account the direct and indirect effects of such method). The Secretary of Housing and Urban Development and the Secretary of the Treasury

12 USC 1715z-1
note.Report to
Congress.

Pub. Law 93-383

- 108 -

August 22, 1974

88 STAT. 741

shall transmit to the Congress a report on the study required by this section not later than one year after the date of enactment of this Act.

Approved August 22, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-1114 accompanying H.R. 15361 (Comm. on Banking and Currency) and No. 93-1279 (Comm. of Conference).

SENATE REPORT No. 93-693 (Comm. on Banking, Housing and Urban Affairs).

CONGRESSIONAL RECORD, Vol. 120 (1974):

Mar. 8, 11, considered and passed Senate.

June 20, considered and passed House, amended, in lieu of H.R. 15361.

Aug. 13, Senate agreed to conference report.

Aug. 15, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 10, No. 34:

Aug. 22, Presidential statement.

○



Public Law 93-409
93rd Congress, H. R. 11864
September 3, 1974

An Act

88 STAT. 1069

To provide for the early development and commercial demonstration of the technology of solar heating and combined solar heating and cooling systems

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Solar Heating and Cooling Demonstration Act of 1974".

Solar Heating
and Cooling Dem-
onstration Act
of 1974.
42 USC 5501
note.
42 USC 5501.

FINDINGS AND POLICY

SEC. 2. (a) The Congress hereby finds that—

(1) the current imbalance between supply and demand for fuels and energy is likely to persist for some time;

(2) the early demonstration of the feasibility of using solar energy for the heating and cooling of buildings could help to relieve the demand upon present fuel and energy supplies;

(3) the technologies for solar heating are close to the point of commercial application in the United States;

(4) the technologies for combined solar heating and cooling still require research, development, testing and demonstration, but no insoluble technical problem is now foreseen in achieving commercial use of such technologies;

(5) the early development and export of viable solar heating equipment and combined solar heating and cooling equipment, consistent with the established preeminence of the United States in the field of high technology products, can make a valuable contribution to our balance of trade;

(6) the widespread use of solar energy in place of conventional methods for the heating and cooling of buildings would have a significantly beneficial effect upon the environment;

(7) the mass production and use of solar heating and cooling equipment will help to eliminate the dependence of the United States upon foreign energy sources and promote the national defense;

(8) the widespread introduction of low-cost solar energy will be beneficial to consumers in a period of rapidly rising fuel cost;

(9) innovation and creativity in the development of solar heating and combined solar heating and cooling components and systems can be fostered through encouraging direct contact between the manufacturers of such systems and the architects, engineers, developers, contractors, and other persons interested in installing such systems in buildings;

(10) evaluation of the performance and reliability of solar heating and combined solar heating and cooling technologies can be expedited by testing under carefully controlled conditions; and

(11) commercial application of solar heating and combined solar heating and cooling technologies can be expedited by early commercial demonstration under practical conditions.

(b) It is therefore declared to be the policy of the United States and the purpose of this Act to provide for the demonstration within a three-year period of the practical use of solar heating technology, and to provide for the development and demonstration within a five-year period of the practical use of combined heating and cooling technology.

Schedule of
demonstrations.

DEFINITIONS

42 USC 5502.

SEC. 3. For purposes of this Act—

(1) the term "solar heating", with respect to any building, means the use of solar energy to meet such portion of the total heating needs of such building (including hot water), or such portion of the needs of such building for hot water (where its remaining heating needs are met by other methods), as may be required under performance criteria prescribed by the Secretary of Housing and Urban Development utilizing the services of the Director of the National Bureau of Standards, and in consultation with the Director of the National Science Foundation, and the Administrator of the National Aeronautics and Space Administration;

(2) the terms "solar heating and cooling" and "combined solar heating and cooling", with respect to any building, mean the use of solar energy to provide both such portion of the total heating needs of such building (including hot water) and such portion of the total cooling needs of such building, or such portion of the needs of such building for hot water (where its remaining heating needs are met by other methods) and such portion of the total cooling needs of a building, as may be required under performance criteria prescribed by the Secretary of Housing and Urban Development utilizing the services of the Director of the National Bureau of Standards, and in consultation with the Director of the National Science Foundation, and the Administrator of the National Aeronautics and Space Administration, and such term includes cooling by means of nocturnal heat radiation, by evaporation, or by other methods of meeting peakload energy requirements at nonpeakload times;

(3) the term "residential dwellings" includes previously occupied and new single family and multifamily dwellings, mobile homes, and publicly assisted housing owned by a private sponsor or a State or local housing authority not covered by section 17;

(4) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration;

(5) the term "Secretary" means the Secretary of Housing and Urban Development; and

(6) the term "Director" means the Director of the National Science Foundation.

CONDUCT OF ACTIVITIES IN SOLAR HEATING AND COOLING TECHNOLOGIES BY NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

72 Stat. 429.

SEC. 4. Section 203 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473) is amended by redesignating subsection (b) as subsection (c), and by inserting immediately after subsection (a) the following new subsection:

"(b) The Administration shall initiate, support, and carry out such research, development, demonstrations, and other related activities in solar heating and cooling technologies (to the extent that funds are appropriated therefor) as are provided for in sections 5, 6, and 9 of the Solar Heating and Cooling Demonstration Act of 1974."

DEVELOPMENT AND DEMONSTRATION OF SOLAR HEATING SYSTEMS TO BE USED IN RESIDENTIAL DWELLINGS

42 USC 5503.

SEC. 5. (a) The Administrator and the Secretary shall promptly initiate and carry out a program, as provided in this section, for the development and demonstration of solar heating systems (including

collectors, controls, and thermal storage) for use in residential dwellings.

(b) (1) Within 120 days after the date of the enactment of this Act, the Secretary, utilizing the services of the Director of the National Bureau of Standards and in consultation with the Administrator and the Director, shall determine, prescribe, and publish—

Publication
of performance
criteria.

(A) interim performance criteria for solar heating components and systems to be used in residential dwellings, and

(B) interim performance criteria (relating to suitability for solar heating) for such dwellings themselves, taking into account in each instance climatic variations existing between different geographic areas.

(2) As soon as possible after the publication of the performance criteria prescribed under paragraph (1), the Secretary, in consultation with the Director of the National Bureau of Standards and the Administrator, will select on the basis of open competition a number of designs for various types of residential dwellings suitable for and adapted to the installation of solar heating systems meeting the performance criteria prescribed under paragraph (1) (A).

Design
selection.

(c) The Administrator, in accordance with the applicable provisions of title II of the National Aeronautics and Space Act of 1958 and under program guidelines established jointly by the Administrator and the Secretary, shall, after consultation with the Secretary—

Contracts
and grants.
72 Stat. 427.
42 USC 2471 et
seq.

(1) enter into such contracts and grants as may be necessary or appropriate for the development (for commercial production and residential use) of solar heating systems meeting the performance criteria prescribed under subsection (b) (1) (A) (including any further planning and design which may be required to conform with the specifications set forth in such criteria); and

(2) enter into contracts with a number of persons or firms for the procurement of solar heating components and systems meeting such performance criteria (including adequate numbers of spare and replacement parts for such systems).

(d) The Secretary shall (1) arrange for the installation of solar heating systems procured by the Administrator under subsection (c) (2) in a substantial number of residential dwellings and (2) provide for the satisfactory operation of such installations during the demonstration period. Title to and ownership of any dwellings constructed hereunder and of solar heating systems installed hereunder may be conveyed to purchasers or owners of such dwellings under terms and conditions prescribed by the Secretary, including an express agreement that any such purchaser or owner shall, in such manner and form and on such terms and conditions as the Secretary may prescribe, observe and monitor (or permit the Secretary to observe and monitor) the performance and operation of such system for a period of five years, and that such purchaser or owner (including any subsequent owner and occupant of the property who also makes such an agreement) shall regularly furnish the Secretary with such reports thereon as the agreement may require.

Installation
and monitoring.

(e) The Secretary of Defense shall arrange for the installation of solar heating systems procured by the Administrator under subsection (c) (2) in a substantial number of residential dwellings which are located on Federal or federally administered property where the performance and operation of such systems can be regularly and effectively observed and monitored by designated Federal personnel.

Federal prop-
erty installa-
tions.

(f) The Secretary and the Secretary of Defense, and officials responsible for administering Federal or federally administered property, shall coordinate their activities under this section to assure that solar heating systems are installed in a substantial number of resi-

Variety of in-
stallations.

dential dwellings and in a sufficient number of different geographic areas under varying climatic conditions to constitute a realistic and effective demonstration in support of the objectives of this Act.

DEVELOPMENT AND DEMONSTRATION OF COMBINED SOLAR HEATING AND COOLING SYSTEMS TO BE USED IN RESIDENTIAL DWELLINGS

42 USC 5504.

SEC. 6. (a) The Administrator and the Secretary shall promptly initiate and carry out a program, as provided in this section, for the development and demonstration of combined solar heating and cooling systems (including collectors, controls, and thermal storage) for use in residential dwellings.

Publication of performance criteria.

(b) (1) As soon as possible after the date of the enactment of this Act, the Secretary, utilizing the services of the Director of the National Bureau of Standards and in consultation with the Administrator and the Director, shall determine, prescribe, and publish—

(A) interim performance criteria for combined solar heating and cooling components and systems to be used in residential dwellings, and

(B) interim performance criteria (relating to suitability for solar heating and cooling) for such dwellings themselves, taking into account in each instance climatic variations existing between different geographic areas.

Design selection.

(2) As soon as possible after the publication of the performance criteria prescribed under paragraph (1) (and if possible before the completion of the research and development provided for in subsection (c)), the Secretary, in consultation with the Director of the National Bureau of Standards and the Administrator, will select on the basis of open competition a number of designs for various types of residential dwellings suitable for and adapted to the installation of combined solar heating and cooling systems meeting the performance criteria prescribed under paragraph (1) (A).

Technological research and development.

(c) During the period immediately following the publication of performance criteria under subsection (b) (1), the Administrator, in coordination with the Director, shall undertake and conduct with respect to solar heating and cooling a program of research, development, and testing designed to provide the additional technological resources necessary for the development and commercial application of combined solar heating and cooling systems as contemplated by the program under this section.

Contracts and grants.
72 Stat. 427.
42 USC 2471 et seq.

(d) The Administrator, in accordance with the applicable provisions of title II of the National Aeronautics and Space Act of 1958 and under program guidelines established jointly by the Administrator and the Secretary, and at the earliest possible time during or immediately after the period specified in subsection (c), shall, after consultation with the Secretary—

(1) enter into such contracts and grants as may be necessary or appropriate for the development (for commercial production and residential use) of combined solar heating and cooling systems meeting the performance criteria prescribed under subsection (b) (1) (A) (including any further planning and design which may be required to conform with the specifications set forth in such criteria or to reflect the results of the activities conducted under subsection (c)); and

(2) enter into contracts with a number of persons or firms for the procurement of combined solar heating and cooling systems meeting such performance criteria (including adequate numbers of spare and replacement parts for such systems).

Installation and monitoring.

(e) The Secretary shall (1) arrange for the installation of combined solar heating and cooling systems procured by the Administrator

under subsection (d) (2) in a substantial number of residential dwellings and (2) provide for the satisfactory operation of such installations during the demonstration period. Title to and ownership of any dwellings constructed hereunder and of combined solar heating and cooling systems installed hereunder may be conveyed to purchasers or owners of such dwellings under terms and conditions prescribed by the Secretary, including an express agreement that any such purchaser or owner shall, in such manner and form and on such terms and conditions as the Secretary may prescribe, observe and monitor (or permit the Secretary to observe and monitor) the performance and operation of such system for a period of five years, and that such purchaser or owner (including any subsequent owner and occupant of the property who also makes such an agreement) shall regularly furnish the Secretary with such reports thereon as the agreement may require.

(f) The Secretary of Defense shall arrange for the installation of combined solar heating and cooling systems procured by the Administrator under subsection (d) (2) in a substantial number of residential dwellings which are located on Federal or federally administered property where the performance and operation of such systems can be regularly and effectively observed and monitored by designated Federal personnel.

Federal property installations.

(g) The Secretary and the Secretary of Defense, and officials responsible for administering Federal or federally administered property, shall coordinate their activities under this section to assure that combined solar heating and cooling systems are installed in a substantial number of residential dwellings and in a sufficient number of geographic areas under varying climatic conditions to constitute a realistic and effective demonstration in support of the objectives of this Act.

Variety of installations.

COMPREHENSIVE PROGRAM DEFINITION

SEC. 7. (a) The Administrator and the Secretary are authorized and directed to prepare a comprehensive plan for the conduct of the development and demonstration activities under sections 5 and 6. In the preparation of such plan, the Administrator and Secretary shall consult with the Director of the National Bureau of Standards, the Director, the Secretary of Defense, and other Federal agencies and private organizations as appropriate.

42 USC 5505.

(b) The Administrator and the Secretary shall transmit such comprehensive program plan to the President and to each House of the Congress. The plan shall be transmitted within 120 days after the date of the enactment of this Act.

Report to President and Congress.

TEST PROCEDURES AND DEFINITIVE PERFORMANCE CRITERIA

SEC. 8. As soon as feasible, and utilizing data available from the demonstration programs under sections 5 and 6, the Secretary, utilizing the services of the Director of the National Bureau of Standards and in consultation with the Administrator and the Director shall determine, prescribe, and publish in the Federal Register in accordance with the applicable provisions regarding rulemaking prescribed by section 553 of title 5, United States Code—

42 USC 5506.

(1) definitive performance criteria for solar heating and combined solar heating and cooling components and systems to be used in residential dwellings, taking into account climatic variations existing between different geographic areas;

(2) definitive performance criteria (relating to suitability for solar heating and for combined solar heating and cooling) for

Publication in Federal Register.
80 Stat. 383.

such dwellings, taking into account climatic variations existing between different geographic areas; and

(3) procedures whereby manufacturers of solar heating and combined solar heating and cooling components and systems shall have their products tested in order to provide certification that such products conform to the performance criteria established under paragraph (1).

DEVELOPMENT AND DEMONSTRATION OF SOLAR HEATING AND COMBINED
SOLAR HEATING AND COOLING SYSTEMS FOR COMMERCIAL BUILDINGS

42 USC 5507.

SEC. 9. The Administrator, in consultation with the Secretary, the Director, the Administrator of General Services, and the Director of the National Bureau of Standards and concurrently with the conduct of the programs under sections 5 and 6, shall enter into arrangements with appropriate Federal agencies to carry out such projects and activities (including demonstration projects) with respect to apartment buildings, office buildings, factories, crop-drying facilities and other agricultural structures, public buildings (including schools and colleges), and other non-residential, commercial, or industrial buildings, taking into account the special needs of and individual differences in such buildings based upon size, function, and other relevant factors, as may be appropriate for the early development and demonstration of solar heating and combined solar heating and cooling systems suitable and effective for use in such buildings.

SOLAR HEATING AND COOLING RESEARCH BY NATIONAL SCIENCE
FOUNDATION

42 USC 5508.

SEC. 10. (a) The Director shall conduct a program of applied research relevant to (1) the improvement of solar heating components and systems and (2) the development and commercial application of combined solar heating and cooling components and systems as contemplated by the programs under this Act.

(b) The Director shall apprise the Secretary and the Administrator on a continuing basis of the results of the programs being conducted in accordance with subsection (a), and the Secretary and the Administrator shall insure that such results, where appropriate, are incorporated into the development and demonstration programs established by this Act.

COORDINATION, MONITORING, AND LIAISON

42 USC 5509.

SEC. 11. (a) The Secretary, utilizing the services of the Director of the National Bureau of Standards and in coordination with such other Government agencies as may be appropriate, shall—

(1) monitor the performance and operation of solar heating and combined solar heating and cooling systems installed in residential dwellings under this Act;

(2) collect and evaluate data and information on the performance and operation of solar heating and combined solar heating and cooling systems installed in residential dwellings under this Act; and

(3) from time to time, carrying out such studies and investigations and take such other actions, including the submission of special reports to the Congress when appropriate, as may be necessary to assure that the programs for which the Secretary is responsible under this Act effectively carry out the policy of this Act.

(b) In the development of the performance criteria and test procedures required under sections 5, 6, and 8, the Secretary shall work

closely with the appropriate scientific, technical, and professional societies and industry representatives to insure the best possible use of available expertise in this area.

(c) The Secretary shall also maintain continuing liaison with the building industry and related industries and interests, and with the scientific and technical community during and after the period of the programs carried out under this Act, in order to assure that the projected benefits of such programs are and will continue to be realized.

DISSEMINATION OF INFORMATION AND OTHER ACTIONS TO PROMOTE PRACTICAL USE OF SOLAR HEATING AND COOLING TECHNOLOGIES

SEC. 12. (a) The Secretary shall take all possible steps to assure that full and complete information with respect to the demonstrations and other activities conducted under this Act is made available to Federal, State, and local authorities, the building industry and related segments of the economy, the scientific and technical community, and the public at large, both during and after the close of the programs under this Act, with the objective of promoting and facilitating to the maximum extent feasible the early and widespread practical use of solar energy for the heating and cooling of buildings throughout the United States. In accordance with regulations prescribed under section 16 such information shall be disseminated on a coordinated basis by the Secretary, the Administrator, the Director of the National Bureau of Standards, the Director, the Commissioner of the Patent Office, and other appropriate Federal offices and agencies.

42 USC 5510.

(b) In addition, the Secretary shall—

(1) study and investigate the effect of building codes, zoning ordinances, tax regulations, and other laws, codes, ordinances, and practices upon the practical use of solar energy for the heating and cooling of buildings;

(2) determine the extent to which such laws, codes, ordinances, and practices should be changed to permit or facilitate such use, and the methods by which any such changes may best be brought about; and

(3) study the necessity of a program of incentives to accelerate the commercial application of solar heating and cooling technology.

(c) (1) In carrying out his functions under subsections (a) and (b) the Secretary, utilizing the capabilities of the National Aeronautics and Space Administration, the Department of Commerce, and the National Science Foundation to the maximum extent possible, shall establish and operate a Solar Heating and Cooling Information Data Bank (hereinafter in this subsection referred to as the "bank") for the purpose of collecting, reviewing, processing, and disseminating solar heating and cooling information and data in a timely and accurate manner in support of the objectives of this Act.

Solar Heating and Cooling Information Data Bank. Establishment.

(2) Information and data compiled in the bank shall include—

(A) technical information (including reports, journal articles, dissertations, monographs, and project descriptions) on solar energy research, development, and applications;

(B) technical information on the design, construction, and maintenance of buildings compatible with solar heating and cooling concepts;

(C) physical and chemical properties of the materials required for solar heating and cooling;

(D) climatic conditions in appropriate areas of the United States, including those areas where the demonstrations are to be located; and

(E) engineering performance of devices utilized in solar heating and cooling or to be employed in the demonstrations.

(3) In accordance with regulations prescribed under section 16, the Secretary shall provide retrieval and dissemination services to cover the solar heating and cooling information described under paragraph

(2) for—

(A) Federal, State, and local government organizations that are active in the area of energy resources (and their contractors);

(B) universities, colleges, and other nonprofit organizations; and

(C) private persons, upon request, in appropriate cases.

(4) In carrying out his functions under this subsection, the Secretary shall utilize, when feasible, the existing data base of scientific and technical information in Federal agencies, adding to such data base any information described in paragraph (2) which does not already reside in such base.

(d) Each Federal officer and agency having functions under this Act shall include in his or its annual report to the President and the Congress a full and complete description of his or its activities (current and projected) under this Act, along with his or its recommendations for legislative, administrative, or other action to improve the programs under this Act or to achieve the objectives of this Act more promptly and effectively. In addition, the Secretary shall submit annually to the President and the Congress a special report summarizing in appropriate detail all of the activities (current and projected) of the various Federal officers and agencies having functions under this Act, with the objective of presenting a comprehensive overall view of such programs.

LIMITATIONS ON FEDERALLY ASSISTED OR FEDERALLY CONSTRUCTED HOUSING

42 USC 5511.

SEC. 13. (a) (1) In determining the maximum dollar amount of any federally assisted mortgage loan (as defined in subsection (b)) or the maximum per unit or other cost or floor area limitation of any federally constructed housing (as defined in subsection (c)), where the law establishing the program under which the loan is made or the housing is constructed specifies such maximum per unit or other cost or floor area limitation and the structure involved is furnished with solar heating or combined solar heating and cooling equipment under the demonstration program established by section 5, 6, or 9, the maximum amount or cost or floor area limitation so specified which is applicable to such structure shall be deemed to be increased by the amount by which (as determined by the Secretary or the Secretary of Defense, as appropriate) the price or cost or floor area limitation of the structure including such solar heating or combined solar heating and cooling equipment exceeds the price or cost or floor area limitation of the structure with such equipment replaced by conventional heating equipment or conventional heating and cooling equipment (as the case may be).

(2) In addition, in the case of a federally assisted mortgage loan, the cost excess specified in subsection (a) shall be fully taken into account in determining the value or cost of the structure involved for purposes of applying any statutory provision specifying the maximum loan-to-value or -cost ratio; except that, if the law specifies different rates of downpayment for successive increments of such value or cost, the lowest such rate shall apply to the additional cost attributable to the solar heating or combined solar heating and cooling equipment, and such equipment shall otherwise be excluded in determining the total value or cost of the structure.

Reports to
President and
Congress.

September 3, 1974

- 9 -

Pub. Law 93-409

88 STAT. 1077

(b) As used in subsection (a), the term "mortgage loan" means a loan which is made to finance the purchase or construction of a residence or any other building or structure; and the term "federally assisted mortgage loan" means a mortgage loan which—

"Mortgage loan and 'federally assisted mortgage loan.'"

(1) is made in whole or in part by any lender the deposits or accounts of which are insured by any agency of the Federal Government, or is made in whole or in part by any lender which is itself regulated by any agency of the Federal Government; or

(2) is made in whole or in part, or insured, guaranteed, supplemented, or assisted in any way, by the Secretary or any other officer or agency of the Federal Government or under or in connection with a housing, urban development, or related program administered by the Secretary or a housing or related program administered by any other such officer or agency; or

(3) is eligible for purchase by the Federal National Mortgage Association, the Government National Mortgage Association, or the Federal Home Loan Mortgage Corporation, or from any financial institution from which it could be purchased by the Federal Home Loan Mortgage Corporation; or

(4) is made in whole or in part by any "creditor," as defined in section 103(f) of the Consumer Credit Protection Act of 1968 (15 U.S.C. 1602(f)), who makes or invests in residential real estate loans aggregating more than \$1,000,000 per year.

82 Stat. 147.

(c) As used in subsection (a), the term "federally constructed housing" means (1) residential or multifamily housing which is constructed by agencies of the Federal Government to provide dwelling accommodations for particular types or classes of persons under programs administered by such Federal agencies (including all housing constructed by the Department of Defense to provide dwelling accommodations for personnel of the armed services or for such personnel and their families), and (2) residential or multifamily housing which is constructed by agencies of State or local government, with financial assistance in any form from the Federal Government, to provide dwelling accommodations for particular types or classes of persons under programs administered by such State or local agencies.

"Federally constructed housing."

ENCOURAGEMENT AND PROTECTION OF SMALL BUSINESS

SEC. 14. In carrying out their functions under this Act, all Federal officers and agencies shall take steps to assure that small business concerns will have realistic and adequate opportunities to participate in the programs under this Act to the maximum extent possible.

42 USC 5512.

PRIORITIES

SEC. 15. The Secretary shall set priorities as far as possible consistent with the intent and operation of this Act in accordance with the following criteria:

42 USC 5513.

(a) The residential dwellings and other buildings which will be part of the demonstration programs referred to in sections 5, 6, and 9 shall be located in a sufficient number of different geographic areas in the United States to assure a realistic and effective demonstration of the solar heating systems and combined solar heating and cooling systems involved, and of the dwellings and other buildings themselves, in both rural and urban locations and under climatic conditions which vary as much as possible.

Variety of locations and conditions.

88 STAT. 1078

Costs.

(b) Consideration shall be given to projected costs of commercial production and maintenance of the solar heating systems and combined solar heating and cooling systems utilized in the demonstration programs.

Cost sharing.

(c) Encouragement should be given in the conduct of programs under this Act to those projects in which funds, appropriated by any State or political subdivision thereof for the purpose of sharing costs with the Federal Government for the purchase and installation of solar heating or combined solar heating and cooling components and systems, are committed before or after the date of the enactment of this Act.

REGULATIONS

42 USC 5514.

SEC. 16. The Administrator and the Secretary in consultation with the Director of the National Bureau of Standards, the Director, the Administrator of the General Services Administration, the Secretary of Defense, and other appropriate officers and agencies, shall prescribe such regulations as may be necessary or appropriate to carry out this Act promptly and efficiently. Each such officer or agency, in consultation with the Administrator and the Secretary, may prescribe such regulations as may be necessary or appropriate to carry out his or its particular functions under this Act promptly and efficiently.

USE OF PUBLICLY ASSISTED HOUSING

42 USC 5515.

50 Stat. 888.

42 USC 1430.

SEC. 17. The Secretary shall make appropriate use of publicly assisted housing and particularly low-rent housing assisted under the United States Housing Act of 1937 in demonstrating solar heating systems and combined solar heating and cooling systems under this Act.

TRANSFER OF FUNCTIONS

42 USC 5516.

SEC. 18. Within sixty days after the effective date of the law creating the Energy Research and Development Administration or any other law creating a permanent Federal organization or agency having jurisdiction over the energy research and development functions of the United States (or within sixty days after the enactment of this Act if the effective date of such law occurs prior to the enactment of this Act), the energy research and development functions vested in the National Aeronautics and Space Administration and the National Science Foundation under this Act and any funds which may have been appropriated pursuant to section 19 of this Act, to the extent necessary or appropriate, may, in accordance with regulations prescribed by the Office of Management and Budget, be transferred to and vested in the Energy Research and Development Administration or such other organization or agency.

AUTHORIZATION OF APPROPRIATIONS

42 USC 5517.

SEC. 19. (a) There is hereby authorized to be appropriated to the National Aeronautics and Space Administration for the fiscal year ending June 30, 1975, \$5,000,000, to remain available until expended, to carry out the functions vested in the Administrator by this Act.

(b) There is hereby authorized to be appropriated to the Department of Housing and Urban Development for the fiscal year ending June 30, 1975, \$5,000,000, to remain available until expended. Any

September 3, 1974

- 11 -

Pub. Law 93-409

88 STAT. 1079

sums so appropriated shall be available (1) to carry out the functions vested in the Secretary of Housing and Urban Development by this Act, and (2) for transfer to the Department of Defense, the National Bureau of Standards, and the General Services Administration to enable them to carry out their respective functions under this Act.

(c) There is hereby authorized to be appropriated for the fiscal years ending June 30, 1976, 1977, 1978, and 1979, \$50,000,000 in the aggregate to carry out the programs established by this Act.

Approved September 3, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-769 (Comm. on Science and Astronautics) and No. 93-1278 (Comm. of Conference).

SENATE REPORTS: No. 93-734 (Comm. on Aeronautical and Space Sciences), No. 93-847 (Comm. on Banking, Housing and Urban Affairs and Comm. on Labor and Public Welfare) and No. 93-1083 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 120 (1974):

Feb. 13, considered and passed House.

May 21, considered and passed Senate, amended.

Aug. 12, Senate agreed to conference report.

Aug. 21, House agreed to conference report.

1955



Public Law 93-410
93rd Congress, H. R. 14920
September 3, 1974

An Act

To further the conduct of research, development, and demonstrations in geothermal energy technologies, to establish a Geothermal Energy Coordination and Management Project, to provide for the carrying out of research and development in geothermal energy technology, to carry out a program of demonstrations in technologies for the utilization of geothermal resources, to establish a loan guaranty program for the financing of geothermal energy development, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Geothermal Energy Research, Development, and Demonstration Act of 1974".

FINDINGS

SEC. 2. The Congress hereby finds that—

(1) the Nation is currently suffering a critical shortage of environmentally acceptable forms of energy;

(2) the inadequate organizational structures and levels of funding for energy research have limited the Nation's current and future options for meeting energy needs;

(3) electric energy is a clean and convenient form of energy at the location of its use and is the only practicable form of energy in some modern applications, but the demand for electric energy in every region of the United States is taxing all of the alternative energy sources presently available and is projected to increase; some of the sources available for electric power generation are already in short supply, and the development and use of other sources presently involve undesirable environmental impacts;

(4) the Nation's critical energy problems can be solved only if a national commitment is made to dedicate the necessary financial resources, and enlist the cooperation of the private and public sectors, in developing geothermal resources and other nonconventional sources of energy;

(5) the conventional geothermal resources which are presently being used have limited total potential; but geothermal resources which are different from those presently being used, and which have extremely large energy content, are known to exist;

(6) some geothermal resources contain energy in forms other than heat; examples are methane and extremely high pressures available upon release as kinetic energy;

(7) some geothermal resources contain valuable byproducts such as potable water and mineral compounds which should be processed and recovered as national resources;

(8) technologies are not presently available for the development of most of these geothermal resources, but technologies for the generation of electric energy from geothermal resources are potentially economical and environmentally desirable, and the development of geothermal resources offers possibilities of process energy and other nonelectric applications;

(9) much of the known geothermal resources exist on the public lands;

Geothermal
Energy Research,
Development,
and Demonstra-
tion Act of
1974,
30 USC 1101
note,

30 USC 1101.

88 STAT. 1079
88 STAT. 1080

(10) Federal financial assistance is necessary to encourage the extensive exploration, research, and development in geothermal resources which will bring these technologies to the point of commercial application;

(11) the advancement of technology with the cooperation of private industry for the production of useful forms of energy from geothermal resources is important with respect to the Federal responsibility for the general welfare, to facilitate commerce, to encourage productive harmony between man and his environment, and to protect the public interest; and

(12) the Federal Government should encourage and assist private industry through Federal assistance for the development and demonstration of practicable means to produce useful energy from geothermal resources with environmentally acceptable processes.

DEFINITIONS

30 USC 1102.

SEC. 3. For the purposes of this Act—

(1) the term "geothermal resources" means (A) all products of geothermal processes, embracing indigenous steam, hot water, and brines, (B) steam and other gases, hot water and hot brines, resulting from water, gas, or other fluids artificially introduced into geothermal formations, and (C) any byproduct derived from them;

(2) the term "byproduct" means any mineral or minerals which are found in solution or in association with geothermal resources and which have a value of less than 75 percent of the value of the geothermal steam and associated geothermal resources or are not, because of quantity, quality, or technical difficulties in extraction and production, of sufficient value to warrant extraction and production by themselves;

(3) "pilot plant" means an experimental unit of small size used for early evaluation and development of new or improved processes and to obtain technical, engineering, and cost data;

(4) "demonstration plant" means a complete facility which produces electricity, heat energy, or useful byproducts for commercial disposal from geothermal resources and which will make a significant contribution to the knowledge of full-size technology, plant operation, and process economics;

(5) the term "Project" means the Geothermal Energy Coordination and Management Project established by section 101(a);

(6) the term "fund" means the Geothermal Resources Development Fund established by section 204(a); and

(7) the term "Chairman" means the Chairman of the Project.

TITLE I—GEOTHERMAL ENERGY COORDINATION AND MANAGEMENT PROJECT

ESTABLISHMENT

30 USC 1121.

SEC. 101. (a) There is hereby established the Geothermal Energy Coordination and Management Project.

Membership.
88 STAT. 1080
88 STAT. 1081

(b) (1) The Project shall be composed of six members as follows:

- (A) one appointed by the President;
- (B) an Assistant Director of the National Science Foundation;
- (C) an Assistant Secretary of the Department of the Interior;
- (D) an Associate Administrator of the National Aeronautics and Space Administration;

September 3, 1974

- 3 -

Pub. Law 93-410

88 STAT. 1081

(E) the General Manager of the Atomic Energy Commission;
and

(F) an Assistant Administrator of the Federal Energy Administration.

(2) The President shall designate one member of the Project to serve as Chairman of the Project.

(3) If the individual appointed under paragraph (1)(A) is an officer or employee of the Federal Government, he shall receive no additional pay on account of his service as a member of the Project. If such individual is not an officer or employee of the Federal Government, he shall be entitled to receive the daily equivalent of the annual rate of basic pay in effect for level IV of the Executive Schedule (5 U.S.C. 5315) for each day (including traveltime) during which he is engaged in the actual performance of duties vested in the Project.

Compensation.

80 Stat. 461;

83 Stat. 863.

(c) The Project shall have overall responsibility for the provision of effective management and coordination with respect to a national geothermal energy research, development, and demonstration program. Such program shall include—

- (1) the determination and evaluation of the resource base;
- (2) research and development with respect to exploration, extraction, and utilization technologies;
- (3) the demonstration of appropriate technologies; and
- (4) the loan guaranty program under title II.

(d)(1) The Project shall carry out its responsibilities under this section acting through the following Federal agencies:

(A) the Department of the Interior, the responsibilities of which shall include evaluation and assessment of the resource base, including development of exploration technologies;

(B) the National Aeronautics and Space Administration, the responsibilities of which shall include the provision of contract management capability, evaluation and assessment of the resource base, and the development of technologies pursuant to section 102(b);

(C) the Atomic Energy Commission, the responsibilities of which shall include the development of technologies; and

(D) the National Science Foundation, the responsibilities of which shall include basic and applied research.

(2) Upon request of the Project, the head of any such agency is authorized to detail or assign, on a reimbursable basis or otherwise, any of the personnel of such agency to the Project to assist it in carrying out its responsibilities under this Act.

(e) The Project shall have exclusive authority with respect to the establishment or approval of programs or projects initiated under this Act, except that the agency involved in any particular program or project shall be responsible for the operation and administration of such program or project.

PROGRAM DEFINITION

SEC. 102. (a) (1) The Chairman, acting through the Administrator of the National Aeronautics and Space Administration, is authorized and directed to prepare a comprehensive program definition of an integrated effort and commitment for effectively developing geothermal energy resources. Such Administrator, in preparing such comprehensive program definition, is authorized to consult with other Federal agencies and non-Federal entities.

30 USC 1122.

88 STAT. 1082

Transmittal to
President and
Congress.
Interim re-
ports.

Inventory
schedule and
objectives,
transmittal to
President and
Congress.

(2) The Chairman shall transmit such comprehensive program definition to the President and to each House of the Congress. Interim reports shall be transmitted not later than November 30, 1974, and not later than January 31, 1975. Such comprehensive program definition shall be transmitted as soon as possible thereafter, but in any case not later than August 31, 1975.

(3) As part of the comprehensive program definition required by paragraph (1), the Chairman, acting through the Geological Survey, shall transmit to the President and to each House of the Congress a schedule and objectives for the inventorying of geothermal resources.

(b) The National Aeronautics and Space Administration is authorized to undertake and carry out those programs assigned to it by the Project.

RESOURCE INVENTORY AND ASSESSMENT PROGRAM

30 USC 1123.

SEC. 103. (a) The Chairman shall initiate a resource inventory and assessment program with the objective of making regional and national appraisals of all types of geothermal resources, including identification of promising target areas for industrial exploration and development. The specific goals shall include—

(1) the improvement of geophysical, geochemical, geological, and hydrological techniques necessary for locating and evaluating geothermal resources;

(2) the development of better methods for predicting the power potential and longevity of geothermal reservoirs;

(3) the determination and assessment of the nature and power potential of the deeper unexplored parts of high temperature geothermal convection systems; and

(4) the survey and assessment of regional and national geothermal resources of all types.

(b) The Chairman, acting through the Geological Survey and other appropriate agencies, shall—

(1) develop and carry out a general plan for the orderly inventorying of all forms of geothermal resources of the Federal lands and, where consistent with property rights and determined by the Chairman to be in the national interest, of non-Federal lands;

(2) conduct regional surveys, based upon such a general plan, using innovative geological, geophysical, geochemical, and stratigraphic drilling techniques, which will lead to a national inventory of geothermal resources in the United States;

(3) publish and make available maps, reports, and other documents developed from such surveys to encourage and facilitate the commercial development of geothermal resources for beneficial use and consistent with the national interest;

(4) make such recommendations for legislation as may from time to time appear to be necessary to make Federal leasing policy for geothermal resources consistent with known inventories of various resource types, with the current state of technologies for geothermal energy development, and with current evaluations of the environmental impacts of such development; and

(5) participate with appropriate Federal agencies and non-Federal entities in research to develop, improve, and test technologies for the discovery and evaluation of all forms of geothermal resources, and conduct research into the principles controlling the location, occurrence, size, temperature, energy content, producibility, and economic lifetimes of geothermal reservoirs.

RESEARCH AND DEVELOPMENT

SEC. 104. (a) The Chairman, acting through the appropriate Federal agencies and in cooperation with non-Federal entities, shall initiate a research and development program for the purpose of resolving all major technical problems inhibiting the fullest possible commercial utilization of geothermal resources in the United States. The specific goals of such programs shall include—

(1) the development of effective and efficient drilling methods to operate at high temperatures in formations of geothermal interest;

(2) the development of reliable predictive methods and control techniques for the production of geothermal resources from reservoirs;

(3) the exploitation of new concepts for fracturing rock to permit recovery of contained heat reserves;

(4) the improvement of equipment and technology for the extraction of geothermal resources from reservoirs;

(5) the development of improved methods for converting geothermal resources and byproducts to useful forms;

(6) the development of improved methods for controlling emissions and wastes from geothermal utilization facilities, including new monitoring methods to any extent necessary;

(7) the development and evaluation of waste disposal control technologies and the evaluation of surface and subsurface environmental effects of geothermal development;

(8) the improvement of the technical capability to predict environmental impacts resulting from the development of geothermal resources, the preparation of environmental impact statements, and the assuring of compliance with applicable standards and criteria;

(9) the identification of social, legal, and economic problems associated with geothermal development (both locally and regionally) for the purpose of developing policy and providing a framework of policy alternatives for the commercial utilization of geothermal resources;

(10) the provision for an adequate supply of scientists to perform required geothermal research and development activities; and

(11) the establishment of a program to encourage States to establish and maintain geothermal resources clearinghouses, which shall serve to (A) provide geothermal resources developers with information with respect to applicable local, State, and Federal laws, rules, and regulations, (B) coordinate the processing of permit applications, impact statements, and other information which geothermal resources developers are required to provide, (C) encourage uniformity with respect to local and State laws, rules, and regulations with respect to geothermal resources development, and (D) encourage establishment of land use plans, which would include zoning for geothermal resources development and which would assure that geothermal resources developers will be able to carry out development programs to the production stage.

(b) The Chairman, acting through the appropriate Federal agencies and in cooperation with non-Federal entities, shall implement a coordinated program of research and development in order to demonstrate the technical means for the extraction and utilization of the resource base, including any byproducts of such base, and in order to

30 USC 1124.

accomplish the goals established by subsection (a). Research authorized by this Act having potential applications in matters other than geothermal energy may be pursued to the extent that the findings of such research can be published in a form for utilization by others.

DEMONSTRATION

30 USC 1125.

SEC. 105. (a) The Chairman, acting through the appropriate Federal agencies and in cooperation with non-Federal entities, shall initiate a program to design and construct geothermal demonstration plants. The specific goals of such program shall include—

(1) the development of economical geothermal resources production systems and components which meet environmental standards;

(2) the design of plants to produce electric power and, where appropriate, the large-scale production and utilization of any useful byproducts;

(3) the involvement of engineers, analysts, technicians, and managers from industry field and powerplant development, which shall lead to the early industrial exploitation of advanced geothermal resources;

(4) the provision for an adequate supply of trained geothermal engineers and technicians;

(5) the provision of experimental test beds for component testing an evaluation by laboratories operated by the Federal Government, industry, or institutions of higher education;

(6) the construction and operation of pilot plants; and

(7) the construction and operation of demonstration plants.

(b) In carrying out his responsibilities under this section, the Chairman, acting through the appropriate Federal agencies, and in cooperation with non-Federal entities, may provide for the establishment of one or more demonstration projects utilizing each geothermal resource base involved, which shall include, as appropriate, all of the exploration, siting, drilling, pilot plant construction and operation, demonstration plant construction and operation, and other facilities and activities which may be necessary for the generation of electric energy and the utilization of geothermal resource byproducts.

Cooperative
agreements.

(c) The Chairman, acting through the appropriate Federal agencies, is authorized to investigate and enter into agreements for the cooperative development of facilities to demonstrate the production of energy from geothermal resources. The responsible Federal agency may consider—

(1) cooperative agreements with utilities and non-Federal governmental entities for construction of facilities to produce energy for commercial disposition; and

(2) cooperative agreements with other Federal agencies for the construction and operation of facilities to produce energy for direct Federal consumption.

(d) The responsible Federal agency is authorized to investigate the feasibility of, construct, and operate, demonstration projects without entering into cooperative agreements with respect to such projects, if the Chairman finds that—

(1) the nature of the resource, the geographical location, the scale and engineering design of the facilities, the techniques of production, or any other significant factor of the proposal offers opportunities to make important contributions to the general

knowledge of geothermal resources, the techniques of its development, or public confidence in the technology; and

(2) there is no opportunity for cooperative agreements with any utility or non-Federal governmental entity willing and able to cooperate in the demonstration project under subsection (c) (1), and there is no opportunity for cooperative agreements with other Federal agencies under subsection (c) (2).

(e) Before favorably considering proposals under subsection (c), the responsible Federal agency must find that—

(1) the nature of the resource, the geographical location, the scale and engineering design of the facilities, the techniques of production, or any other significant factor of the proposal offers opportunities to make important contributions to the general knowledge of geothermal resources, the techniques of its development, or public confidence in the technology;

(2) the development of the practical benefits as set forth in paragraph (1) are unlikely to be accomplished without such cooperative development; and

(3) where non-Federal participants are involved, the proposal is not eligible for adequate Federal assistance under the loan guaranty provisions of title II of this Act.

(f) If the estimate of the Federal investment with respect to construction and operation costs of any demonstration project proposed to be established under this section exceeds \$10,000,000, no amount may be appropriated for such project except as specifically authorized by legislation hereafter enacted by the Congress.

(g) (1) At the conclusion of the program under this section or as soon thereafter as may be practicable, the responsible Federal agencies shall, by sale, lease, or otherwise, dispose of all Federal property interests which they have acquired pursuant to this section (including mineral rights) in accordance with existing law and the terms of the cooperative agreements involved.

Federal property interests, disposal.

(2) The agency involved shall, under appropriate agreements or other arrangements, provide for the disposition of geothermal resource byproducts of the project administered by such agency.

Project by-products, disposal.

SCIENTIFIC AND TECHNICAL EDUCATION

SEC. 106. (a) It is the policy of the Congress to encourage the development and maintenance of programs through which there may be provided the necessary trained personnel to perform required geothermal research, development, and demonstration activities under sections 103, 104, and 105.

30 USC 1126.

(b) The National Science Foundation is authorized to support programs of education in the sciences and engineering to carry out the policy of subsection (a). Such support may include fellowships, traineeships, technical training programs, technologist training programs, and summer institute programs.

(c) The National Science Foundation is authorized and directed to coordinate its actions, to the maximum extent practicable, with the Project or any permanent Federal organization or agency having jurisdiction over the energy research and development functions of the United States, in determining the optimal selection of programs of education to carry out the policy of subsection (a).

(d) The National Science Foundation is authorized to encourage, to the maximum extent practicable international participation and cooperation in the development and maintenance of programs of education to carrying out the policy of subsection (a).

TITLE II—LOAN GUARANTIES

ESTABLISHMENT OF LOAN GUARANTY PROGRAM

30 USC 1141.

Sec. 201. (a) It is the policy of the Congress to encourage and assist in the commercial development of practicable means to produce useful energy from geothermal resources with environmentally acceptable processes. Accordingly, it is the policy of the Congress to facilitate such commercial development by authorizing the Chairman of the Project to designate an appropriate Federal agency to guarantee loans for such purposes.

(b) In order to encourage the commercial production of energy from geothermal resources, the head of the designated agency is authorized to, in consultation with the Secretary of the Treasury, guarantee, and to enter into commitments to guarantee, lenders against loss of principal or interest on loans made by such lenders to qualified borrowers for the purposes of—

- (1) the determination and evaluation of the resource base;
- (2) research and development with respect to extraction and utilization technologies;
- (3) acquiring rights in geothermal resources; or
- (4) development, construction, and operation of facilities for the demonstration or commercial production of energy from geothermal resources.

(c) Any guaranty under this title shall apply only to so much of the principal amount of any loan as does not exceed 75 percent of the aggregate cost of the project with respect to which the loan is made.

Terms and conditions.

(d) Loan guaranties under this title shall be on such terms and conditions as the head of the designated agency determines, except that a guaranty shall be made under this title only if—

(1) the loan bears interest at a rate not to exceed such annual per centum on the principal obligation outstanding as the head of the designated agency determines to be reasonable, taking into account the range of interest rates prevailing in the private sector for similar loans and risks by the United States;

(2) the terms of such loan require full repayment over a period not to exceed thirty years, or the useful life of any physical asset to be financed by such loan, whichever is less (as determined by the head of the designated agency);

(3) in the judgment of the head of the designated agency, the amount of the loan (when combined with amounts available to the qualified borrower from other sources) will be sufficient to carry out the project; and

(4) in the judgment of the head of the designated agency, there is reasonable assurance of repayment of the loan by the qualified borrower of the guaranteed indebtedness.

Limitation.

(e) The amount of the guaranty for any loan for a project shall not exceed \$25,000,000, and the amount of the guaranty for any combination of loans for any single qualified borrower shall not exceed \$50,000,000.

"Qualified borrower."

(f) As used in this title, the term "qualified borrower" means any public or private agency, institution, association, partnership,

September 3, 1974

- 9 -

Pub. Law 93-410

88 STAT. 1087

corporation, political subdivision, or other legal entity which (as determined by the head of the designated agency) has presented satisfactory evidence of an interest in geothermal resources and is capable of performing research or completing the development and production of energy in an acceptable manner.

PAYMENT OF INTEREST

Sec. 202. (a) With respect to any loan guaranteed pursuant to this title, the head of the designated agency is authorized to enter into a contract to pay, and to pay, the lender for and on behalf of the borrower the interest charges which become due and payable on the unpaid balance of any such loan if the head of the designated agency finds—

Contract
authority.
30 USC 1142.

(1) that the borrower is unable to meet interest charges, and that it is in the public interest to permit the borrower to continue to pursue the purposes of his project, and that the probable net cost to the Federal Government in paying such interest will be less than that which would result in the event of a default; and

(2) the amount of such interest charges which the head of the designated agency is authorized to pay shall be no greater than the amount of interest which the borrower is obligated to pay under the loan agreement.

(b) In the event of any default by a qualified borrower on a guaranteed loan, the head of the designated agency is authorized to make payment in accordance with the guaranty, and the Attorney General shall take such action as may be appropriate to recover the amounts of such payments (including any payment of interest under subsection (a)) from such assets of the defaulting borrower as are associated with the project, or from any other surety included in the terms of the guaranty.

PERIOD OF GUARANTIES AND INTEREST ASSISTANCE

Sec. 203. No loan guaranties shall be made, or interest assistance contract entered into, pursuant to this title, after the expiration of the ten-calendar-year period following the date of enactment of this Act.

30 USC 1143.

GEOHERMAL RESOURCES DEVELOPMENT FUND

Sec. 204. (a) There is established in the Treasury of the United States a Geothermal Resources Development Fund, which shall be available to the head of the designated agency for carrying out the loan guaranty and interest assistance program authorized by this title, including the payment of administrative expenses incurred in connection therewith. Moneys in the fund not needed for current operations may, with the approval of the Secretary of the Treasury, be invested in bonds or other obligations of, or guaranteed by, the United States.

Establishment.
30 USC 1144.

(b) There shall be paid into the fund the amounts appropriated pursuant to section 304(c) and such amounts as may be returned to the United States pursuant to section 202(b), and the amounts in the fund shall remain available until expended, except that after the expiration of the ten-year period established by section 203, such amounts in the fund which are not required to secure outstanding

88 STAT. 1088

Financial re-
ports, sub-
mittal to
Congress.

guaranty obligations shall be paid into the general fund of the Treasury.

(c) Business-type financial reports covering the operations of the fund shall be submitted to the Congress by the head of the designated agency annually upon the completion of an appropriate accounting period.

TITLE III—GENERAL PROVISIONS

PROTECTION OF ENVIRONMENT

30 USC 1161.

SEC. 301. In the conduct of its activities, the Project and any participating public or private persons or agencies shall place particular emphasis upon the objective of assuring that the environment and the safety of persons or property are effectively protected; and the program under title I shall include such special research and development as may be necessary for the achievement of that objective.

REPORTING REQUIREMENTS

Reports to
President and
Congress.
30 USC 1162.

SEC. 302. (a) The Chairman of the Project shall submit to the President and the Congress full and complete annual reports of the activities of the Project, including such projections and estimates as may be necessary to evaluate the progress of the national geothermal energy research, development, and demonstration program and to provide the basis for as accurate a judgment as is possible concerning the extent to which the objectives of this Act will have been achieved by June 30, 1980.

(b) No later than one year after the termination of each demonstration project under section 105, the Chairman of the Project shall submit to the President and the Congress a final report on the activities of the Project related to each project, including his recommendations with respect to any further legislative, administrative, and other actions which should be taken in support of the objectives of this Act.

TRANSFER OF FUNCTIONS

30 USC 1163.

SEC. 303. (a) Within sixty days after the effective date of the law creating a permanent Federal organization or agency having jurisdiction over the energy research and development functions of the United States (or within sixty days after the date of the enactment of this Act if the effective date of such law occurs prior to the date of the enactment of this Act), all of the research, development, and demonstration functions (including the loan guaranty program) vested in the Project under this Act, along with related records, documents, personnel, obligations, and other items to the extent necessary or appropriate, shall, in accordance with regulations prescribed by the Office of Management and Budget, be transferred to and vested in such organization or agency.

(b) Upon the establishment of a permanent Federal organization or agency having jurisdiction over the energy research and development functions of the United States, and when all research and development (and other) functions of the Project are transferred, the members of the Project may provide advice and counsel to the head of such organization or agency, in accordance with arrangements made at that time.

1965

September 3, 1974 - 11 -

Pub. Law 93-410

88 STAT. 1089.

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 304. (a) For the fiscal years ending June 30, 1976, and September 30, 1977, 1978, 1979, and 1980, only such sums may be appropriated as the Congress may hereafter authorize by law. 30 USC 1164

(b) There are authorized to be appropriated to the National Aeronautics and Space Administration not to exceed \$2,500,000 for the fiscal year ending June 30, 1975, for the purpose of preparing the program definition under section 102(a).

(c) In addition to sums authorized to be appropriated by subsection (b), there are authorized to be appropriated to the fund not to exceed \$50,000,000 annually, such sums to carry out the provisions of the loan guaranty program by the Project under title II.

Approved September 3, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-1112 (Comm. on Science and Astronautics) and No. 93-1301 (Comm. of Conference).

SENATE REPORT No. 93-849 accompanying S. 2465 (Comm. on Interior and Insular Affairs).

CONGRESSIONAL RECORD, Vol. 120 (1974):

July 10, considered and passed House.

July 11, considered and passed Senate, amended, in lieu of S. 2465.

Aug. 20, Senate agreed to conference report.

Aug. 21, House agreed to conference report.

○



Public Law 93-415
93rd Congress, S. 821
September 7, 1974

An Act

To provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Juvenile Justice and Delinquency Prevention Act of 1974".

Juvenile Justice
and Delinquency
Prevention Act
of 1974.
42 USC 5601
note.

TITLE I—FINDINGS AND DECLARATION OF PURPOSE

FINDINGS

SEC. 101. (a) The Congress hereby finds that—

42 USC 5601.

(1) juveniles account for almost half the arrests for serious crimes in the United States today;

(2) understaffed, overcrowded juvenile courts, probation services, and correctional facilities are not able to provide individualized justice or effective help;

(3) present juvenile courts, foster and protective care programs, and shelter facilities are inadequate to meet the needs of the countless, abandoned, and dependent children, who, because of this failure to provide effective services, may become delinquents;

(4) existing programs have not adequately responded to the particular problems of the increasing numbers of young people who are addicted to or who abuse drugs, particularly nonopiate or polydrug abusers;

88 STAT. 1109

(5) juvenile delinquency can be prevented through programs designed to keep students in elementary and secondary schools through the prevention of unwarranted and arbitrary suspensions and expulsions;

88 STAT. 1110

(6) States and local communities which experience directly the devastating failures of the juvenile justice system do not presently have sufficient technical expertise or adequate resources to deal comprehensively with the problems of juvenile delinquency; and

(7) existing Federal programs have not provided the direction, coordination, resources, and leadership required to meet the crisis of delinquency.

(b) Congress finds further that the high incidence of delinquency in the United States today results in enormous annual cost and immeasurable loss of human life, personal security, and wasted human resources and that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent delinquency.

PURPOSE

SEC. 102. (a) It is the purpose of this Act—

42 USC 5602.

(1) to provide for the thorough and prompt evaluation of all federally assisted juvenile delinquency programs;

(2) to provide technical assistance to public and private agencies, institutions, and individuals in developing and implementing juvenile delinquency programs;

(3) to establish training programs for persons, including professionals, paraprofessionals, and volunteers, who work with delinquents or potential delinquents or whose work or activities relate to juvenile delinquency programs;

(4) to establish a centralized research effort on the problems of juvenile delinquency, including an information clearinghouse to disseminate the findings of such research and all data related to juvenile delinquency;

(5) to develop and encourage the implementation of national standards for the administration of juvenile justice, including recommendations for administrative, budgetary, and legislative action at the Federal, State, and local level to facilitate the adoption of such standards;

(6) to assist States and local communities with resources to develop and implement programs to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions; and

(7) to establish a Federal assistance program to deal with the problems of runaway youth.

(b) It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination (1) to develop and implement effective methods of preventing and reducing juvenile delinquency; (2) to develop and conduct effective programs to prevent delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization; (3) to improve the quality of juvenile justice in the United States; and (4) to increase the capacity of State and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of juvenile delinquency prevention.

88 STAT. 1110

88 STAT. 1111

DEFINITIONS

Sec. 103. For purposes of this Act—

(1) the term "community based" facility, program, or service means a small, open group home or other suitable place located near the juvenile's home or family and programs of community supervision and service which maintain community and consumer participation in the planning operation, and evaluation of their programs which may include, but are not limited to, medical, educational, vocational, social, and psychological guidance, training, counseling, alcoholism treatment, drug treatment, and other rehabilitative services;

(2) the term "Federal juvenile delinquency program" means any juvenile delinquency program which is conducted, directly, or indirectly, or is assisted by any Federal department or agency, including any program funded under this Act;

(3) the term "juvenile delinquency program" means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including drug and alcohol abuse programs; the improvement of the juvenile justice system; and any program or activity for neglected, abandoned, or dependent youth and other youth who are in danger of becoming delinquent;

(4) the term "Law Enforcement Assistance Administration" means the agency established by section 101(a) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

42 USC 5603.

2 USC 3711.

(5) the term "Administrator" means the agency head designated by section 101(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

42 USC 3711.

(6) the term "law enforcement and criminal justice" means any activity pertaining to crime prevention, control, or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies (including prosecutorial and defender services, activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction;

88 STAT. 1111

(7) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States;

88 STAT. 1112

(8) the term "unit of general local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, or, for the purpose of assistance eligibility, any agency of the District of Columbia government performing law enforcement functions in and for the District of Columbia and funds appropriated by the Congress for the activities of such agency may be used to provide the non-Federal share of the cost of programs or projects funded under this title;

(9) the term "combination" as applied to States or units of general local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a law enforcement plan;

(10) the term "construction" means acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees but not the cost of acquisition of land for buildings);

(11) the term "public agency" means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing;

(12) the term "correctional institution or facility" means any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses; and

(13) the term "treatment" includes but is not limited to medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public and benefit the addict or other user by eliminating his dependence on addicting or other drugs or by controlling his dependence, and his susceptibility to addiction or use.

TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Part A—Juvenile Justice and Delinquency Prevention Office

ESTABLISHMENT OF OFFICE

SEC. 201. (a) There is hereby created within the Department of Justice, Law Enforcement Assistance Administration, the Office of 42 USC 5611.

Pub. Law 93-415

- 4 -

September 7, 1974

Juvenile Justice and Delinquency Prevention (referred to in this Act as the "Office").

Administration.

(b) The programs authorized pursuant to this Act unless otherwise specified in this Act shall be administered by the Office established under this section.

88 STAT. 1112

88 STAT. 1113

(c) There shall be at the head of the Office an Assistant Administrator who shall be nominated by the President by and with the advice and consent of the Senate.

(d) The Assistant Administrator shall exercise all necessary powers, subject to the direction of the Administrator of the Law Enforcement Assistance Administration.

(e) There shall be in the Office a Deputy Assistant Administrator who shall be appointed by the Administrator of the Law Enforcement Assistance Administration. The Deputy Assistant Administrator shall perform such functions as the Assistant Administrator from time to time assigns or delegates, and shall act as Assistant Administrator during the absence or disability of the Assistant Administrator or in the event of a vacancy in the Office of the Assistant Administrator.

(f) There shall be established in the Office a Deputy Assistant Administrator who shall be appointed by the Administrator whose function shall be to supervise and direct the National Institute for Juvenile Justice and Delinquency Prevention established under section 241 of this Act.

Post, p. 1125.

(g) Section 5108(c)(10) of title 5, United States Code first occurrence, is amended by deleting the word "twenty-two" and inserting in lieu thereof the word "twenty-five".

PERSONNEL, SPECIAL PERSONNEL, EXPERTS, AND CONSULTANTS

42 USC 5612.

SEC. 202. (a) The Administrator is authorized to select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him and to prescribe their functions.

5 USC 5332
note.

(b) The Administrator is authorized to select, appoint, and employ not to exceed three officers and to fix their compensation at rates not to exceed the rate now or hereafter prescribed for GS-18 of the General Schedule by section 5332 of title 5 of the United States Code.

(c) Upon the request of the Administrator, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of its personnel to the Assistant Administrator to assist him in carrying out his functions under this Act.

80 Stat. 416.

5 USC 5332
note.

(d) The Administrator may obtain services as authorized by section 3109 of title 5 of the United States Code, at rates not to exceed the rate now or hereafter prescribed for GS-18 of the General Schedule by section 5332 of title 5 of the United States Code.

VOLUNTARY SERVICE

42 USC 5613.

SEC. 203. The Administrator is authorized to accept and employ, in carrying out the provisions of this Act, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

CONCENTRATION OF FEDERAL EFFORTS

42 USC 5614.

SEC. 204. (a) The Administrator shall implement overall policy and develop objectives and priorities for all Federal juvenile delinquency programs and activities relating to prevention, diversion, training,

September 7, 1974

- 5 -

Pub. Law 93-415

88 STAT. 1114

treatment, rehabilitation, evaluation, research, and improvement of the juvenile justice system in the United States. In carrying out his functions, the Administrator shall consult with the Council and the National Advisory Committee for Juvenile Justice and Delinquency Prevention.

(b) In carrying out the purposes of this Act, the Administrator shall— Duties.

(1) advise the President through the Attorney General as to all matters relating to federally assisted juvenile delinquency programs and Federal policies regarding juvenile delinquency;

(2) assist operating agencies which have direct responsibilities for the prevention and treatment of juvenile delinquency in the development and promulgation of regulations, guidelines, requirements, criteria, standards, procedures, and budget requests in accordance with the policies, priorities, and objectives he establishes;

(3) conduct and support evaluations and studies of the performance and results achieved by Federal juvenile delinquency programs and activities and of the prospective performance and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered; Studies.

(4) implement Federal juvenile delinquency programs and activities among Federal departments and agencies and between Federal juvenile delinquency programs and activities and other Federal programs and activities which he determines may have an important bearing on the success of the entire Federal juvenile delinquency effort;

(5) develop annually with the assistance of the Advisory Committee and submit to the President and the Congress, after the first year the legislation is enacted, prior to September 30, an analysis and evaluation of Federal juvenile delinquency programs conducted and assisted by Federal departments and agencies, the expenditures made, the results achieved, the plans developed, and problems in the operations and coordination of such programs. The report shall include recommendations for modifications in organization, management, personnel, standards, budget requests, and implementation plans necessary to increase the effectiveness of these programs; Annual analysis and evaluation, submittal to President and Congress.

(6) develop annually with the assistance of the Advisory Committee and submit to the President and the Congress, after the first year the legislation is enacted, prior to March 1, a comprehensive plan for Federal juvenile delinquency programs, with particular emphasis on the prevention of juvenile delinquency and the development of programs and services which will encourage increased diversion of juveniles from the traditional juvenile justice system; and Annual comprehensive plan, submittal to President and Congress.

(7) provide technical assistance to Federal, State, and local governments, courts, public and private agencies, institutions, and individuals, in the planning, establishment, funding, operation, or evaluation of juvenile delinquency programs.

(c) The President shall, no later than ninety days after receiving each annual report under subsection (b) (5), submit a report to the Congress and to the Council containing a detailed statement of any action taken or anticipated with respect to recommendations made by each such annual report. Reports to Congress and Council.

88 STAT. 1115

Annual reports,
contents.

(d) (1) The first annual report submitted to the President and the Congress by the Administrator under subsection (b) (5) shall contain, in addition to information required by subsection (b) (5), a detailed statement of criteria developed by the Administrator for identifying the characteristics of juvenile delinquency, juvenile delinquency prevention, diversion of youths from the juvenile justice system, and the training, treatment, and rehabilitation of juvenile delinquents.

(2) The second such annual report shall contain, in addition to information required by subsection (b) (5), an identification of Federal programs which are related to juvenile delinquency prevention or treatment, together with a statement of the moneys expended for each such program during the most recent complete fiscal year. Such identification shall be made by the Administrator through the use of criteria developed under paragraph (1).

(e) The third such annual report submitted to the President and the Congress by the Administrator under subsection (b) (6) shall contain, in addition to the comprehensive plan required by subsection (b) (6), a detailed statement of procedures to be used with respect to the submission of juvenile delinquency development statements to the Administrator by Federal agencies under subsection ("1"). Such statement submitted by the Administrator shall include a description of information, data, and analyses which shall be contained in each such development statement.

(f) The Administrator may require, through appropriate authority, departments and agencies engaged in any activity involving any Federal juvenile delinquency program to provide him with such information and reports, and to conduct such studies and surveys, as he may deem to be necessary to carry out the purposes of this part.

(g) The Administrator may delegate any of his functions under this part, except the making of regulations, to any officer or employee of the Administration.

(h) The Administrator is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

(i) The Administrator is authorized to transfer funds appropriated under this title to any agency of the Federal Government to develop or demonstrate new methods in juvenile delinquency prevention and rehabilitation and to supplement existing delinquency prevention and rehabilitation programs which the Assistant Administrator finds to be exceptionally effective or for which he finds there exists exceptional need.

(j) The Administrator is authorized to make grants to, or enter into contracts with, any public or private agency, institution, or individual to carry out the purposes of this part.

(k) All functions of the Administrator under this part shall be coordinated as appropriate with the functions of the Secretary of the Department of Health, Education, and Welfare under the Juvenile Delinquency Prevention Act (42 U.S.C. 3801 et seq.).

(l) (1) The Administrator shall require through appropriate authority each Federal agency which administers a Federal juvenile delinquency program which meets any criterion developed by the Administrator under section 204(d) (1) to submit annually to the Council a juvenile delinquency development statement. Such statement shall be in addition to any information, report, study, or survey which the Administrator may require under section 204(f).

Federal Govern-
ment services
and facilities,
utilization.Transfer of
funds.Grants and
contracts.Coordination
with HEW.Development
statement, sub-
mittal to
Council.
Supra.

September 7, 1974

- 7 -

Pub. Law 93-415

88 STAT. 1116

(2) Each juvenile delinquency development statement submitted to the Administrator under subsection ("l") shall be submitted in accordance with procedures established by the Administrator under section 204(e) and shall contain such information, data, and analyses as the Administrator may require under section 204(e). Such analyses shall include an analysis of the extent to which the juvenile delinquency program of the Federal agency submitting such development statement conforms with and furthers Federal juvenile delinquency prevention and treatment goals and policies.

(3) The Administrator shall review and comment upon each juvenile delinquency development statement transmitted to him under subsection ("l"). Such development statement, together with the comments of the Administrator, shall be included by the Federal agency involved in every recommendation or request made by such agency for Federal legislation which significantly affects juvenile delinquency prevention and treatment.

Juvenile delinquency development statement, review.

JOINT FUNDING

SEC. 205. Notwithstanding any other provision of law, where funds are made available by more than one Federal agency to be used by any agency, organization, institution, or individual to carry out a Federal juvenile delinquency program or activity, any one of the Federal agencies providing funds may be requested by the Administrator to act for all in administering the funds advanced. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Administrator may order any such agency to waive any technical grant or contract requirement (as defined in such regulations) which is inconsistent with the similar requirement of the administering agency or which the administering agency does not impose.

42 USC 5615.

Non-Federal share requirement. Establishment.

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 206. (a) (1) There is hereby established, as an independent organization in the executive branch of the Federal Government a Coordinating Council on Juvenile Justice and Delinquency Prevention (hereinafter referred to as the "Council") composed of the Attorney General, the Secretary of Health, Education, and Welfare, the Secretary of Labor, the Director of the Special Action Office for Drug Abuse Prevention, the Secretary of Housing and Urban Development, or their respective designees, the Assistant Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Deputy Assistant Administrator of the Institute for Juvenile Justice and Delinquency Prevention, and representatives of such other agencies as the President shall designate.

Establishment. 42 USC 5616.

Membership.

(2) Any individual designated under this section shall be selected from individuals who exercise significant decisionmaking authority in the Federal agency involved.

(b) The Attorney General shall serve as Chairman of the Council. The Assistant Administrator of the Office of Juvenile Justice and Delinquency Prevention shall serve as Vice Chairman of the Council. The Vice Chairman shall act as Chairman in the absence of the Chairman.

Chairman.

(c) The function of the Council shall be to coordinate all Federal juvenile delinquency programs. The Council shall make recommendations to the Attorney General and the President at least annually with respect to the coordination of overall policy and development of objectives and priorities for all Federal juvenile delinquency programs and activities.

Functions.

88 STAT. 1117

Meetings.

Ante, p. 1114.

(d) The Council shall meet a minimum of six times per year and a description of the activities of the Council shall be included in the annual report required by section 204(b)(5) of this title.

(e)(1) The Chairman shall, with the approval of the Council, appoint an Executive Secretary of the Council.

(2) The Executive Secretary shall be responsible for the day-to-day administration of the Council.

(3) The Executive Secretary may, with the approval of the Council, appoint such personnel as he considers necessary to carry out the purposes of this title.

(f) Members of the Council who are employed by the Federal Government full time shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Council.

Appropriation.

(g) To carry out the purposes of this section there is authorized to be appropriated such sums as may be necessary.

ADVISORY COMMITTEE

National Advisory Committee for Juvenile Justice and Delinquency Prevention. Establishment. 42 USC 5617. Membership.

SEC. 207. (a) There is hereby established a National Advisory Committee for Juvenile Justice and Delinquency Prevention (hereinafter referred to as the "Advisory Committee") which shall consist of twenty-one members.

(b) The members of the Coordinating Council or their respective designees shall be ex officio members of the Committee.

(c) The regular members of the Advisory Committee shall be appointed by the President from persons who by virtue of their training or experience have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, such as juvenile or family court judges; probation, correctional, or law enforcement personnel; and representatives of private voluntary organizations and community-based programs. The President shall designate the Chairman. A majority of the members of the Advisory Committee, including the Chairman, shall not be full-time employees of Federal, State, or local governments. At least seven members shall not have attained twenty-six years of age on the date of their appointment.

Terms of office.

(d) Members appointed by the President to the Committee shall serve for terms of four years and shall be eligible for reappointment except that for the first composition of the Advisory Committee, one-third of these members shall be appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms; thereafter each term shall be four years. Such members shall be appointed within ninety days after the date of the enactment of this title. Any members appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term.

DUTIES OF THE ADVISORY COMMITTEE

Meetings. 42 USC 5618. Recommendations to Administrator.

SEC. 208. (a) The Advisory Committee shall meet at the call of the Chairman, but not less than four times a year.

(b) The Advisory Committee shall make recommendations to the Administrator at least annually with respect to planning, policy, priorities, operations, and management of all Federal juvenile delinquency programs.

(c) The Chairman may designate a subcommittee of the members of the Advisory Committee to advise the Administrator on particular functions or aspects of the work of the Administration.

(d) The Chairman shall designate a subcommittee of five members of the Committee to serve, together with the Director of the National Institute of Corrections, as members of an Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention to perform the functions set forth in section 245 of this title.

Post, p. 1127.

(e) The Chairman shall designate a subcommittee of five members of the Committee to serve as an Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice to perform the functions set forth in section 247 of this title.

(f) The Chairman, with the approval of the Committee, shall appoint such personnel as are necessary to carry out the duties of the Advisory Committee.

COMPENSATION AND EXPENSES

SEC. 209. (a) Members of the Advisory Committee who are employed by the Federal Government full time shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Advisory Committee.

42 USC 5619.

(b) Members of the Advisory Committee not employed full time by the Federal Government shall receive compensation at a rate not to exceed the rate now or hereafter prescribed for GS-18 of the General Schedule by section 5332 of title 5 of the United States Code, including traveltime for each day they are engaged in the performance of their duties as members of the Advisory Committee. Members shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Advisory Committee.

5 USC 5332
note.

PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

Subpart I—Formula Grants

SEC. 221. The Administrator is authorized to make grants to States and local governments to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through contracts with public and private agencies for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system.

42 USC 5631.

ALLOCATION

SEC. 222. (a) In accordance with regulations promulgated under this part, funds shall be allocated annually among the States on the basis of relative population of people under age eighteen. No such allotment to any State shall be less than \$200,000, except that for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands no allotment shall be less than \$50,000.

42 USC 5632.

(b) Except for funds appropriated for fiscal year 1975, if any amount so allotted remains unobligated at the end of the fiscal year, such funds shall be reallocated in a manner equitable and consistent with the purpose of this part. Funds appropriated for fiscal year 1975 may be obligated in accordance with subsection (a) until June 30, 1976, after which time they may be reallocated. Any amount so reallocated shall be in addition to the amounts already allotted and available to the State, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands for the same period.

Reallocation
of funds.

88 STAT. 1119

(c) In accordance with regulations promulgated under this part, a portion of any allotment to any State under this part shall be available to develop a State plan and to pay that portion of the expenditures which are necessary for efficient administration. Not more than 15 per centum of the total annual allotment of such State shall be available for such purposes. The State shall make available needed funds for planning and administration to local governments within the State on an equitable basis.

Financial
assistance,
limitation.

(d) Financial assistance extended under the provisions of this section shall not exceed 90 per centum of the approved costs of any assisted programs or activities. The non-Federal share shall be made in cash or kind consistent with the maintenance of programs required by section 261.

Post, p. 1129.

STATE PLANS

42 USC 5633.

SEC. 223. (a) In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes consistent with the provisions of section 303(a), (1), (3), (5), (6), (8), (10), (11), (12), and (15) of title I of the Omnibus Crime Control and Safe Streets Act of 1968. In accordance with regulations established under this title, such plan must—

42 USC 3733,
Requirements.

(1) designate the State planning agency established by the State under section 203 of such title I as the sole agency for supervising the preparation and administration of the plan;

42 USC 3723.

(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) (hereafter referred to in this part as the "State planning agency") has or will have authority, by legislation if necessary, to implement such plan in conformity with this part;

Advisory
group.

(3) provide for an advisory group appointed by the chief executive of the State to advise the State planning agency and its supervisory board (A) which shall consist of not less than twenty-one and not more than thirty-three persons who have training, experience, or special knowledge concerning the prevention and treatment of a juvenile delinquency or the administration of juvenile justice, (B) which shall include representation of units of local government, law enforcement and juvenile justice agencies such as law enforcement, correction or probation personnel, and juvenile or family court judges, and public agencies concerned with delinquency prevention or treatment such as welfare, social services, mental health, education, or youth services departments, (C) which shall include representatives of private organizations concerned with delinquency prevention or treatment; concerned with neglected or dependent children; concerned with the quality of juvenile justice, education, or social services for children; which utilize volunteers to work with delinquents or potential delinquents; community-based delinquency prevention or treatment programs; and organizations which represent employees affected by this Act, (D) a majority of whose members (including the chairman) shall not be full-time employees of the Federal, State, or local government, and (E) at least one-third of whose members shall be under the age of twenty-six at the time of appointment;

Consultation
with local
governments.

(4) provide for the active consultation with and participation of local governments in the development of a State plan which adequately takes into account the needs and requests of local governments;

(5) provide that at least 66⅔ per centum of the funds received by the State under section 222 shall be expended through programs of local government insofar as they are consistent with the State plan, except that this provision may be waived at the discretion of the Administrator for any State if the services for delinquent or potentially delinquent youth are organized primarily on a statewide basis;

Ante, p. 1118.

(6) provide that the chief executive officer of the local government shall assign responsibility for the preparation and administration of the local government's part of a State plan, or for the supervision of the preparation and administration of the local government's part of the State plan, to that agency within the local government's structure (hereinafter in this part referred to as the "local agency") which can most effectively carry out the purposes of this part and shall provide for supervision of the programs funded under this part by that local agency;

(7) provide for an equitable distribution of the assistance received under section 222 within the State;

(8) set forth a detailed study of the State needs for an effective, comprehensive, coordinated approach to juvenile delinquency prevention and treatment and the improvement of the juvenile justice system. This plan shall include itemized estimated costs for the development and implementation of such programs;

Study.

(9) provide for the active consultation with and participation of private agencies in the development and execution of the State plan; and provide for coordination and maximum utilization of existing juvenile delinquency programs and other related programs, such as education, health, and welfare within the State;

(10) provide that not less than 75 per centum of the funds available to such State under section 222, whether expended directly by the State or by the local government or through contracts with public or private agencies, shall be used for advanced techniques in developing, maintaining, and expanding programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, and to provide community-based alternatives to juvenile detention and correctional facilities. That advanced techniques include—

Advanced techniques.

(A) community-based programs and services for the prevention and treatment of juvenile delinquency through the development of foster-care and shelter-care homes, group homes, halfway houses, homemaker and home health services, and any other designated community-based diagnostic, treatment, or rehabilitative service;

(B) community-based programs and services to work with parents and other family members to maintain and strengthen the family unit so that the juvenile may be retained in his home;

(C) youth service bureaus and other community-based programs to divert youth from the juvenile court or to support, counsel, or provide work and recreational opportunities for delinquents and youth in danger of becoming delinquent;

(D) comprehensive programs of drug and alcohol abuse education and prevention and programs for the treatment and rehabilitation of drug addicted youth, and "drug dependent" youth (as defined in section 2(q) of the Public Health Service Act (42 U.S.C. 201 (q)));

(E) educational programs or supportive services designed to keep delinquents and to encourage other youth to remain in elementary and secondary schools or in alternative learning situations;

(F) expanded use of probation and recruitment and training of probation officers, other professional and paraprofessional personnel and volunteers to work effectively with youth;

(G) youth initiated programs and outreach programs designed to assist youth who otherwise would not be reached by assistance programs;

(H) provides for a statewide program through the use of probation subsidies, other subsidies, other financial incentives or disincentives to units of local government, or other effective means, that may include but are not limited to programs designed to—

(i) reduce the number of commitments of juveniles to any form of juvenile facility as a percentage of the State juvenile population;

(ii) increase the use of nonsecure community-based facilities as a percentage of total commitments to juvenile facilities; and

(iii) discourage the use of secure incarceration and detention;

(11) provides for the development of an adequate research, training, and evaluation capacity within the State;

(12) provide within two years after submission of the plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, shall not be placed in juvenile detention or correctional facilities, but must be placed in shelter facilities;

(13) provide that juveniles alleged to be or found to be delinquent shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges;

(14) provide for an adequate system of monitoring jails, detention facilities, and correctional facilities to insure that the requirements of section 223 (12) and (13) are met, and for annual reporting of the results of such monitoring to the Administrator;

(15) provide assurance that assistance will be available on an equitable basis to deal with all disadvantaged youth including, but not limited to, females, minority youth, and mentally retarded and emotionally or physically handicapped youth;

(16) provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the State plan;

(17) provide that fair and equitable arrangements are made to protect the interests of employees affected by assistance under this Act. Such protective arrangements shall, to the maximum extent feasible, include, without being limited to, such provisions as may be necessary for—

(A) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective-bargaining agreements or otherwise;

(B) the continuation of collective-bargaining rights;

(C) the protection of individual employees against a worsening of their positions with respect to their employment;

(D) assurances of employment to employees of any State or political subdivision thereof who will be affected by any program funded in whole or in part under provisions of this Act;

(E) training or retraining programs.

The State plan shall provide for the terms and conditions of the protection arrangements established pursuant to this section;

(18) provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title;

(19) provide reasonable assurance that Federal funds made available under this part for any period will be so used as to supplement and increase (but not supplant), to the extent feasible and practical, the level of the State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event replace such State, local, and other non-Federal funds;

(20) provide that the State planning agency will from time to time, but not less often than annually, review its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, which it considers necessary; and

(21) contain such other terms and conditions as the Administrator may reasonably prescribe to assure the effectiveness of the programs assisted under this title.

Such plan may at the discretion of the Administrator be incorporated into the plan specified in 303(a) of the Omnibus Crime Control and Safe Streets Act.

(b) The State planning agency designated pursuant to section 223(a), after consultation with the advisory group referred to in section 223(a), shall approve the State plan and any modification thereof prior to submission to the Administrator.

(c) The Administrator shall approve any State plan and any modification thereof that meets the requirements of this section.

(d) In the event that any State fails to submit a plan, or submits a plan or any modification thereof, which the Administrator, after reasonable notice and opportunity for hearing, in accordance with sections 509, 510, and 511 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, determines does not meet the requirements of this section, the Administrator shall make that State's allotment under the provisions of section 222(a) available to public and private agencies for special emphasis prevention and treatment programs as defined in section 224.

(e) In the event the plan does not meet the requirements of this section due to oversight or neglect, rather than explicit and conscious decision, the Administrator shall endeavor to make that State's allotment under the provisions of section 222(a) available to public and private agencies in that State for special emphasis prevention and treatment programs as defined in section 224.

Subpart II—Special Emphasis Prevention and Treatment Programs

SEC. 224. (a) The Administrator is authorized to make grants to and enter into contracts with public and private agencies, organizations, institutions, or individuals to—

42 USC 3733.

Ante, p. 1119.

State plan,
approval.

42 USC 3757-
3759.

Ante, p. 1118.

Supra.

Grants and
contracts.
42 USC 5634.

(1) develop and implement new approaches, techniques, and methods with respect to juvenile delinquency programs;

(2) develop and maintain community-based alternatives to traditional forms of institutionalization;

(3) develop and implement effective means of diverting juveniles from the traditional juvenile justice and correctional system;

(4) improve the capability of public and private agencies and organizations to provide services for delinquents and youths in danger of becoming delinquent;

(5) facilitate the adoption of the recommendations of the Advisory Committee on Standards for Juvenile Justice and the Institute as set forth pursuant to section 247; and

(6) develop and implement model programs and methods to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions.

(b) Not less than 25 per centum or more than 50 per centum of the funds appropriated for each fiscal year pursuant to this part shall be available only for special emphasis prevention and treatment grants and contracts made pursuant to this section.

(c) At least 20 per centum of the funds available for grants and contracts made pursuant to this section shall be available for grants and contracts to private nonprofit agencies, organizations, or institutions who have had experience in dealing with youth.

CONSIDERATIONS FOR APPROVAL OF APPLICATIONS

SEC. 225. (a) Any agency, institution, or individual desiring to receive a grant, or enter into any contract under section 224, shall submit an application at such time, in such manner, and containing or accompanied by such information as the Administrator may prescribe.

(b) In accordance with guidelines established by the Administrator, each such application shall—

(1) provide that the program for which assistance is sought will be administered by or under the supervision of the applicant;

(2) set forth a program for carrying out one or more of the purposes set forth in section 224;

(3) provide for the proper and efficient administration of such program;

(4) provide for regular evaluation of the program;

(5) indicate that the applicant has requested the review of the application from the State planning agency and local agency designated in section 223, when appropriate, and indicate the response of such agency to the request for review and comment on the application;

(6) provide that regular reports on the program shall be sent to the Administrator and to the State planning agency and local agency, when appropriate;

(7) provide for such fiscal control and fund accounting procedures as may be necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title; and

(8) indicate the response of the State agency or the local agency to the request for review and comment on the application.

(c) In determining whether or not to approve applications for grants under section 224, the Administrator shall consider—

Post, p. 1127.

42 USC 5635.

Reports.

Fiscal control
and fund ac-
counting.

September 7, 1974

- 15 -

Pub. Law 93-415

88 STAT. 1124

(1) the relative cost and effectiveness of the proposed program in effectuating the purposes of this part;

(2) the extent to which the proposed program will incorporate new or innovative techniques;

(3) the extent to which the proposed program meets the objectives and priorities of the State plan, when a State plan has been approved by the Administrator under section 223(c) and when the location and scope of the program makes such consideration appropriate;

Ante, p. 1119.

(4) the increase in capacity of the public and private agency, institution, or individual to provide services to delinquents or youths in danger of becoming delinquents;

(5) the extent to which the proposed project serves communities which have high rates of youth unemployment, school dropout, and delinquency; and

(6) the extent to which the proposed program facilitates the implementation of the recommendations of the Advisory Committee on Standards for Juvenile Justice as set forth pursuant to section 247.

Post, p. 1127.

GENERAL PROVISIONS

Withholding

SEC. 226. Whenever the Administrator, after giving reasonable notice and opportunity for hearing to a recipient of financial assistance under this title, finds—

42 USC 5636.

(1) that the program or activity for which such grant was made has been so changed that it no longer complies with the provisions of this title; or

(2) that in the operation of the program or activity there is failure to comply substantially with any such provision;

the Administrator shall initiate such proceedings as are appropriate.

USE OF FUNDS

SEC. 227. (a) Funds paid pursuant to this title to any State, public or private agency, institution, or individual (whether directly or through a State or local agency) may be used for—

42 USC 5637.

(1) planning, developing, or operating the program designed to carry out the purposes of this part; and

(2) not more than 50 per centum of the cost of the construction of innovative community-based facilities for less than twenty persons which, in the judgment of the Administrator, are necessary for carrying out the purposes of this part.

Limitations.

(b) Except as provided by subsection (a), no funds paid to any public or private agency, institution, or individual under this part (whether directly or through a State agency or local agency) may be used for construction.

PAYMENTS

SEC. 228. (a) In accordance with criteria established by the Administrator, it is the policy of Congress that programs funded under this title shall continue to receive financial assistance providing that the yearly evaluation of such programs is satisfactory.

42 USC 5638.

(b) At the discretion of the Administrator, when there is no other way to fund an essential juvenile delinquency program not funded under this part, the State may utilize 25 per centum of the formula

grant funds available to it under this part to meet the non-Federal matching share requirement for any other Federal juvenile delinquency program grant.

(c) Whenever the Administrator determines that it will contribute to the purposes of this part, he may require the recipient of any grant or contract to contribute money, facilities, or services.

(d) Payments under this part, pursuant to a grant or contract, may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursements, in such installments and on such conditions as the Administrator may determine.

PART C—NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Establishment.
42 USC 5651.

SEC. 241. (a) There is hereby established within the Juvenile Justice and Delinquency Prevention Office a National Institute for Juvenile Justice and Delinquency Prevention.

(b) The National Institute for Juvenile Justice and Delinquency Prevention shall be under the supervision and direction of the Assistant Administrator, and shall be headed by a Deputy Assistant Administrator of the Office appointed under section 201(f).

Ante, p. 1112.

(c) The activities of the National Institute for Juvenile Justice and Delinquency Prevention shall be coordinated with the activities of the National Institute of Law Enforcement and Criminal Justice in accordance with the requirements of section 201(b).

(d) The Administrator shall have responsibility for the administration of the organization, employees, enrollees, financial affairs, and other operations of the Institute.

(e) The Administrator may delegate his power under the Act to such employees of the Institute as he deems appropriate.

Data collection.

(f) It shall be the purpose of the Institute to provide a coordinating center for the collection, preparation, and dissemination of useful data regarding the treatment and control of juvenile offenders, and it shall also be the purpose of the Institute to provide training for representatives of Federal, State, and local law enforcement officers, teachers, and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation personnel, correctional personnel and other persons, including lay personnel, connected with the treatment and control of juvenile offenders.

Training.

(g) In addition to the other powers, express and implied, the Institute may—

Additional powers.

(1) request any Federal agency to supply such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions;

(2) arrange with and reimburse the heads of Federal agencies for the use of personnel or facilities or equipment of such agencies;

(3) confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other public or private local agencies;

(4) enter into contracts with public or private agencies, organizations, or individuals, for the partial performance of any functions of the Institute; and

(5) compensate consultants and members of technical advisory councils who are not in the regular full-time employ of the United States, at a rate now or hereafter prescribed for GS-18 of the General Schedule by section 5332 of title 5 of the United States

September 7, 1974

- 17 -

Pub. Law 93-415

88 STAT. 1126

Code and while away from home, or regular place of business, 5 USC 5332 note.
they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code for persons in the Government service employed intermittently.

(b) Any Federal agency which receives a request from the Institute under subsection (g)(1) may cooperate with the Institute and shall, to the maximum extent practicable, consult with and furnish information and advice to the Institute.

INFORMATION FUNCTION

Sec. 242. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to— 42 USC 5652.

(1) serve as an information bank by collecting systematically and synthesizing the data and knowledge obtained from studies and research by public and private agencies, institutions, or individuals concerning all aspects of juvenile delinquency, including the prevention and treatment of juvenile delinquency;

(2) serve as a clearinghouse and information center for the preparation, publication, and dissemination of all information regarding juvenile delinquency, including State and local juvenile delinquency prevention and treatment programs and plans, availability of resources, training and educational programs, statistics, and other pertinent data and information. Information clearinghouse.

RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS

Sec. 243. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to— 42 USC 5653.

(1) conduct, encourage, and coordinate research and evaluation into any aspect of juvenile delinquency, particularly with regard to new programs and methods which show promise of making a contribution toward the prevention and treatment of juvenile delinquency;

(2) encourage the development of demonstration projects in new, innovative techniques and methods to prevent and treat juvenile delinquency;

(3) provide for the evaluation of all juvenile delinquency programs assisted under this title in order to determine the results and the effectiveness of such programs;

(4) provide for the evaluation of any other Federal, State, or local juvenile delinquency program, upon the request of the Administrator;

(5) prepare, in cooperation with educational institutions, Federal, State, and local agencies, and appropriate individuals and private agencies, such studies as it considers to be necessary with respect to the prevention and treatment of juvenile delinquency and related matters, including recommendations designed to promote effective prevention and treatment;

(6) disseminate the results of such evaluations and research and demonstration activities particularly to persons actively working in the field of juvenile delinquency; and

(7) disseminate pertinent data and studies (including a periodic journal) to individuals, agencies, and organizations concerned with the prevention and treatment of juvenile delinquency.

TRAINING FUNCTIONS

42 USC 5654.

SEC. 244. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to—

(1) develop, conduct, and provide for training programs for the training of professional, paraprofessional, and volunteer personnel, and other persons who are or who are preparing to work with juveniles and juvenile offenders;

(2) develop, conduct, and provide for seminars, workshop, and training programs in the latest proven effective techniques and methods of preventing and treating juvenile delinquency for law enforcement officers, juvenile judges, and other court personnel, probation officers, correctional personnel, and other Federal, State, and local government personnel who are engaged in work relating to juvenile delinquency;

(3) devise and conduct a training program, in accordance with the provisions of sections 249, 250, and 251, of short-term instruction in the latest proven-effective methods of prevention, control, and treatment of juvenile delinquency for correctional and law enforcement personnel, teachers and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation officers, and other persons (including lay personnel) connected with the prevention and treatment of juvenile delinquency; and

(4) develop technical training teams to aid in the development of training programs in the States and to assist State and local agencies which work directly with juveniles and juvenile offenders.

INSTITUTE ADVISORY COMMITTEE

42 USC 5655.

SEC. 245. The Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention established in section 208(d) shall advise, consult with, and make recommendations to the Deputy Assistant Administrator for the National Institute for Juvenile Justice and Delinquency Prevention concerning the overall policy and operations of the Institute.

Ante, p. 1117.

ANNUAL REPORT

42 USC 5656.

SEC. 246. The Deputy Assistant Administrator for the National Institute for Juvenile Justice and Delinquency Prevention shall develop annually and submit to the Administrator after the first year the legislation is enacted, prior to June 30, a report on research, demonstration, training, and evaluation programs funded under this title, including a review of the results of such programs, an assessment of the application of such results to existing and to new juvenile delinquency programs, and detailed recommendations for future research, demonstration, training, and evaluation programs. The Administrator shall include a summary of these results and recommendations in his report to the President and Congress required by section 204(b)(5).

Report to President and Congress.

Ante, p. 1113.

DEVELOPMENT OF STANDARDS FOR JUVENILE JUSTICE

42 USC 5657.

SEC. 247. (a) The National Institute for Juvenile Justice and Delinquency Prevention, under the supervision of the Advisory Committee on Standards for Juvenile Justice established in section 208(e), shall review existing reports, data, and standards relating to the juvenile justice system in the United States.

September 7, 1974

- 19 -

Pub. Law 93-415

88 STAT. 1128

(b) Not later than one year after the passage of this section, the Report to President and Congress. Advisory Committee shall submit to the President and the Congress a report which, based on recommended standards for the administration of juvenile justice at the Federal, State, and local level—

(1) recommends Federal action, including but not limited to administrative and legislative action, required to facilitate the adoption of these standards throughout the United States; and

(2) recommends State and local action to facilitate the adoption of these standards for juvenile justice at the State and local level.

(c) Each department, agency, and instrumentality of the executive Information, branch of the Government, including independent agencies, is authorized and directed to furnish to the Advisory Committee such information as the Committee deems necessary to carry out its functions under this section. availability.

SEC. 248. Records containing the identity of individual juveniles gathered for purposes pursuant to this title may under no circumstances be disclosed or transferred to any individual or other agency, public, or private. Records, disclosure or transfer, restriction. 42 USC 5658.

ESTABLISHMENT OF TRAINING PROGRAM

SEC. 249. (a) The Administrator shall establish within the Institute a training program designed to train enrollees with respect to methods and techniques for the prevention and treatment of juvenile delinquency. In carrying out this program the Administrator is authorized to make use of available State and local services, equipment, personnel, facilities, and the like. 42 USC 5659.

(b) Enrollees in the training program established under this section shall be drawn from correctional and law enforcement personnel, teachers and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation officers, and other persons (including lay personnel) connected with the prevention and treatment of juvenile delinquency.

CURRICULUM FOR TRAINING PROGRAM

SEC. 250. The Administrator shall design and supervise a curriculum for the training program established by section 249 which shall utilize an interdisciplinary approach with respect to the prevention of juvenile delinquency, the treatment of juvenile delinquents, and the diversion of youths from the juvenile justice system. Such curriculum shall be appropriate to the needs of the enrollees of the training program. 42 USC 5660.

ENROLLMENT FOR TRAINING PROGRAM

SEC. 251. (a) Any person seeking to enroll in the training program established under section 249 shall transmit an application to the Administrator, in such form and according to such procedures as the Administrator may prescribe. Application. 42 USC 5661.

(b) The Administrator shall make the final determination with respect to the admittance of any person to the training program. The Administrator, in making such determination, shall seek to assure that persons admitted to the training program are broadly representative of the categories described in section 249(b).

(c) While studying at the Institute and while traveling in connection with his study (including authorized field trips), each person enrolled in the Institute shall be allowed travel expenses and a per Travel expenses.

diem allowance in the same manner as prescribed for persons employed intermittently in the Government service under section 5703(b) of title 5, United States Code.

PART D—AUTHORIZATION OF APPROPRIATIONS

42 USC 5671.

SEC. 261. (a) To carry out the purposes of this title there is authorized to be appropriated \$75,000,000 for the fiscal year ending June 30, 1975, \$125,000,000 for the fiscal year ending June 30, 1976, and \$150,000,000 for the fiscal year ending June 30, 1977.

Additional
funds.

(b) In addition to the funds appropriated under this section, the Administration shall maintain from other Law Enforcement Assistance Administration appropriations other than the appropriations for administration, at least the same level of financial assistance for juvenile delinquency programs assisted by the Law Enforcement Assistance Administration during fiscal year 1972.

NONDISCRIMINATION PROVISIONS

42 USC 5672.

SEC. 262. (a) No financial assistance for any program under this Act shall be provided unless the grant, contract, or agreement with respect to such program specifically provides that no recipient of funds will discriminate as provided in subsection (b) with respect to any such program.

(b) No person in the United States shall on the ground of race, creed, color, sex, or national origin be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with any program or activity receiving assistance under this Act. The provisions of the preceding sentence shall be enforced in accordance with section 603 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if such person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any program or activity receiving assistance under this Act.

42 USC 2000d-2.

EFFECTIVE CLAUSE

42 USC 5601
note.

SEC. 263. (a) Except as provided by subsection (b), the foregoing provisions of this Act shall take effect on the date of enactment of this Act.

Ante, p. 1133.

(b) Section 204(b)(5) and 204(b)(6) shall become effective at the close of the thirty-first day of the twelfth calendar month of 1974. Section 204(1) shall become effective at the close of the thirty-first day of the eighth calendar month of 1976.

TITLE III—RUNAWAY YOUTH

SHORT TITLE

Runaway Youth
Act.
42 USC 5701
note.

SEC. 301. This title may be cited as the "Runaway Youth Act".

FINDINGS

42 USC 5701.

SEC. 302. The Congress hereby finds that—

(1) the number of juveniles who leave and remain away from home without parental permission has increased to alarming proportions, creating a substantial law enforcement problem for the

communities inundated, and significantly endangering the young people who are without resources and live on the street;

(2) the exact nature of the problem is not well defined because national statistics on the size and profile of the runaway youth population are not tabulated;

(3) many such young people, because of their age and situation, are urgently in need of temporary shelter and counseling services;

(4) the problem of locating, detaining, and returning runaway children should not be the responsibility of already overburdened police departments and juvenile justice authorities; and

(5) in view of the interstate nature of the problem, it is the responsibility of the Federal Government to develop accurate reporting of the problem nationally and to develop an effective system of temporary care outside the law enforcement structure.

RULES

SEC. 303. The Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") may prescribe such rules as he considers necessary or appropriate to carry out the purposes of this title. 42 USC 5702.

PART A—GRANTS PROGRAM

PURPOSES OF GRANT PROGRAM

SEC. 311. The Secretary is authorized to make grants and to provide technical assistance to localities and nonprofit private agencies in accordance with the provisions of this part. Grants under this part shall be made for the purpose of developing local facilities to deal primarily with the immediate needs of runaway youth in a manner which is outside the law enforcement structure and juvenile justice system. The size of such grant shall be determined by the number of runaway youth in the community and the existing availability of services. Among applicants priority shall be given to private organizations or institutions which have had past experience in dealing with runaway youth. Localities and nonprofit agencies, assistance. 42 USC 5711.

ELIGIBILITY

SEC. 312. (a) To be eligible for assistance under this part, an applicant shall propose to establish, strengthen, or fund an existing or proposed runaway house, a locally controlled facility providing temporary shelter, and counseling services to juveniles who have left home without permission of their parents or guardians. 42 USC 5712.

(b) In order to qualify for assistance under this part, an applicant shall submit a plan to the Secretary meeting the following requirements and including the following information. Each house—

Runaway house, requirements.

(1) shall be located in an area which is demonstrably frequented by or easily reachable by runaway youth;

(2) shall have a maximum capacity of no more than twenty children, with a ratio of staff to children of sufficient portion to assure adequate supervision and treatment;

(3) shall develop adequate plans for contacting the child's parents or relatives (if such action is required by State law) and assuring the safe return of the child according to the best interests of the child, for contacting local government officials pursuant to informal arrangements established with such officials by the runaway house, and for providing for other appropriate alternative living arrangements;

88 STAT. 1131.

Aftercare counsel-
ing.Records, infor-
mation disclosure,
restriction.Annual reports
to Secretary.

Budget estimate.

(4) shall develop an adequate plan for assuring proper relations with law enforcement personnel, and the return of runaway youths from correctional institutions;

(5) shall develop an adequate plan for aftercare counseling involving runaway youth and their parents within the State in which the runaway house is located and for assuring, as possible, that aftercare services will be provided to those children who are returned beyond the State in which the runaway house is located;

(6) shall keep adequate statistical records profiling the children and parents which it serves, except that records maintained on individual runaway youths shall not be disclosed without parental consent to anyone other than another agency compiling statistical records or a government agency involved in the disposition of criminal charges against an individual runaway youth, and reports or other documents based on such statistical records shall not disclose the identity of individual runaway youths;

(7) shall submit annual reports to the Secretary detailing how the house has been able to meet the goals of its plans and reporting the statistical summaries required by paragraph (6);

(8) shall demonstrate its ability to operate under accounting procedures and fiscal control devices as required by the Secretary;

(9) shall submit a budget estimate with respect to the plan submitted by such house under this subsection; and

(10) shall supply such other information as the Secretary reasonably deems necessary.

APPROVAL BY SECRETARY

42 USC 5713.

SEC. 313. An application by a State, locality, or nonprofit private agency for a grant under this part may be approved by the Secretary only if it is consistent with the applicable provisions of this part and meets the requirements set forth in section 312. Priority shall be given to grants smaller than \$75,000. In considering grant applications under this part, priority shall be given to any applicant whose program budget is smaller than \$100,000.

GRANTS TO PRIVATE AGENCIES. STAFFING

42 USC 5713.

SEC. 314. Nothing in this part shall be construed to deny grants to nonprofit private agencies which are fully controlled by private boards or persons but which in other respects meet the requirements of this part and agree to be legally responsible for the operation of the runaway house. Nothing in this part shall give the Federal Government control over the staffing and personnel decisions of facilities receiving Federal funds.

REPORTS

Report to
Con ress.
42 USC 5715.

SEC. 315. The Secretary shall annually report to the Congress on the status and accomplishments of the runaway houses which are funded under this part, with particular attention to—

(1) their effectiveness in alleviating the problems of runaway youth;

(2) their ability to reunite children with their families and to encourage the resolution of intrafamily problems through counseling and other services;

(3) their effectiveness in strengthening family relationships and encouraging stable living conditions for children; and

September 7, 1974

- 23 -

Pub. Law 93-415

88 STAT. 1132

(4) their effectiveness in helping youth decide upon a future course of action.

FEDERAL SHARE

SEC. 316. (a) The Federal share for the acquisition and renovation of existing structures, the provision of counseling services, staff training, and the general costs of operations of such facility's budget for any fiscal year shall be 90 per centum. The non-Federal share may be in cash or in kind, fairly evaluated by the Secretary, including plant, equipment, or services. 42 USC 5716. Non-Federal share.

(b) Payments under this section may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments. Payments.

PART B—STATISTICAL SURVEY

SURVEY; REPORT

SEC. 321. The Secretary shall gather information and carry out a comprehensive statistical survey defining the major characteristic of the runaway youth population and determining the areas of the Nation most affected. Such survey shall include the age, sex, and socioeconomic background of runaway youth, the places from which and to which children run, and the relationship between running away and other illegal behavior. The Secretary shall report the results of such information gathering and survey to the Congress not later than June 30, 1975. 42 USC 5731. Report to Congress.

RECORDS

SEC. 322. Records containing the identity of individual runaway youths gathered for statistical purposes pursuant to section 321 may under no circumstances be disclosed or transferred to any individual or to any public or private agency. Disclosure or transfer, restriction. 42 USC 5732.

PART C—AUTHORIZATION OF APPROPRIATIONS

SEC. 331. (a) To carry out the purposes of part A of this title there is authorized to be appropriated for each of the fiscal years ending June 30, 1975, 1976, and 1977, the sum of \$10,000,000. 42 USC 5751.

(b) To carry out the purposes of part B of this title there is authorized to be appropriated the sum of \$500,000.

TITLE IV—EXTENSION AND AMENDMENT OF THE JUVENILE DELINQUENCY PREVENTION ACT

YOUTH DEVELOPMENT DEMONSTRATIONS

SEC. 401. Title I of the Juvenile Delinquency Prevention Act is amended (1) in the caption thereof, by inserting "AND DEMONSTRATION PROGRAMS" after "SERVICES"; (2) following the caption thereof, by inserting "PART A—COMMUNITY-BASED COORDINATED YOUTH SERVICES"; (3) in sections 101, 102(a), 102(b)(1), 102(b)(2), 103(a) (including paragraph (1) thereof), 104(a) (including paragraphs (1), (4), (5), (7), and (10) thereof), and 104(b) by striking out "title" and inserting "part" in lieu thereof; and (4) by inserting at the end of the title following new part: 42 USC 3811. 42 USC 3812-3814.

"PART B—DEMONSTRATIONS IN YOUTH DEVELOPMENT

Grants.
42 USC 3821.

"SEC. 105. (a) For the purpose of assisting the demonstration of innovative approaches to youth development and the prevention and treatment of delinquent behavior (including payment of all or part of the costs of minor remodeling or alteration), the Secretary may make grants to any State (or political subdivision thereof), any agency thereof, and any nonprofit private agency, institution, or organization that submits to the Secretary, at such time and in such form and manner as the Secretary's regulations shall prescribe, an application containing a description of the purposes for which the grant is sought, and assurances satisfactory to the Secretary that the applicant will use the grant for the purposes for which it is provided, and will comply with such requirements relating to the submission of reports, methods of fiscal accounting, the inspection and audit of records and other materials, and such other rules, regulations, standards, and procedures, as the Secretary may impose to assure the fulfillment of the purposes of this Act.

Limitation.

"(b) No demonstration may be assisted by a grant under this section for more than one year."

CONSULTATION

42 USC 3888.

SEC. 402. (a) Section 408 of such Act is amended by adding at the end of subsection (a) thereof the following new subsection:

"(b) The Secretary shall consult with the Attorney General for the purpose of coordinating the development and implementation of programs and activities funded under this Act with those related programs and activities funded under the Omnibus Crime Control and Safe Streets Act of 1968";
and by deleting subsection (b) thereof.

42 USC 3701
note.

Repeal.
42 USC 3889.

(b) Section 409 is repealed.

REPEAL OF MINIMUM STATE ALLOTMENTS

42 USC 3883.

SEC. 403. Section 403(b) of such Act is repealed, and section 403(a) of such Act is redesignated section 403.

EXTENSION OF PROGRAM

42 USC 3882.

SEC. 404. Section 402 of such Act, as amended by this Act, is further amended in the first sentence by inserting after "fiscal year" the following: "and such sums as may be necessary for fiscal year 1975".

**TITLE V—MISCELLANEOUS AND CONFORMING
AMENDMENTS****PART A—AMENDMENTS TO THE FEDERAL JUVENILE
DELINQUENCY ACT**

SEC. 501. Section 5031 of title 18, United States Code, is amended to read as follows:

"§ 5031. Definitions

"For the purposes of this chapter, a 'juvenile' is a person who has not attained his eighteenth birthday, or for the purpose of proceedings and disposition under this chapter for an alleged act of juvenile delinquency, a person who has not attained his twenty-first birthday, and 'juvenile delinquency' is the violation of a law of the United States committed by a person prior to his eighteenth birthday which would have been a crime if committed by an adult."

DELINQUENCY PROCEEDINGS IN DISTRICT COURTS

SEC. 502. Section 5032 of title 18, United States Code, is amended to read as follows:

"§ 5032. Delinquency proceedings in district courts; transfer for criminal prosecution

"A juvenile alleged to have committed an act of juvenile delinquency shall not be proceeded against in any court of the United States unless the Attorney General, after investigation, certifies to an appropriate district court of the United States that the juvenile court or other appropriate court of a State (1) does not have jurisdiction or refuses to assume jurisdiction over said juvenile with respect to such alleged act of juvenile delinquency, or (2) does not have available programs and services adequate for the needs of juveniles.

"If the Attorney General does not so certify, such juvenile shall be surrendered to the appropriate legal authorities of such State.

"If an alleged juvenile delinquent is not surrendered to the authorities of a State or the District of Columbia pursuant to this section, any proceedings against him shall be in an appropriate district court of the United States. For such purposes, the court may be convened at any time and place within the district, in chambers or otherwise. The Attorney General shall proceed by information, and no criminal prosecution shall be instituted for the alleged act of juvenile delinquency except as provided below.

"A juvenile who is alleged to have committed an act of juvenile delinquency and who is not surrendered to State authorities shall be proceeded against under this chapter unless he has requested in writing upon advice of counsel to be proceeded against as an adult, except that, with respect to a juvenile sixteen years and older alleged to have committed an act after his sixteenth birthday which if committed by an adult would be a felony punishable by a maximum penalty of ten years imprisonment or more, life imprisonment, or death, criminal prosecution on the basis of the alleged act may be begun by motion to transfer of the Attorney General in the appropriate district court of the United States, if such court finds, after hearing, such transfer would be in the interest of justice.

"Evidence of the following factors shall be considered, and findings with regard to each factor shall be made in the record, in assessing whether a transfer would be in the interest of justice: the age and social background of the juvenile; the nature of the alleged offense; the extent and nature of the juvenile's prior delinquency record; the juvenile's present intellectual development and psychological maturity; the nature of past treatment efforts and the juvenile's response to such efforts; the availability of programs designed to treat the juvenile's behavioral problems.

"Reasonable notice of the transfer hearing shall be given to the juvenile, his parents, guardian, or custodian and to his counsel. The juvenile shall be assisted by counsel during the transfer hearing, and at every other critical stage of the proceedings.

"Once a juvenile has entered a plea of guilty or the proceeding has reached the stage that evidence has begun to be taken with respect to a crime or an alleged act of juvenile delinquency subsequent criminal prosecution or juvenile proceedings based upon such alleged act of delinquency shall be barred.

"Statements made by a juvenile prior to or during a transfer hearing under this section shall not be admissible at subsequent criminal prosecutions."

CUSTODY

SEC. 503. Section 5033 of title 18, United States Code is amended to read as follows:

"§ 5033. Custody prior to appearance before magistrate

"Whenever a juvenile is taken into custody for an alleged act of juvenile delinquency, the arresting officer shall immediately advise such juvenile of his legal rights, in language comprehensive to a juvenile, and shall immediately notify the Attorney General and the juvenile's parents, guardian, or custodian of such custody. The arresting officer shall also notify the parents, guardian, or custodian of the rights of the juvenile and of the nature of the alleged offense.

"The juvenile shall be taken before a magistrate forthwith. In no event shall the juvenile be detained for longer than a reasonable period of time before being brought before a magistrate."

DUTIES OF MAGISTRATE

SEC. 504. Section 5034 of title 18, United States Code, is amended to read as follows:

"§ 5034. Duties of magistrate

Representation
by counsel.

"The magistrate shall insure that the juvenile is represented by counsel before proceeding with critical stages of the proceedings. Counsel shall be assigned to represent a juvenile when the juvenile and his parents, guardian, or custodian are financially unable to obtain adequate representation. In cases where the juvenile and his parents, guardian, or custodian are financially able to obtain adequate representation but have not retained counsel, the magistrate may assign counsel and order the payment of reasonable attorney's fees or may direct the juvenile, his parents, guardian, or custodian to retain private counsel within a specified period of time.

Appointment
by guardian.

"The magistrate may appoint a guardian ad litem if a parent or guardian of the juvenile is not present, or if the magistrate has reason to believe that the parents or guardian will not cooperate with the juvenile in preparing for trial, or that the interests of the parents or guardian and those of the juvenile are adverse.

"If the juvenile has not been discharged before his initial appearance before the magistrate, the magistrate shall release the juvenile to his parents, guardian, custodian, or other responsible party (including, but not limited to, the director of a shelter-care facility upon their promise to bring such juvenile before the appropriate court when requested by such court unless the magistrate determines, after hearing, at which the juvenile is represented by counsel, that the detention of such juvenile is required to secure his timely appearance before the appropriate court or to insure his safety or that of others."

DETENTION

18 USC 5035.

SEC. 505. Section 5035 of this title is amended to read as follows:

"§ 5035. Detention prior to disposition

"A juvenile alleged to be delinquent may be detained only in a juvenile facility or such other suitable place as the Attorney General

may designate. Whenever possible, detention shall be in a foster home or community based facility located in or near his home community. The Attorney General shall not cause any juvenile alleged to be delinquent to be detained or confined in any institution in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges. Insofar as possible, alleged delinquents shall be kept separate from adjudicated delinquents. Every juvenile in custody shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care and treatment."

SPEEDY TRIAL

SEC. 506. Section 5036 of this title is amended to read as follows: 18 USC 5036.

"§ 5036. Speedy trial

"If an alleged delinquent who is in detention pending trial is not brought to trial within thirty days from the date upon which such detention was begun, the information shall be dismissed on motion of the alleged delinquent or at the direction of the court, unless the Attorney General shows that additional delay was caused by the juvenile or his counsel, or consented to by the juvenile and his counsel, or would be in the interest of justice in the particular case. Delays attributable solely to court calendar congestion may not be considered in the interest of justice. Except in extraordinary circumstances, an information dismissed under this section may not be reinstituted."

DISPOSITION

SEC. 507. Section 5037 is amended to read as follows:

18 USC 5037.

"§ 5037. Dispositional hearing

"(a) If a juvenile is adjudicated delinquent, a separate dispositional hearing shall be held no later than twenty court days after trial unless the court has ordered further study in accordance with subsection (c). Copies of the presentence report shall be provided to the attorneys for both the juvenile and the Government a reasonable time in advance of the hearing.

Presentence
report, avail-
ability of
copies.

"(b) The court may suspend the adjudication of delinquency or the disposition of the delinquent on such conditions as it deems proper, place him on probation, or commit him to the custody of the Attorney General. Probation, commitment, or commitment in accordance with subsection (c) shall not extend beyond the juvenile's twenty-first birthday or the maximum term which could have been imposed on an adult convicted of the same offense, whichever is sooner, unless the juvenile has attained his nineteenth birthday at the time of disposition, in which case probation, commitment, or commitment in accordance with subsection (c) shall not exceed the lesser of two years or the maximum term which could have been imposed on an adult convicted of the same offense.

Probation or
commitment,
term.

"(c) If the court desires more detailed information concerning an alleged or adjudicated delinquent, it may commit him, after notice and hearing at which the juvenile is represented by counsel, to the custody of the Attorney General for observation and study by an appropriate agency. Such observation and study shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information. In the case of an alleged juvenile delinquent, inpatient study may be ordered only

Committal to
Attorney Gen-
eral.

Study.

with the consent of the juvenile and his attorney. The agency shall make a complete study of the alleged or adjudicated delinquent to ascertain his personal traits, his capabilities, his background, any previous delinquency or criminal experience, any mental or physical defect, and any other relevant factors. The Attorney General shall submit to the court and the attorneys for the juvenile and the Government the results of the study within thirty days after the commitment of the juvenile, unless the court grants additional time."

JUVENILE RECORDS

SEC. 508. Section 5038 is added, to read as follows:

18 USC 5038.

"§ 5038. Use of juvenile recordsDisclosure safe-
guard.

"(a) Throughout the juvenile delinquency proceeding the court shall safeguard the records from disclosure. Upon the completion of any juvenile delinquency proceeding whether or not there is an adjudication the district court shall order the entire file and record of such proceeding sealed. After such sealing, the court shall not release these records except to the extent necessary to meet the following circumstances:

Sealed records,
release, ex-
ceptions.

"(1) inquiries received from another court of law;

"(2) inquiries from an agency preparing a presentence report for another court;

"(3) inquiries from law enforcement agencies where the request for information is related to the investigation of a crime or a position within that agency;

"(4) inquiries, in writing, from the director of a treatment agency or the director of a facility to which the juvenile has been committed by the court; and

"(5) inquiries from an agency considering the person for a position immediately and directly affecting the national security.

Unless otherwise authorized by this section, information about the sealed record may not be released when the request for information is related to an application for employment, license, bonding, or any civil right or privilege. Responses to such inquiries shall not be different from responses made about persons who have never been involved in a delinquency proceeding.

"(b) District courts exercising jurisdiction over any juvenile shall inform the juvenile, and his parent or guardian, in writing in clear and nontechnical language, of rights relating to the sealing of his juvenile record.

"(c) During the course of any juvenile delinquency proceeding, all information and records relating to the proceeding, which are obtained or prepared in the discharge of an official duty by an employee of the court or an employee of any other governmental agency, shall not be disclosed directly or indirectly to anyone other than the judge, counsel for the juvenile and the government, or others entitled under this section to receive sealed records.

"(d) Unless a juvenile who is taken into custody is prosecuted as an adult—

"(1) neither the fingerprints nor a photograph shall be taken without the written consent of the judge; and

"(2) neither the name nor picture of any juvenile shall be made public by any medium of public information in connection with a juvenile delinquency proceeding."

September 7, 1974

- 29 -

Pub. Law 93-415

88 STAT. 1138

COMMITMENT

SEC. 509. Section 5039 is added, to read as follows:

“§ 5039. Commitment

18 USC 5039.

“No juvenile committed to the custody of the Attorney General may be placed or retained in an adult jail or correctional institution in which he has regular contact with adults incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

“Every juvenile who has been committed shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, counseling, education, training, and medical care including necessary psychiatric, psychological, or other care and treatment.

“Whenever possible, the Attorney General shall commit a juvenile to a foster home or community-based facility located in or near his home community.”

SUPPORT

SEC. 510. Section 5040 is added, to read as follows:

“§ 5040. Support

18 USC 5040.

“The Attorney General may contract with any public or private agency or individual and such community-based facilities as halfway houses and foster homes for the observation and study and the custody and care of juveniles in his custody. For these purposes, the Attorney General may promulgate such regulations as are necessary and may use the appropriation for ‘support of United States prisoners’ or such other appropriations as he may designate.”

Contract authority.

Regulations.

PAROLE

SEC. 511. Section 5041 is added to read as follows:

“§ 5041. Parole

18 USC 5041.

“The Board of Parole shall release from custody, on such conditions as it deems necessary, each juvenile delinquent who has been committed, as soon as the Board is satisfied that he is likely to remain at liberty without violating the law and when such release would be in the interest of justice.”

REVOCATION

SEC. 512. Section 5042 is added to read as follows:

“§ 5042. Revocation of parole or probation

18 USC 5042.

“Any juvenile parolee or probationer shall be accorded notice and a hearing with counsel before his parole or probation can be revoked.”

Notice and hearing.

SEC. 513. The table of sections of chapter 403 of this title is amended to read as follows:

“Sec.

“5031. Definitions.

“5032. Delinquency proceedings in district courts; transfer for criminal prosecution.

“5033. Custody prior to appearance before magistrate.

“5034. Duties of magistrate.

“5035. Detention prior to disposition.

“5036. Speedy trial.

“5037. Dispositional hearing.

“5038. Use of juvenile records.

“5039. Commitment.

“5040. Support.

“5041. Parole.

“5042. Revocation of parole or probation.”

PART B—NATIONAL INSTITUTE OF CORRECTIONS

SEC. 521. Title 18, United States Code, is amended by adding a new chapter 319 to read as follows:

“CHAPTER 319.—NATIONAL INSTITUTE OF
CORRECTIONS

Establishment.
18 USC 4351.

“SEC. 4351. (a) There is hereby established within the Bureau of Prisons a National Institute of Corrections.

Membership.

“(b) The overall policy and operations of the National Institute of Corrections shall be under the supervision of an Advisory Board. The Board shall consist of sixteen members. The following six individuals shall serve as members of the Commission ex officio: the Director of the Federal Bureau of Prisons or his designee, the Administrator of the Law Enforcement Assistance Administration or his designee, Chairman of the United States Parole Board or his designee, the Director of the Federal Judicial Center or his designee, the Deputy Assistant Administrator for the National Institute for Juvenile Justice and Delinquency Prevention or his designee, and the Assistant Secretary for Human Development of the Department of Health, Education, and Welfare or his designee.

“(c) The remaining ten members of the Board shall be selected as follows:

“(1) Five shall be appointed initially by the Attorney General of the United States for staggered terms; one member shall serve for one year, one member for two years, and three members for three years. Upon the expiration of each member's term, the Attorney General shall appoint successors who will each serve for a term of three years. Each member selected shall be qualified as a practitioner (Federal, State, or local) in the field of corrections, probation, or parole.

“(2) Five shall be appointed initially by the Attorney General of the United States for staggered terms, one member shall serve for one year, three members for two years, and one member for three years.” Upon the expiration of each member's term the Attorney General shall appoint successors who will each serve for a term of three years. Each member selected shall be from the private sector, such as business, labor, and education, having demonstrated an active interest in corrections, probation, or parole.

Compensation for
expenses.

“(d) The members of the Board shall not, by reason of such membership, be deemed officers or employees of the United States. Members of the Commission who are full-time officers or employees of the United States shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of the duties vested in the Board. Other members of the Board shall, while attending meetings of the Board or while engaged in duties related to such meetings or in other activities of the Commission pursuant to this title, be entitled to receive compensation at the rate not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5, United States Code, including travel-time, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence equal to that authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

5 USC 5332
note.

Chairman and
vice-chairman.

“(e) The Board shall elect a chairman from among its members who shall serve for a term of one year. The members of the Board shall also elect one or more members as a vice-chairman.

"(f) The Board is authorized to appoint, without regard to the civil service laws, technical, or other advisory committees to advise the Institute with respect to the administration of this title as it deems appropriate. Members of these committees not otherwise employed by the United States, while engaged in advising the Institute or attending meetings of the committees, shall be entitled to receive compensation at the rate fixed by the Board but not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5, United States Code, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence equal to that authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

Appointment of committees.

5 USC 5332 note.

"(g) The Board is authorized to delegate its powers under this title to such persons as it deems appropriate.

Delegation of powers.
Director.

"(h) The Institute shall be under the supervision of an officer to be known as the Director, who shall be appointed by the Attorney General after consultation with the Board. The Director shall have authority to supervise the organization, employees, enrollees, financial affairs, and all other operations of the Institute and may employ such staff, faculty, and administrative personnel, subject to the civil service and classification laws, as are necessary to the functioning of the Institute. The Director shall have the power to acquire and hold real and personal property for the Institute and may receive gifts, donations, and trusts on behalf of the Institute. The Director shall also have the power to appoint such technical or other advisory councils comprised of consultants to guide and advise the Board. The Director is authorized to delegate his powers under this title to such persons as he deems appropriate.

"SEC. 4352. (a) In addition to the other powers, express and implied, the National Institute of Corrections shall have authority—

Additional authority.
18 USC 4352.

"(1) to receive from or make grants to and enter into contracts with Federal, State, and general units of local government, public and private agencies, educational institutions, organizations, and individuals to carry out the purposes of this chapter;

"(2) to serve as a clearinghouse and information center for the collection, preparation, and dissemination of information on corrections, including, but not limited to, programs for prevention of crime and recidivism, training of corrections personnel, and rehabilitation and treatment of criminal and juvenile offenders;

"(3) to assist and serve in a consulting capacity to Federal, State, and local courts, departments, and agencies in the development, maintenance, and coordination of programs, facilities, and services, training, treatment, and rehabilitation with respect to criminal and juvenile offenders;

"(4) to encourage and assist Federal, State, and local government programs and services, and programs and services of other public and private agencies, institutions, and organizations in their efforts to develop and implement improved corrections programs;

"(5) to devise and conduct, in various geographical locations, seminars, workshops, and training programs for law enforcement officers, judges, and judicial personnel, probation and parole personnel, correctional personnel, welfare workers, and other persons, including lay ex-offenders, and paraprofessional personnel, connected with the treatment and rehabilitation of criminal and juvenile offenders;

"(6) to develop technical training teams to aid in the development of seminars, workshops, and training programs within the several States and with the State and local agencies which work with prisoners, parolees, probationers, and other offenders;

"(7) to conduct, encourage, and coordinate research relating to corrections, including the causes, prevention, diagnosis, and treatment of criminal offenders;

"(8) to formulate and disseminate correctional policy, goals, standards, and recommendations for Federal, State, and local correctional agencies, organizations, institutions, and personnel;

"(9) to conduct evaluation programs which study the effectiveness of new approaches, techniques, systems, programs, and devices employed to improve the corrections system;

"(10) to receive from any Federal department or agency such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions. Each such department or agency is authorized to cooperate with the Institute and shall, to the maximum extent practicable, consult with and furnish information to the Institute;

"(11) to arrange with and reimburse the heads of Federal departments and agencies for the use of personnel, facilities, or equipment of such departments and agencies;

"(12) to confer with and avail itself of the assistance, services, records, and facilities of State and local governments or other public or private agencies, organizations, or individuals;

"(13) to enter into contracts with public or private agencies, organizations, or individuals, for the performance of any of the functions of the Institute; and

"(14) to procure the services of experts and consultants in accordance with section 3109 of title 5 of the United States Code, at rates of compensation not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5 of the United States Code.

"(b) The Institute shall on or before the 31st day of December of each year submit an annual report for the preceding fiscal year to the President and to the Congress. The report shall include a comprehensive and detailed report of the Institute's operations, activities, financial condition, and accomplishments under this title and may include such recommendations related to corrections as the Institute deems appropriate.

"(c) Each recipient of assistance under this shall keep such records as the Institute shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(d) The Institute, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for purposes of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this chapter.

"(e) The provision of this section shall apply to all recipients of assistance under this title, whether by direct grant or contract from the Institute or by subgrant or subcontract from primary grantees or contractors of the Institute.

"SEC. 4353. There is hereby authorized to be appropriated such funds as may be required to carry out the purposes of this chapter."

Contracts.

Experts and
consultants.

5 USC 5332 note.
Annual report to
President and
Congress.

Recordkeeping.

Audit.

Appropriation.
18 USC 4353.

September 7, 1974

- 33 -

Pub. Law 93-415

88 STAT. 1142

PART C—CONFORMING AMENDMENTS

SEC. 541. (a) The section titled "DECLARATION AND PURPOSE" in title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 197; 84 Stat. 1881; 87 Stat. 197), is amended by inserting immediately after the second paragraph thereof the following new paragraph: 42 USC 3701.

"Congress finds further that the high incidence of delinquency in the United States today results in enormous annual cost and immeasurable loss in human life, personal security, and wasted human resources, and that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent delinquency."

(b) Such section is further amended by adding at the end thereof the following new paragraph:

"It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination to (1) develop and implement effective methods of preventing and reducing juvenile delinquency; (2) to develop and conduct effective programs to prevent delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization; (3) to improve the quality of juvenile justice in the United States; and (4) to increase the capacity of State and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of juvenile justice and delinquency prevention."

SEC. 542. The third sentence of section 203(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as amended (82 Stat. 197; 84 Stat. 1881; 87 Stat. 197), is amended to read as follows: "The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement and criminal justice agencies including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, and public agencies maintaining programs to reduce and control crime, and shall include representatives of citizens, professional, and community organizations including organizations directly related to delinquency prevention." 42 USC 3723.

SEC. 543. Section 303(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after the first sentence the following: "In order to receive formula grants under the Juvenile Justice and Delinquency Prevention Act of 1974 a State shall submit a plan for carrying out the purposes of that Act in accordance with this section and section 223 of that Act." 42 USC 3733.

SEC. 544. Section 520 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by (1) inserting "(a)" after "Sec. 520." and (2) by inserting at the end thereof the following: 42 USC 3768.

"(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall expend from other Law Enforcement Assistance Administration appropriations, other than the appropriations for administration, at least the same level of financial assistance for juvenile delinquency programs as was expended by the Administration during fiscal year 1972." Ante, p. 1119.

SEC. 545. Part F of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new sections: 42 USC 3751.

42 USC 3772.

"SEC. 526. The Administrator is authorized to accept and employ, in carrying out the provisions of this Act, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

42 USC 3773.

"SEC. 527. All programs concerned with juvenile delinquency and administered by the Administration shall be administered or subject to the policy direction of the office established by section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974.

Ante, p. 1112.

42 USC 3774.

"SEC. 528. (a) The Administrator is authorized to select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him and to prescribe their functions.

"(b) Notwithstanding the provisions of section 5108 of title 5, United States Code, and without prejudice with respect to the number of positions otherwise placed in the Administration under such section 5108, the Administrator may place three positions in GS-16, GS-17, and GS-18 under section 5332 of such title 5."

5 USC 5332
note.

Approved September 7, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-1135 accompanying H. R. 15276 (Comm. on Education and Labor) and No. 93-1298 (Comm. of Conference).

SENATE REPORTS: No. 93-1011 (Comm. on the Judiciary) and No. 1103 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 120 (1974):

July 1, H. R. 15276 considered and passed House.

July 25, considered and passed Senate.

July 31, considered and passed House, amended, in lieu of H. R. 15276.

Aug. 19, Senate agreed to conference report.

Aug. 21, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 10, No. 37:

Sept. 8, Presidential statement.



Public Law 93-428
93rd Congress, H. R. 12000
October 1, 1974

An Act

88 STAT. 1171

To enable egg producers to establish, finance, and carry out a coordinated program of research, producer and consumer education, and promotion to improve, maintain, and develop markets for eggs, egg products, spent fowl, and products of spent fowl.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. That this Act shall be known as the "Egg Research and Consumer Information Act."

LEGISLATIVE FINDINGS AND DECLARATION OF POLICY

SEC. 2. Eggs constitute one of the basic, natural foods in the diet. They are produced by many individual egg producers throughout the United States. Egg products, spent fowl, and products of spent fowl are derivatives of egg production. These products move in interstate and foreign commerce and those which do not move in such channels of commerce directly burden or affect interstate commerce of these products. The maintenance and expansion of existing markets and the development of new or improved markets and uses are vital to the welfare of egg producers and those concerned with marketing, using, and processing eggs as well as the general economy of the Nation. The production and marketing of these products by numerous individual egg producers have prevented the development and carrying out of adequate and coordinated programs of research and promotion necessary for the maintenance of markets and the development of new products of, and markets for, eggs, egg products, spent fowl, and products of spent fowl. Without an effective and coordinated method for assuring cooperative and collective action in providing for and financing such programs, individual egg producers are unable to provide, obtain, or carry out the research, consumer and producer information, and promotion necessary to maintain and improve markets for any or all of these products.

It has long been recognized that it is in the public interest to provide an adequate, steady supply of fresh eggs readily available to the consumers of the Nation. Maintenance of markets and the development of new markets, both domestic and foreign, are essential to the egg industry if the consumers of eggs, egg products, spent fowl, or products of spent fowl are to be assured of an adequate, steady supply of such products.

It is therefore declared to be the policy of the Congress and the purpose of this Act that it is essential and in the public interest, through the exercise of the powers provided herein, to authorize and enable the establishment of an orderly procedure for the development and the financing through an adequate assessment, an effective and continuous coordinated program of research, consumer and producer education, and promotion designed to strengthen the egg industry's position in the marketplace, and maintain and expand domestic and foreign markets and uses for eggs, egg products, spent fowl, and products of spent fowl of the United States. Nothing in this Act shall be construed to mean, or provide for, control of production or otherwise limit the right of individual egg producers to produce commercial eggs.

Egg Research
and Consumer
Information
Act.
7 USC 2701
note.

7 USC 2701.

DEFINITIONS

7 USC 2702.

SEC. 3. As used in this Act—

(a) The term "Secretary" means the Secretary of Agriculture or any other officer or employee of the Department of Agriculture to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

(b) The term "person" means any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity.

(c) The term "commercial eggs" "or eggs" means eggs from domesticated chickens which are sold for human consumption either in shell egg form or for further processing into egg products.

(d) The term "hen" or "laying hen" means a domesticated female chicken twenty weeks of age or over, raised primarily for the production of commercial eggs.

(e) The term "egg producer" means the person owning laying hens engaged in the production of commercial eggs.

(f) The term "case" means a standard shipping package containing thirty dozen eggs.

(g) The term "hatching eggs" means eggs intended for use by hatcheries for the production of baby chicks.

(h) The term "United States" means the forty-eight contiguous States of the United States of America and the District of Columbia.

(i) The term "promotion" means any action, including paid advertising, to advance the image or desirability of eggs, egg products, spent fowl, or products of spent fowl.

(j) The term "research" means any type of research to advance the image, desirability, marketability, production, or quality of eggs, egg products, spent fowl, or products of spent fowl.

(k) The term "consumer education" means any action to advance the image or desirability of eggs, egg products, spent fowl, or products of spent fowl.

(l) The term "marketing" means the sale or other disposition of commercial eggs, egg products, spent fowl, or products of spent fowl, in any channel of commerce.

(m) The term "commerce" means interstate, foreign, or intrastate commerce.

(n) The term "egg products" means products produced, in whole or in part, from eggs.

(o) The term "spent fowl" means hens which have been in production of commercial eggs and have been removed from such production for slaughter.

(p) The term "products of spent fowl" means commercial products produced from spent fowl.

(q) The term "hatchery operator" means any person engaged in the production of egg-type baby chicks.

(r) The term "started pullet" means a hen less than twenty weeks of age.

(s) The term "started pullet dealer" means any person engaged in the sale of started pullets.

(t) The term "handler" means any person, specified in the order or the rules and regulations issued thereunder, who receives or otherwise acquires eggs from an egg producer, and processes, prepares for marketing, or markets, such eggs, including eggs of his own production.

EGG RESEARCH AND PROMOTION ORDERS

7 USC 2703.

SEC. 4. To effectuate the declared policy of this Act, the Secretary shall, subject to the provisions of this Act, issue and from time to time amend, orders applicable to persons engaged in the hatching and/or

October 1, 1974

- 3 -

Pub. Law 93-428

88 STAT., 1173

sale of egg-type baby chicks and started pullets, persons engaged in the production of commercial eggs and persons who receive or otherwise acquire eggs from such persons and who process, prepare for market, or market such eggs, including eggs of their own production, and persons engaged in the purchase, sale or processing of spent fowl. Such orders shall be applicable to all production or marketing areas, or both, in the United States.

NOTICE AND HEARING

SEC. 5. Whenever the Secretary has reason to believe that the issuance of an order will tend to effectuate the declared policy of this Act, he shall give due notice and opportunity for hearing upon a proposed order. Such hearing may be requested and proposal for an order submitted by an organization certified pursuant to section 16 of this Act, or by any interested person affected by the provisions of this Act, including the Secretary.

7 USC 2704.

FINDING AND ISSUANCE OF AN ORDER

SEC. 6. After notice and opportunity for hearing as provided in section 5, the Secretary shall issue an order if he finds, and sets forth in such order, upon the evidence introduced at such hearing, that the issuance of such order and all the terms and conditions thereof will tend to effectuate the declared policy of this Act.

7 USC 2705.

PERMISSIVE TERMS IN ORDERS

SEC. 7. Orders issued pursuant to this Act shall contain one or more of the following terms and conditions, and except as provided in section 8, no others.

7 USC 2706.

(a) Providing for the establishment, issuance, effectuation, and administration of appropriate plans or projects for advertising, sales promotion, and consumer education with respect to the use of eggs, egg products, spent fowl, and products of spent fowl, and for the disbursement of necessary funds for such purposes: *Provided, however,* That any such plan or project shall be directed toward increasing the general demand for eggs, egg products, spent fowl, or products of spent fowl. No reference to a private brand or trade name shall be made if the Secretary determines that such reference will result in undue discrimination against eggs, egg products, spent fowl, or products of spent fowl of other persons: *And provided further,* That no such advertising, consumer education, or sales promotion programs shall make use of unfair or deceptive acts or practices in behalf of eggs, egg products, spent fowl, or products of spent fowl or unfair or deceptive acts or practices with respect to quality, value, or use of any competing product.

Advertising, sales projects, and consumer education plans.

Private brand or trade name, prohibition of use. Unfair or deceptive acts.

(b) Providing for, establishing, and carrying on research, marketing, and development projects, and studies with respect to sale, distribution, marketing, utilization, or production of eggs, egg products, spent fowl, and products of spent fowl, and the creation of new products thereof, to the end that the marketing and utilization of eggs, egg products, spent fowl, and products of spent fowl may be encouraged, expanded, improved or made more acceptable, and the data collected by such activities may be disseminated and for the disbursement of necessary funds for such purposes.

Research, marketing, and development projects.

(c) Providing that hatchery operators, persons engaged in the sale of egg-type baby chicks and started pullet dealers, persons engaged in the production of commercial eggs and persons who receive or otherwise acquire eggs from such persons and who process, prepare

Recordkeeping, availability of data.

for market, or market such eggs, including eggs of their own production, and persons engaged in the purchase, sale, or processing of spent fowl, maintain and make available for the inspection such books and records as may be required by any order issued pursuant to this Act and for the filing of reports by such persons at the time, in the manner, and having content prescribed by the order, to the end that information and data shall be made available to the Egg Board and to the Secretary which is appropriate or necessary to the effectuation, administration or enforcement of the Act, or of any order or regulation issued pursuant to this Act: *Provided, however,* That all information so obtained shall be kept confidential by all officers and employees of the Department of Agriculture, the Egg Board, and by all officers and employees of contracting agencies having access to such information, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving the order with reference to which the information so to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit (1) the issuance of general statements based upon the reports of the number of persons subject to an order or statistical data collected therefrom, which statements do not identify the information furnished by any person, (2) the publication, by direction of the Secretary, of general statements relating to refunds made by the Egg Board during any specific period, or (3) the publication by direction of the Secretary of the name of any person violating any order, together with a statement of the particular provisions of the order violated by such person. Any such officer or employee violating the provision of this subsection shall, upon conviction, be subjected to a fine of not more than \$1,000 or to imprisonment for not more than one year, or to both, and if an officer or employee of the Egg Board or Department of Agriculture shall be removed from office.

(d) Terms and conditions incidental to and not inconsistent with the terms and conditions specified in this Act and necessary to effectuate the other provisions of such order.

REQUIRED TERMS IN ORDERS

SEC. 8. Orders issued pursuant to this Act shall contain the following conditions: (a) Providing for the establishment and appointment, by the Secretary, of an Egg Board which shall consist of not more than eighteen members, and alternates therefor, and defining its powers and duties which shall include only the powers (1) to administer such order in accordance with its terms and provisions, (2) to make rules and regulations to effectuate the terms and provisions of such order, (3) to receive, investigate and report to the Secretary complaints of violations of such order, and (4) to recommend to the Secretary amendments to such order. The term of an appointment to the Egg Board shall be for two years with no member serving more than three consecutive terms, except that initial appointment shall be proportionately for two-year and three-year terms.

(b) Providing that the Egg Board, and alternates therefor, shall be composed of egg producers or representatives of egg producers appointed by the Secretary from nominations submitted by eligible organizations, associations, or cooperatives, and certified pursuant to section 16, or, if the Secretary determines that a substantial number of egg producers are not members of or their interests are not represented by any such eligible organizations, associations or cooperatives, then from nominations made by such egg producers in the manner

Confidential
information.

Violation,
penalty.

Terms and con-
ditions.

7 USC 2707.
Egg Board.
Establishment,
membership.

Terms.

October 1, 1974

- 5 -

Pub. Law 93-428

88 STAT. 1175

authorized by the Secretary, so that the representation of egg producers on the Board shall reflect, to the extent practicable, the proportion of eggs produced in each geographic area of the United States as defined by the Secretary: *Provided, however*, That each such egg producing geographic area shall be entitled to at least one representative on the Egg Board.

(c) Providing that the Egg Board shall, subject to the provisions of subsection (g) of this section, develop and submit to the Secretary for his approval any advertising, sales promotion, consumer education, research, and development plans or projects, and that any such plan or project must be approved by the Secretary before becoming effective.

Plans or projects, submitted to Secretary.

(d) Providing that the Egg Board shall, subject to the provisions of subsection (g) of this section, submit to the Secretary for his approval budgets on a fiscal period basis of its anticipated expenses and disbursements in the administration of the order, including probable costs of advertising, promotion, consumer education, research, and development projects.

Budgets, submitted to Secretary.

(e) Providing that each egg producer shall pay to the handler of eggs designated by the order of the Egg Board pursuant to regulations issued under the order, an assessment based upon the number of cases of commercial eggs handled for the account of such producer, in the manner as prescribed by the order, for such expenses and expenditures—including provision for a reasonable reserve and those administrative costs incurred by the Department after an order has been promulgated under this Act—as the Secretary finds are reasonable and likely to be incurred by the Egg Board under the order during any period specified by him. Such handler shall collect such assessment from the producer and shall pay the same to the Egg Board in the manner as prescribed by the order. The rate of assessment prescribed by the order shall not exceed 5 cents per case of commercial eggs or the equivalent thereof. To facilitate the collection of such assessments, the order of the Egg Board may designate different handlers or classes of handlers to recognize differences in marketing practices or procedures utilized in the industry. The Secretary may maintain a suit against any person subject to the order for the collection of such assessment, and the several district courts of the United States are hereby vested with jurisdiction to entertain such suits regardless of the amount in controversy.

Assessment payments to egg handlers.

Rate limitation.

(f) Providing that the Egg Board shall maintain such books and records and prepare and submit such reports from time to time, to the Secretary as he may prescribe, and for appropriate accounting by the Egg Board with respect to the receipt and disbursement of all funds entrusted to it.

Recordkeeping; reports to Secretary.

(g) Providing that the Egg Board, with the approval of the Secretary, may enter into contracts or agreements for development and carrying out of the activities authorized under the order pursuant to section 7 (a) and (b) and for the payment of the cost thereof with funds collected pursuant to the order. Any such contract or agreement shall provide that such contractors shall develop and submit to the Egg Board a plan or project together with a budget or budgets which shall show estimated costs to be incurred for such plan or project, and that any such plan or project shall become effective upon the approval of the Secretary, and further, shall provide that the contracting party shall keep accurate records of all of its transactions and make periodic reports to the Egg Board of activities carried out and an accounting for funds received and expended, and such other reports as the Secretary may require.

Contracts or agreements.

Reports to Egg Board.

Collected funds, use restriction. (h) Providing that no funds collected by the Egg Board under the order shall in any manner be used for the purpose of influencing governmental policy or action, except as provided by subsection (a) (4) of this section.

Expenses, reimbursement. (i) Providing the Board members, and alternates therefor, shall serve without compensation, but shall be reimbursed for their reasonable expenses incurred in performing their duties as members of the Board.

REQUIREMENT OF REFERENDUM AND EGG PRODUCER APPROVAL

7 USC 2708. SEC. 9. The Secretary shall conduct a referendum among egg producers not exempt hereunder who, during a representative period determined by the Secretary, have been engaged in the production of commercial eggs, for the purpose of ascertaining whether the issuance of an order is approved or favored by such producers. No order issued pursuant to this Act shall be effective unless the Secretary determines that the issuance of such order is approved or favored by not less than two-thirds of the producers voting in such referendum, or by a majority of the producers voting in such referendum if such majority produced not less than two-thirds of the commercial eggs produced during a representative period defined by the Secretary.

SUSPENSION AND TERMINATION OF ORDERS

7 USC 2709. SEC. 10. (a) The Secretary shall, whenever he finds that any order issued under this Act, or any provisions thereof, obstructs or does not tend to effectuate the declared policy of this Act, terminate or suspend the operation of such order or such provisions thereof.

(b) The Secretary may conduct a referendum at any time, and shall hold a referendum on request of 10 per centum or more of the number of egg producers voting in the referendum approving the order, to determine whether such producers favor the termination or suspension of the order, and he shall suspend or terminate such order six months after he determines that suspension or termination of the order is approved or favored by a majority of the egg producers voting in such referendum who, during a representative period determined by the Secretary, have been engaged in the production of commercial eggs, and who produced more than 50 per centum of the volume of eggs produced by the egg producers voting in the referendum.

(c) The termination or suspension of any order, or any provision thereof, shall not be considered an order within the meaning of this Act.

PROVISIONS APPLICABLE TO AMENDMENTS

7 USC 2710. SEC. 11. The provisions of this Act applicable to orders shall be applicable to amendments to orders.

EXEMPTIONS

7 USC 2711. SEC. 12. The following may be exempt from specific provisions of this Act under such conditions and procedures as may be prescribed in the order or rules and regulations issued thereunder:

laying hens. (a) Any egg producer whose aggregate number of laying hens at any time during a three-consecutive-month period immediately prior to the date assessments are due and payable has not exceeded three thousand laying hens.

breeding hens. (b) Any flock of breeding hens whose production of eggs is primarily utilized for the hatching of baby chicks.

October 1, 1974

- 7 -

Pub. Law 93-428

68 STAT. 1177

PRODUCER REFUND

SEC. 13. Notwithstanding any other provisions of this Act, any egg producer against whose commercial eggs any assessment is made and collected from him under authority of this Act and who is not in favor of supporting the programs as provided for herein shall have the right to demand and receive from the Egg Board a refund of such assessment: *Provided*, That such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the Board and approved by the Secretary but in no event more than ninety days after the end of the month in which the assessments are due and collectable, and upon submission of proof satisfactory to the Board that the producer paid the assessment for which refund is sought, and any such refund shall be made within sixty days after demand is received therefor.

7 USC 2712.

PETITION AND REVIEW

SEC. 14. (a) Any person subject to any order may file a written petition with the Secretary, stating that any such order or any provisions of such order or any obligations imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary. After such hearing, the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

7 USC 2713.

Hearing.

(b) The district courts of the United States in any district in which such person is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling, provided a complaint for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering to him a copy of the complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to subsection (a) of this section shall not impede, hinder, or delay the United States or the Secretary from obtaining relief pursuant to section 15(a) of this Act.

Jurisdiction.

ENFORCEMENT

SEC. 15. (a) The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating any order or regulation made or issued pursuant to this Act. Any civil action authorized to be brought under this Act shall be referred to the Attorney General for appropriate action: *Provided*, That nothing in this Act shall be construed as requiring the Secretary to refer to the Attorney General minor violations of this Act whenever he believes that the administration and enforcement of the program would be adequately served by suitable written notice or warning to any person committing such violation.

7 USC 2714.

Civil action,
referral to
Attorney Gen-
eral.

(b) Any egg producer or other person who willfully violates any provision of any order issued by the Secretary under this Act, or who willfully fails or refuses to collect or remit any assessment or fee duly required of him thereunder, shall be liable to a penalty of not more than \$1,000 for each such offense which shall accrue to the United

Violation,
penalty.

States and may be recovered in a civil suit brought by the United States: *Provided*, That (a) and (b) of this section shall be in addition to, and not exclusive of, the remedies provided now or hereafter existing at law or in equity.

CERTIFICATION OF ORGANIZATIONS

7 USC 2715.

Report.

SEC. 16. The eligibility of any organization to represent commercial egg producers of any egg producing area of the United States to request the issuance of an order under section 5, and to participate in the making of nominations under section 8(b) shall be certified by the Secretary. Certification shall be based, in addition to other available information, upon a factual report submitted by the organization which shall contain information deemed relevant and specified by the Secretary for the making of such determination, including, but not limited to, the following:

(a) Geographic territory covered by the organization's active membership,

(b) Nature and size of the organization's active membership, proportion of total of such active membership accounted for by producers of commercial eggs, a chart showing the egg production by State in which the organization has members, and the volume of commercial eggs produced by the organization's active membership in each such State,

(c) The extent to which the commercial egg producer membership of such organization is represented in setting the organization's policies,

(d) Evidence of stability and permanency of the organization,

(e) Sources from which the organization's operating funds are derived,

(f) Functions of the organization, and

(g) The organization's ability and willingness to further the aims and objectives of this Act: *Provided, however*, That the primary consideration in determining the eligibility of an organization shall be whether its commercial egg producer membership consists of a substantial number of egg producers who produce a substantial volume of commercial eggs. The Secretary shall certify any organization which he finds to be eligible under this section and his determination as to eligibility shall be final. Where more than one organization is certified in any geographic area, such organizations may caucus to determine the area's nominations under section 8(b).

REGULATIONS

7 USC 2716.

SEC. 17. The Secretary is authorized to make regulations with force and effect of law, as may be necessary to carry out the provisions of this Act and the powers vested in him by this Act.

INVESTIGATIONS; POWER TO SUBPENA AND TAKE OATHS AND AFFIRMATIONS; AID OF COURTS

7 USC 2717.

SEC. 18. The Secretary may make such investigations as he deems necessary for the effective carrying out of his responsibilities under this Act or to determine whether an egg producer, processor, or other seller of commercial eggs or any other person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provisions of this Act, or of any order, or rule or regulation issued under this Act. For the purpose of such investigation,

October 1, 1974

- 9 -

Pub. Law 93-428

88 STAT. 1179

the Secretary is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpoena to, any person, including an egg producer, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found.

SEPARABILITY

SEC. 19. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby. 7 USC 2701 note.

AUTHORIZATION

SEC. 20. There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated such funds as are necessary to carry out the provisions of this Act. The funds so appropriated shall not be available for payment of the expenses or expenditures of the Egg Board in administering any provisions of any order issued pursuant to the terms of this Act. 7 USC 2718. Expense payments to Egg Board, prohibition.

EFFECTIVE DATE

SEC. 21. This Act shall take effect upon enactment. 7 USC 2701 note.
Approved October 1, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-1032 (Comm. on Agriculture).
SENATE REPORT No. 93-1109 (Comm. on Agriculture and Forestry).
CONGRESSIONAL RECORD, Vol. 120 (1974):
 May 16, considered and passed House.
 Aug. 22, considered and passed Senate, amended.
 Sept. 17, House concurred in Senate amendments.



Public Law 93-438
93rd Congress, H. R. 11510
October 11, 1974

An Act

to reorganize and consolidate certain functions of the Federal Government in a new Energy Research and Development Administration and in a new Nuclear Regulatory Commission in order to promote more efficient management of such functions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Energy Reorganization Act of 1974.

SHORT TITLE

SECTION 1. This Act may be cited as the "Energy Reorganization Act of 1974".

42 USC 5801 note.

DECLARATION OF PURPOSE

SEC. 2. (a) The Congress hereby declares that the general welfare and the common defense and security require effective action to develop, and increase the efficiency and reliability of use of, all energy sources to meet the needs of present and future generations, to increase the productivity of the national economy and strengthen its position in regard to international trade, to make the Nation self-sufficient in energy, to advance the goals of restoring, protecting, and enhancing environmental quality, and to assure public health and safety.

42 USC 5801.

(b) The Congress finds that, to best achieve these objectives, improve government operations, and assure the coordinated and effective development of all energy sources, it is necessary to establish an Energy Research and Development Administration to bring together and direct Federal activities relating to research and development on the various sources of energy, to increase the efficiency and reliability in the use of energy, and to carry out the performance of other functions, including but not limited to the Atomic Energy Commission's military and production activities and its general basic research activities. In establishing an Energy Research and Development Administration to achieve these objectives, the Congress intends that all possible sources of energy be developed consistent with warranted priorities.

Energy Research and Development Administration, establishment.

88 STAT. 1233
88 STAT. 1234

(c) The Congress finds that it is in the public interest that the licensing and related regulatory functions of the Atomic Energy Commission be separated from the performance of the other functions of the Commission, and that this separation be effected in an orderly manner, pursuant to this Act, assuring adequacy of technical and other resources necessary for the performance of each.

Separation of AEC licensing and regulatory functions.

(d) The Congress declares that it is in the public interest and the policy of Congress that small business concerns be given a reasonable opportunity to participate, insofar as is possible, fairly and equitably in grants, contracts, purchases, and other Federal activities relating to research, development, and demonstration of sources of energy efficiency, and utilization and conservation of energy. In carrying out his policy, to the extent practicable, the Administrator shall consult with the Administrator of the Small Business Administration.

Small business participation.

(e) Determination of priorities which are warranted should be based on such considerations as power-related values of an energy source, preservation of material resources, reduction of pollutants, export market potential (including reduction of imports), among others. On such a basis, energy sources warranting priority might include, but not be limited to, the various methods of utilizing solar energy.

Priorities.

TITLE I—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

ESTABLISHMENT

42 USC 5811.

SEC. 101. There is hereby established an independent executive agency to be known as the Energy Research and Development Administration (hereinafter in this Act referred to as the "Administration").

OFFICERS

Administrator.
42 USC 5812.

SEC. 102. (a) There shall be at the head of the Administration an Administrator of Energy Research and Development (hereinafter in this Act referred to as the "Administrator"), who shall be appointed from civilian life by the President by and with the advice and consent of the Senate. A person may not be appointed as Administrator within two years after release from active duty as a commissioned officer of a regular component of an Armed Force. The Administration shall be administered under the supervision and direction of the Administrator, who shall be responsible for the efficient and coordinated management of the Administration.

Deputy
Administrator.
88 STAT. 1234
88 STAT. 1235

(b) There shall be in the Administration a Deputy Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) The President shall appoint the Administrator and Deputy Administrator from among individuals who, by reason of their general background and experience are specially qualified to manage a full range of energy research and development programs.

Assistant
Administrators.

(d) There shall be in the Administration six Assistant Administrators, one of whom shall be responsible for fossil energy, another for nuclear energy, another for environment and safety, another for conservation, another for solar, geothermal, and advanced energy systems, and another for national security. The Assistant Administrators shall be appointed by the President, by and with the advice and consent of the Senate. The President shall appoint each Assistant Administrator from among individuals who, by reason of general background and experience, are specially qualified to manage the energy technology area assigned to such Assistant Administrator.

General Counsel.

(e) There shall be in the Administration a General Counsel who shall be appointed by the Administrator and who shall serve at the pleasure of and be removable by the Administrator.

Additional
officers.

(f) There shall be in the Administration not more than eight additional officers appointed by the Administrator. The positions of such officers shall be considered career positions and be subject to subsection 161 d. of the Atomic Energy Act.

Director of
Military
Application.

(g) The Division of Military Application transferred to and established in the Administration by section 104(d) of this Act shall be under the direction of a Director of Military Application, who shall be appointed by the Administrator and who shall serve at the pleasure of and be removable by the Administrator and shall be an active commissioned officer of the Armed Forces serving in general or flag officer rank or grade. The functions, qualifications, and compensation of the Director of Military Application shall be the same as those provided under the Atomic Energy Act of 1954, as amended, for the Assistant General Manager for Military Application.

42 USC 2011
note.

(h) Officers appointed pursuant to this section shall perform such functions as the Administrator shall specify from time to time. The Administrator shall delegate to one such officer the special responsibility for international cooperation in all energy and related environmental research and development.

International
cooperation.

October 11, 1974

- 3 -

Pub. Law 93-438

(i) The Deputy Administrator (or in the absence or disability of the Deputy Administrator, or in the event of a vacancy in the office of the Deputy Administrator, an Assistant Administrator, the General Counsel or such other official, determined according to such order as the Administrator shall prescribe) shall act for and perform the functions of the Administrator during any absence or disability of the Administrator or in the event of a vacancy in the office of the Administrator.

Order of
succession.

RESPONSIBILITIES OF THE ADMINISTRATOR

Sec. 103. The responsibilities of the Administrator shall include, but not be limited to— 42 USC 5813.

(1) exercising central responsibility for policy planning, coordination, support, and management of research and development programs respecting all energy sources, including assessing the requirements for research and development in regard to various energy sources in relation to near-term and long-range needs, policy planning in regard to meeting those requirements, undertaking programs for the optimal development of the various forms of energy sources, managing such programs, and disseminating information resulting therefrom; 88 STAT.1235
88 STAT.1236

(2) encouraging and conducting research and development, including demonstration of commercial feasibility and practical applications of the extraction, conversion, storage, transmission, and utilization phases related to the development and use of energy from fossil, nuclear, solar, geothermal, and other energy sources;

(3) engaging in and supporting environmental, biomedical, physical, and safety research related to the development of energy sources and utilization technologies;

(4) taking into account the existence, progress, and results of other public and private research and development activities, including those activities of the Federal Energy Administration relating to the development of energy resources using currently available technology in promoting increased utilization of energy resources, relevant to the Administration's mission in formulating its own research and development programs;

(5) participating in and supporting cooperative research and development projects which may involve contributions by public or private persons or agencies, of financial or other resources to the performance of the work;

(6) developing, collecting, distributing, and making available for distribution, scientific and technical information concerning the manufacture or development of energy and its efficient extraction, conversion, transmission, and utilization;

(7) creating and encouraging the development of general information to the public on all energy conservation technologies and energy sources as they become available for general use, and the Administrator, in conjunction with the Administrator of the Federal Energy Administration shall, to the extent practicable, disseminate such information through the use of mass communications;

(8) encouraging and conducting research and development in energy conservation, which shall be directed toward the goals of reducing total energy consumption to the maximum extent practicable, and toward maximum possible improvement in the efficiency of energy use. Development of new and improved con-

servation measures shall be conducted with the goal of the most expeditious possible application of these measures;

(9) encouraging and participating in international cooperation in energy and related environmental research and development;

98 STAT. 1236

98 STAT. 1237

(10) helping to assure an adequate supply of manpower for the accomplishment of energy research and development programs, by sponsoring and assisting in education and training activities in institutions of higher education, vocational schools, and other institutions, and by assuring the collection, analysis, and dissemination of necessary manpower supply and demand data;

(11) encouraging and conducting research and development in clean and renewable energy sources.

ABOLITION AND TRANSFERS

Atomic Energy
Commission.
42 USC 5814.

SEC. 104. (a) The Atomic Energy Commission is hereby abolished. Sections 21 and 22 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2031 and 2032) are repealed.

(b) All other functions of the Commission, the Chairman and members of the Commission, and the officers and components of the Commission are hereby transferred or allowed to lapse pursuant to the provisions of this Act.

(c) There are hereby transferred to and vested in the Administrator all functions of the Atomic Energy Commission, the Chairman and members of the Commission, and the officers and components of the Commission, except as otherwise provided in this Act.

(d) The General Advisory Committee established pursuant to section 26 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2036), the Patent Compensation Board established pursuant to section 157 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2187), and the Divisions of Military Application and Naval Reactors established pursuant to section 25 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2035), are transferred to the Energy Research and Development Administration and the functions of the Commission with respect thereto, and with respect to relations with the Military Liaison Committee established by section 27 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2037), are transferred to the Administrator.

Interior
Department
functions.

(e) There are hereby transferred to and vested in the Administrator such functions of the Secretary of the Interior, the Department of the Interior, and officers and components of such department—

(1) as relate to or are utilized by the Office of Coal Research established pursuant to the Act of July 1, 1960 (74 Stat. 336; 30 U.S.C. 661-668);

(2) as relate to or are utilized in connection with fossil fuel energy research and development programs and related activities conducted by the Bureau of Mines "energy centers" and synthane plant to provide greater efficiency in the extraction, processing, and utilization of energy resources for the purpose of conserving those resources, developing alternative energy resources, such as oil and gas secondary and tertiary recovery, oil shale and synthetic fuels, improving methods of managing energy-related wastes and pollutants, and providing technical guidance needed to establish and administer national energy policies; and

(3) as relate to or are utilized for underground electric power transmission research.

Helium applica-
tions study.

The Administrator shall conduct a study of the potential energy applications of helium and, within six months from the date of the

October 11, 1974

- 5 -

Pub. Law 93-438

enactment of this Act, report to the President and Congress his recommendations concerning the management of the Federal helium programs, as they relate to energy.

(f) There are hereby transferred to and vested in the Administrator such functions of the National Science Foundation as relate to or are utilized in connection with—

(1) solar heating and cooling development; and

(2) geothermal power development.

(g) There are hereby transferred to and vested in the Administrator such functions of the Environmental Protection Agency and the officers and components thereof as relate to or are utilized in connection with research, development, and demonstration, but not assessment or monitoring for regulatory purposes, of alternative automotive power systems.

(h) To the extent necessary or appropriate to perform functions and carry out programs transferred by this Act, the Administrator and Commission may exercise, in relation to the functions so transferred, any authority or part thereof available by law, including appropriation Acts, to the official or agency from which such functions were transferred.

(i) In the exercise of his responsibilities under section 103, the Administrator shall utilize, with their consent, to the fullest extent he determines advisable the technical and management capabilities of other executive agencies having facilities, personnel, or other resources which can assist or advantageously be expanded to assist in carrying out such responsibilities. The Administrator shall consult with the head of each agency with respect to such facilities, personnel, or other resources, and may assign, with their consent, specific programs or projects in energy research and development as appropriate. In making such assignments under this subsection, the head of each such agency shall insure that—

(1) such assignments shall be in addition to and not detract from the basic mission responsibilities of the agency, and

(2) such assignments shall be carried out under such guidance as the Administrator deems appropriate.

ADMINISTRATIVE PROVISIONS

Sec. 105. (a) The Administrator is authorized to prescribe such policies, standards, criteria, procedures, rules, and regulations as he may deem to be necessary or appropriate to perform functions now or hereafter vested in him.

(b) The Administrator shall engage in such policy planning, and perform such program evaluation analyses and other studies, as may be necessary to promote the efficient and coordinated administration of the Administration and properly assess progress toward the achievement of its missions.

(c) Except as otherwise expressly provided by law, the Administrator may delegate any of his functions to such officers and employees of the Administration as he may designate, and may authorize such successive redelegations of such functions as he may deem to be necessary or appropriate.

(d) Except as provided in section 102 and in section 104(d), the Administrator may organize the Administration as he may deem to be necessary or appropriate.

(e) The Administrator is authorized to establish, maintain, alter, or discontinue such State, regional, district, local, or other field offices as he may deem to be necessary or appropriate to perform functions now or hereafter vested in him.

88 STAT. 1238

Report to President and Congress.

National Science Foundation functions.

Environmental Protection Agency functions.

Use of other agencies' capabilities.

Regulations.
42 USC 5815.

Policy planning and evaluation.

Delegation of functions.

Organization.

Field offices.

86 STAT. 1239

Seal.

(f) The Administrator shall cause a seal of office to be made for the Administration of such device as he shall approve, and judicial notice shall be taken of such seal.

Working capital fund.

(g) The Administrator is authorized to establish a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as he shall find to be desirable in the interests of economy and efficiency. There shall be transferred to the fund the stocks of supplies, equipment, assets other than real property, liabilities, and unpaid obligations relating to the services which he determines will be performed through the fund. Appropriations to the fund, in such amounts as may be necessary to provide additional working capital, are authorized. The working capital fund shall recover, from the appropriations and funds for which services are performed, either in advance or by way of reimbursement, amounts which will approximate the costs incurred, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from the sale or exchange of its property, and receipts in payment for loss or damage to property owned by the fund.

Information from other agencies.

(h) Each department, agency, and instrumentality of the executive branch of the Government is authorized to furnish to the Administrator, upon his request, any information or other data which the Administrator deems necessary to carry out his duties under this title.

PERSONNEL AND SERVICES

Appointment and pay.

42 USC 5816.

SEC. 106. (a) The Administrator is authorized to select, appoint, employ, and fix the compensation of such officers and employees, including attorneys, pursuant to section 161 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2201(d)), as are necessary to perform the functions now or hereafter vested in him and to prescribe their functions.

Experts and consultants.

(b) The Administrator is authorized to obtain services as provided by section 3109 of title 5 of the United States Code.

Military personnel.

(c) The Administrator is authorized to provide for participation of military personnel in the performance of his functions. Members of the Army, the Navy, the Air Force, or the Marine Corps may be detailed for service in the Administration by the appropriate military Secretary, pursuant to cooperative agreements with the Secretary, for service in the Administration in positions other than a position the occupant of which must be approved by and with the advice and consent of the Senate.

(d) Appointment, detail, or assignment to, acceptance of, and service in, any appointive or other position in the Administration under this section shall in no way affect the status, office, rank, or grade which such officers or enlisted men may occupy or hold, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. A member so appointed, detailed, or assigned shall not be subject to direction or control by his Armed Force, or any officer thereof, directly or indirectly, with respect to the responsibilities exercised in the position to which appointed, detailed, or assigned.

Transportation and per diem.

(e) The Administrator is authorized to pay transportation expenses, and per diem in lieu of subsistence expenses, in accordance with chapter 57 of title 5 of the United States Code for travel between places of recruitment and duty, and while at places of duty, of persons appointed for emergency, temporary, or seasonal services in the field service of the Administration.

October 11, 1974

- 7 -

Pub. Law 93-438

88 STAT. 1240

(f) The Administrator is authorized to utilize, on a reimbursable basis, the services of any personnel made available by any department, agency, or instrumentality, including any independent agency of the Government.

Personnel of
other agencies.

(g) The Administrator is authorized to establish advisory boards, in accordance with the provisions of the Federal Advisory Committee Act (Public Law 92-463), to advise with and make recommendations to the Administrator on legislation, policies, administration, research, and other matters.

Advisory boards.

5 USC app. I.

(h) The Administrator is authorized to employ persons who are not citizens of the United States in expert, scientific, technical, or professional capacities whenever he deems it in the public interest.

Noncitizens.

POWERS

SEC. 107. (a) The Administrator is authorized to exercise his powers in such manner as to insure the continued conduct of research and development and related activities in areas or fields deemed by the Administrator to be pertinent to the acquisition of an expanded fund of scientific, technical, and practical knowledge in energy matters. To this end, the Administrator is authorized to make arrangements (including contracts, agreements, and loans) for the conduct of research and development activities with private or public institutions or persons, including participation in joint or cooperative projects of a research, developmental, or experimental nature; to make payments (in lump sum or installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments); and generally to take such steps as he may deem necessary or appropriate to perform functions now or hereafter vested in him. Such functions of the Administrator under this Act as are applicable to the nuclear activities transferred pursuant to this title shall be subject to the provisions of the Atomic Energy Act of 1954, as amended, and to other authority applicable to such nuclear activities. The nonnuclear responsibilities and functions of the Administrator referred to in sections 103 and 104 of this Act shall be carried out pursuant to the provisions of this Act, applicable authority existing immediately before the effective date of this Act, or in accordance with the provisions of chapter 4 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2051-2053).

Research and
development.
42 USC 5817.

Contracts, etc.

42 USC 2011
note.

(b) Except for public buildings as defined in the Public Buildings Act of 1959, as amended, and with respect to leased space subject to the provisions of Reorganization Plan Numbered 18 of 1950, the Administrator is authorized to acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain facilities and real property as the Administrator deems to be necessary in and outside of the District of Columbia. Such authority shall apply only to facilities required for the maintenance and operation of laboratories, research and testing sites and facilities, quarters, and related accommodations for employees and dependents of employees of the Administration, and such other special-purpose real property as the Administrator deems to be necessary in and outside the District of Columbia. Title to any property or interest therein, real, personal, or mixed, acquired pursuant to this section, shall be in the United States.

Facilities and
real property.
40 USC 601 note.
5 USC app. II.

(c) (1) The Administrator is authorized to provide, construct, or maintain, as necessary and when not otherwise available, the following for employees and their dependents stationed at remote locations:

Services for
employees at
remote loca-
tions.

(A) Emergency medical services and supplies.

(B) Food and other subsistence supplies.

(C) Messing facilities.

(D) Audiovisual equipment, accessories, and supplies for recreation and training.

(E) Reimbursement for food, clothing, medicine, and other supplies furnished by such employees in emergencies for the temporary relief of distressed persons.

(F) Living and working quarters and facilities.

(G) Transportation for school-age dependents of employees to the nearest appropriate educational facilities.

(2) The furnishing of medical treatment under subparagraph (A) of paragraph (1) and the furnishing of services and supplies under paragraphs (B) and (C) of paragraph (1) shall be at prices reflecting reasonable value as determined by the Administrator.

(3) Proceeds from reimbursements under this section shall be deposited in the Treasury and may be withdrawn by the Administrator to pay directly the cost of such work or services, to repay or make advances to appropriations or funds which do or will bear all or a part of such cost, or to refund excess sums when necessary; except that such payments may be credited to a service or working capital fund otherwise established by law, and used under the law governing such funds, if the fund is available for use by the Administrator for performing the work or services for which payment is received.

Acquisition of
copyrights,
patents, etc.

(d) The Administrator is authorized to acquire any of the following described rights if the property acquired thereby is for use in, or is useful to, the performance of functions vested in him:

(1) Copyrights, patents, and applications for patents, designs, processes, specifications, and data.

(2) Licenses under copyrights, patents, and applications for patents.

(3) Releases, before suit is brought, for past infringement of patents or copyrights.

Dissemination of
information.

(e) Subject to the provisions of chapter 12 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2161-2166), and other applicable law, the Administrator shall disseminate scientific, technical, and practical information acquired pursuant to this title through information programs and other appropriate means, and shall encourage the dissemination of scientific, technical, and practical information relating to energy so as to enlarge the fund of such information and to provide that free interchange of ideas and criticism which is essential to scientific and industrial progress and public understanding.

Gifts and
bequests.

(f) The Administrator is authorized to accept, hold, administer, and utilize gifts, and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Administration. Gifts and bequests of money and proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury and shall be disbursed upon the order of the Administrator. For the purposes of Federal income, estate, and gift taxes, property accepted under this section shall be considered as a gift or bequest to the United States.

INTERIM COORDINATION

Energy Resources
Council,
establishment.
42 USC 5818.

SEC. 108. (a) There is established in the Executive Office of the President an Energy Resources Council. The Council shall be composed of the Secretary of the Interior, the Administrator of the Federal Energy Administration, the Administrator of the Energy Research and Development Administration, the Secretary of State, the Director, Office of Management and Budget, and such other officials of the Federal Government as the President may designate. The President shall designate one of the members of the Council to serve as Chairman.

October 11, 1974

- 9 -

Pub. Law 93-438

88 STAT. 1242

(b) It shall be the duty and function of the Council to—

(1) insure communication and coordination among the agencies of the Federal Government which have responsibilities for the development and implementation of energy policy or for the management of energy resources;

(2) make recommendations to the President and to the Congress for measures to improve the implementation of Federal energy policies or the management of energy resources with particular emphasis upon policies and activities involving two or more Departments or independent agencies; and

(3) advise the President in the preparation of the reorganization recommendations required by section 110 of this Act.

(c) The Chairman of the Council may not refuse to testify before the Congress or any duly authorized committee thereof regarding the duties of the Council or other matters concerning interagency coordination of energy policy and activities.

Testimony before Congress.

(d) This section shall be effective no later than sixty days after the enactment of this Act or such earlier date as the President shall prescribe and publish in the Federal Register, and shall terminate upon enactment of a permanent department responsible for energy and natural resources or two years after such effective date, whichever shall occur first.

Effective date.
Publication in Federal Register.

FUTURE REORGANIZATION

SEC. 109. (a) The President shall transmit to the Congress as promptly as possible, but not later than June 30, 1975, such additional recommendations as he deems advisable for organization of energy and related functions in the Federal Government, including, but not limited to, whether or not there shall be established (1) a Department of Energy and Natural Resources, (2) an Energy Policy Council, and (3) a consolidation in whole or in part of regulatory functions concerning energy.

Report to Congress.
42 USC 5819.

(b) This report shall replace and serve the purposes of the report required by section 15(a)(4) of the Federal Energy Administration Act.

Ante, p. 109.

COORDINATION WITH ENVIRONMENTAL EFFORTS

SEC. 110. The Administrator is authorized to establish programs to utilize research and development performed by other Federal agencies to minimize the adverse environmental effects of energy projects. The Administrator of the Environmental Protection Agency, as well as other affected agencies and departments, shall cooperate fully with the Administrator in establishing and maintaining such programs, and in establishing appropriate interagency agreements to develop cooperative programs and to avoid unnecessary duplication.

42 USC 5820.

TITLE II—NUCLEAR REGULATORY COMMISSION

ESTABLISHMENT AND TRANSFERS

SEC. 201. (a) There is established an independent regulatory commission to be known as the Nuclear Regulatory Commission which shall be composed of five members, each of whom shall be a citizen of the United States. The President shall designate one member

Members and Chairman.
42 USC 5841.

88 STAT. 1243

of the Commission as Chairman thereof to serve as such during the pleasure of the President. The Chairman may from time to time designate any other member of the Commission as Acting Chairman to act in the place and stead of the Chairman during his absence. The Chairman (or the Acting Chairman in the absence of the Chairman) shall preside at all meetings of the Commission and a quorum for the transaction of business shall consist of at least three members present. Each member of the Commission, including the Chairman, shall have equal responsibility and authority in all decisions and actions of the Commission, shall have full access to all information relating to the performance of his duties or responsibilities, and shall have one vote. Action of the Commission shall be determined by a majority vote of the members present. The Chairman (or Acting Chairman in the absence of the Chairman) shall be the official spokesman of the Commission in its relations with the Congress, Government agencies, persons, or the public, and, on behalf of the Commission, shall see to the faithful execution of the policies and decisions of the Commission, and shall report thereon to the Commission from time to time or as the Commission may direct. The Commission shall have an official seal which shall be judicially noticed.

Seal.

(b) (1) Members of the Commission shall be appointed by the President, by and with the advice and consent of the Senate.

(2) Appointments of members pursuant to this subsection shall be made in such a manner that not more than three members of the Commission shall be members of the same political party.

(c) Each member shall serve for a term of five years, each such term to commence on July 1, except that of the five members first appointed to the Commission, one shall serve for one year, one for two years, one for three years, one for four years, and one for five years, to be designated by the President at the time of appointment.

Submission
of appoint-
ments to
Senate.

(d) Such initial appointments shall be submitted to the Senate within sixty days of the signing of this Act. Any individual who is serving as a member of the Atomic Energy Commission at the time of the enactment of this Act, and who may be appointed by the President to the Commission, shall be appointed for a term designated by the President, but which term shall terminate not later than the end of his present term as a member of the Atomic Energy Commission, without regard to the requirements of subsection (b)(2) of this section. Any subsequent appointment of such individuals shall be subject to the provisions of this section.

(e) Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. No member of the Commission shall engage in any business, vocation, or employment other than that of serving as a member of the Commission.

Transfer of
AEC functions
and personnel.

(f) There are hereby transferred to the Commission all the licensing and related regulatory functions of the Atomic Energy Commission, the Chairman and members of the Commission, the General Counsel, and other officers and components of the Commission—which functions officers, components, and personnel are excepted from the transfer to the Administrator by section 104(c) of this Act.

Additional
transfers.

(g) In addition to other functions and personnel transferred to the Commission, there are also transferred to the Commission—

(1) the functions of the Atomic Safety and Licensing Board Panel and the Atomic Safety and Licensing Appeal Board;

(2) such personnel as the Director of the Office of Management and Budget determines are necessary for exercising responsibili-

October 11, 1974

- 11 -

Pub. Law 93-438

88 STAT. 1244

ties under section 205, relating to, research, for the purpose of confirmatory assessment relating to licensing and other regulation under the provisions of the Atomic Energy Act of 1954, as amended, and of this Act.

42 USC 2011
note.

LICENSING AND RELATED REGULATORY FUNCTIONS RESPECTING SELECTED
ADMINISTRATION FACILITIES

SEC. 202. Notwithstanding the exclusions provided for in section 110 a. or any other provisions of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2140(a)), the Nuclear Regulatory Commission shall, except as otherwise specifically provided by section 110 b. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2140(b)), or other law, have licensing and related regulatory authority pursuant to chapters 6, 7, 8, and 10 of the Atomic Energy Act of 1954, as amended, as to the following facilities of the Administration:

42 USC 5842.

(1) Demonstration Liquid Metal Fast Breeder reactors when operated as part of the power generation facilities of an electric utility system, or when operated in any other manner for the purpose of demonstrating the suitability for commercial application of such a reactor.

42 USC 2071-
2112, 2131-
2140.

(2) Other demonstration nuclear reactors—except those in existence on the effective date of this Act—when operated as part of the power generation facilities of an electric utility system, or when operated in any other manner for the purpose of demonstrating the suitability for commercial application of such a reactor.

(3) Facilities used primarily for the receipt and storage of high-level radioactive wastes resulting from activities licensed under such Act.

(4) Retrievable Surface Storage Facilities and other facilities authorized for the express purpose of subsequent long-term storage of high-level radioactive waste generated by the Administration, which are not used for, or are part of, research and development activities.

OFFICE OF NUCLEAR REACTOR REGULATION

SEC. 203. (a) There is hereby established in the Commission an Office of Nuclear Reactor Regulation under the direction of a Director of Nuclear Reactor Regulation, who shall be appointed by the Commission, who may report directly to the Commission, as provided in section 209, and who shall serve at the pleasure of and be removable by the Commission.

Establishment.
42 USC 5843.
Director.

(b) Subject to the provisions of this Act, the Director of Nuclear Reactor Regulation shall perform such functions as the Commission shall delegate including:

Functions.

(1) Principal licensing and regulation involving all facilities, and materials licensed under the Atomic Energy Act of 1954, as amended, associated with the construction and operation of nuclear reactors licensed under the Atomic Energy Act of 1954, as amended;

42 USC 2011
note.

(2) Review the safety and safeguards of all such facilities, materials, and activities, and such review functions shall include, but not be limited to—

(A) monitoring, testing and recommending upgrading of systems designed to prevent substantial health or safety hazards; and

(B) evaluating methods of transporting special nuclear and other nuclear materials and of transporting and storing high-level radioactive wastes to prevent radiation hazards to employees and the general public.

(3) Recommend research necessary for the discharge of the functions of the Commission.

(c) Nothing in this section shall be construed to limit in any way the functions of the Administration relating to the safe operation of all facilities resulting from all activities within the jurisdiction of the Administration pursuant to this Act.

OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS

Establishment.
42 USC 5844.
Director.

SEC. 204. (a) There is hereby established in the Commission an Office of Nuclear Material Safety and Safeguards under the direction of a Director of Nuclear Material Safety and Safeguards, who shall be appointed by the Commission, who may report directly to the Commission as provided in section 209, and who shall serve at the pleasure of and be removable by the Commission.

Functions.

(b) Subject to the provisions of this Act, the Director of Nuclear Material Safety and Safeguards shall perform such functions as the Commission shall delegate including:

42 USC 2011
note.

(1) Principal licensing and regulation involving all facilities and materials, licensed under the Atomic Energy Act of 1954, as amended, associated with the processing, transport, and handling of nuclear materials, including the provision and maintenance of safeguards against threats, thefts, and sabotage of such licensed facilities, and materials.

(2) Review safety and safeguards of all such facilities and materials licensed under the Atomic Energy Act of 1954, as amended, and such review shall include, but not be limited to—

(A) monitoring, testing, and recommending upgrading of internal accounting systems for special nuclear and other nuclear materials licensed under the Atomic Energy Act of 1954, as amended;

(B) developing, in consultation and coordination with the Administration, contingency plans for dealing with threats, thefts, and sabotage relating to special nuclear materials, high-level radioactive wastes and nuclear facilities resulting from all activities licensed under the Atomic Energy Act of 1954, as amended;

(C) assessing the need for, and the feasibility of, establishing a security agency within the office for the performance of the safeguards functions, and a report with recommendations on this matter shall be prepared within one year of the effective date of this Act and promptly transmitted to the Congress by the Commission.

Report to
Congress.

(3) Recommending research to enable the Commission to more effectively perform its functions.

(c) Nothing in this section shall be construed to limit in any way the functions of the Administration relating to the safeguarding of special nuclear materials, high-level radioactive wastes and nuclear

October 11, 1974

- 13 -

Pub. Law 93-438

88 STAT. 1246

facilities resulting from all activities within the jurisdiction of the Administration pursuant to this Act.

OFFICE OF NUCLEAR REGULATORY RESEARCH

SEC. 205. (a) There is hereby established in the Commission an Office of Nuclear Regulatory Research under the direction of a Director of Nuclear Regulatory Research, who shall be appointed by the Commission, who may report directly to the Commission as provided in section 209, and who shall serve at the pleasure of and be removable by the Commission.

Establishment.
42 USC 5845.
Director.

(b) Subject to the provisions of this Act, the Director of Nuclear Regulatory Research shall perform such functions as the Commission shall delegate including:

Functions.

(1) Developing recommendations for research deemed necessary for performance by the Commission of its licensing and related regulatory functions.

(2) Engaging in or contracting for research which the Commission deems necessary for the performance of its licensing and related regulatory functions.

(c) The Administrator of the Administration and the head of every other Federal agency shall—

Cooperation of
Federal agencies.

(1) cooperate with respect to the establishment of priorities for the furnishing of such research services as requested by the Commission for the conduct of its functions;

(2) furnish to the Commission, on a reimbursable basis, through their own facilities or by contract or other arrangement, such research services as the Commission deems necessary and requests for the performance of its functions; and

(3) consult and cooperate with the Commission on research and development matters of mutual interest and provide such information and physical access to its facilities as will assist the Commission in acquiring the expertise necessary to perform its licensing and related regulatory functions.

(d) Nothing in subsections (a) and (b) of this section or section 201 of this Act shall be construed to limit in any way the functions of the Administration relating to the safety of activities within the jurisdiction of the Administration.

(e) Each Federal agency, subject to the provisions of existing law, shall cooperate with the Commission and provide such information and research services, on a reimbursable basis, as it may have or be reasonably able to acquire.

Information and
research ser-
vices.

NONCOMPLIANCE

SEC. 206. (a) Any individual director, or responsible officer of a firm constructing, owning, operating, or supplying the components of any facility or activity which is licensed or otherwise regulated pursuant to the Atomic Energy Act of 1954 as amended, or pursuant to this Act, who obtains information reasonably indicating that such facility or activity or basic components supplied to such facility or activity—

42 USC 5846.

(1) fails to comply with the Atomic Energy Act of 1954, as amended, or any applicable rule, regulation, order, or license of the Commission relating to substantial safety hazards, or

(2) contains a defect which could create a substantial safety hazard, as defined by regulations which the Commission shall promulgate,

42 USC 2011
note.

88 STAT. 1247

shall immediately notify the Commission of such failure to comply, or of such defect, unless such person has actual knowledge that the Commission has been adequately informed of such defect or failure to comply.

Penalty.

(b) Any person who knowingly and consciously fails to provide the notice required by subsection (a) of this section shall be subject to a civil penalty in an amount equal to the amount provided by section 234 of the Atomic Energy Act of 1954, as amended.

42 USC 2282.

Posting of requirements.

(c) The requirements of this section shall be prominently posted on the premises of any facility licensed or otherwise regulated pursuant to the Atomic Energy Act of 1954, as amended.

42 USC 2011 note.

Enforcement.

(d) The Commission is authorized to conduct such reasonable inspections and other enforcement activities as needed to insure compliance with the provisions of this section.

NUCLEAR ENERGY CENTER SITE SURVEY

42 USC 5847.

SEC. 207. (a) (1) The Commission is authorized and directed to make or cause to be made under its direction, a national survey, which shall include consideration of each of the existing or future electric reliability regions, or other appropriate regional areas, to locate and identify possible nuclear energy center sites. This survey shall be conducted in cooperation with other interested Federal, State, and local agencies, and the views of interested persons, including electric utilities, citizens' groups, and others, shall be solicited and considered.

Federal-State-local cooperation.

Solicitation of views.

Definition.

(2) For purposes of this section, the term "nuclear energy center site" means any site, including a site not restricted to land, large enough to support utility operations or other elements of the total nuclear fuel cycle, or both including, if appropriate, nuclear fuel reprocessing facilities, nuclear fuel fabrication plants, retrievable nuclear waste storage facilities, and uranium enrichment facilities.

(3) The survey shall include—

(a) a regional evaluation of natural resources, including land, air, and water resources, available for use in connection with nuclear energy center sites; estimates of future electric power requirements that can be served by each nuclear energy center site; an assessment of the economic impact of each nuclear energy site; and consideration of any other relevant factors, including but not limited to population distribution, proximity to electric load centers and to other elements of the fuel cycle, transmission line rights-of-way, and the availability of other fuel resources;

(b) an evaluation of the environmental impact likely to result from construction and operation of such nuclear energy centers, including an evaluation whether such nuclear energy centers will result in greater or lesser environmental impact than separate siting of the reactors and/or fuel cycle facilities; and

(c) consideration of the use of federally owned property and other property designated for public use, but excluding national parks, national forests, national wilderness areas, and national historic monuments.

Report to Congress and Council on Environmental Quality; public availability.

(4) A report of the results of the survey shall be published and transmitted to the Congress and the Council on Environmental Quality not later than one year from the date of the enactment of this Act and shall be made available to the public, and shall be updated from time to time thereafter as the Commission, in its discretion, deems advisable. The report shall include the Commission's evaluation of the results of the survey and any conclusions and recommendations, including recommendations for legislation, which the Commission may have concerning the feasibility and practicality of locating nuclear power reactors and/or other elements of the nuclear fuel cycle

October 11, 1974

- 15 -

Pub. Law 93-438

88 STAT. 1248

on nuclear energy center sites. The Commission is authorized to adopt policies which will encourage the location of nuclear power reactors and related fuel cycle facilities on nuclear energy center sites insofar as practicable.

ABNORMAL OCCURRENCE REPORTS

SEC. 208. The Commission shall submit to the Congress each quarter a report listing for that period any abnormal occurrences at or associated with any facility which is licensed or otherwise regulated pursuant to the Atomic Energy Act of 1954 as amended, or pursuant to this Act. For the purposes of this section an abnormal occurrence is an unscheduled incident or event which the Commission determines is significant from the standpoint of public health or safety. Nothing in the preceding sentence shall limit the authority of a court to review the determination of the Commission. Each such report shall contain—

- (1) the date and place of each occurrence;
- (2) the nature and probable consequence of each occurrence;
- (3) the cause or causes of each; and
- (4) any action taken to prevent reoccurrence;

the Commission shall also provide as wide dissemination to the public of the information specified in clauses (1) and (2) of this section as reasonably possible within fifteen days of its receiving information of each abnormal occurrence and shall provide as wide dissemination to the public as reasonably possible of the information specified in clauses (3) and (4) as soon as such information becomes available to it.

Reports to
Congress.
42 USC 5848.
42 USC 2011
note.

Public disse-
mination of
information.

OTHER OFFICERS

SEC. 209. (a) The Commission shall appoint an Executive Director for Operations, who shall serve at the pleasure of and be removable by the Commission.

(b) The Executive Director shall perform such functions as the Commission may direct, except that the Executive Director shall not limit the authority of the director of any component organization provided in this Act to communicate with or report directly to the Commission when such director of a component organization deems it necessary to carry out his responsibilities.

(c) There shall be in the Commission not more than five additional officers appointed by the Commission. The positions of such officers shall be considered career positions and be subject to subsection 161 d. of the Atomic Energy Act.

Executive
Director.
42 USC 5849.
Functions.

Other officers.
42 USC 2201.

TITLE III—MISCELLANEOUS AND TRANSITIONAL PROVISIONS

TRANSITIONAL PROVISIONS

SEC. 301. (a) Except as otherwise provided in this Act, whenever all of the functions or programs of an agency, or other body, or any component thereof, affected by this Act, have been transferred from that agency, or other body, or any component thereof by this Act, the agency, or other body, or component thereof shall lapse. If an agency, or other body, or any component thereof, lapses pursuant to the preceding sentence, each position and office therein which was expressly authorized by law, or the incumbent of which was authorized to receive compensation at the rate prescribed for an office or position at level II, III, IV, or V of the Executive Schedule (5 U.S.C. 5313-5316), shall lapse.

Lapses of agen-
cies and posi-
tions.
42 USC 5871.

Savings clauses.

(b) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal department or agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this Act, and

(2) which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President, the Administrator, the Commission, or other authorized officials, a court of competent jurisdiction, or by operation of law.

(c) The provisions of this Act shall not affect any proceeding pending, at the time this section takes effect, before the Atomic Energy Commission or any department or agency (or component thereof) functions of which are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued if this Act had not been enacted.

(d) Except as provided in subsection (f)—

(1) the provisions of this Act shall not affect suits commenced prior to the date this Act takes effect, and

(2) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

(e) No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, actions, or other proceedings may be asserted by or against the United States or such official as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter any order which will give effect to the provisions of this section.

(f) If, before the date on which this Act takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit, and under this Act any function of such department, agency, or officer is transferred to the Administrator or Commission, or any other official, then such suit shall be continued as if this Act had not been enacted, with the Administrator or Commission, or other official, as the case may be, substituted.

(g) Final orders and actions of any official or component in the performance of functions transferred by this Act shall be subject to judicial review to the same extent and in the same manner as if such orders or actions had been made or taken by the officer, department, agency, or instrumentality in the performance of such functions immediately preceding the effective date of this Act. Any statutory requirements relating to notices, hearings, action upon the record, or administrative review that apply to any function transferred by

October 11, 1974

- 17 -

Pub. Law 93-438

PS STAT. 1250

this Act shall apply to the performance of those functions by the Administrator or Commission, or any officer or component.

(h) With respect to any function transferred by this Act and performed after the effective date of this Act, reference in any other law to any department or agency, or any officer or office, the functions of which are so transferred, shall be deemed to refer to the Administration, the Administrator or Commission, or other office or official in which this Act vests such functions.

(i) Nothing contained in this Act shall be construed to limit, curtail, abolish, or terminate any function of the President which he had immediately before the effective date of this Act; or to limit, curtail, abolish, or terminate his authority to perform such function; or to limit, curtail, abolish, or terminate his authority to delegate, redelegate, or terminate any delegation of functions.

(j) Any reference in this Act to any provision of law shall be deemed to include, as appropriate, references thereto as now or hereafter amended or supplemented.

(k) Except as may be otherwise expressly provided in this Act, all functions expressly conferred by this Act shall be in addition to and not in substitution for functions existing immediately before the effective date of this Act and transferred by this Act.

TRANSFER OF PERSONNEL AND OTHER MATTERS

Sec. 302. (a) Except as provided in the next sentence, the personnel employed in connection with, and the personnel positions, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available in connection with the functions and programs transferred by this Act, are, subject to section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c), correspondingly transferred for appropriate allocation. Personnel positions expressly created by law, personnel occupying those positions on the effective date of this Act, and personnel authorized to receive compensation at the rate prescribed for offices and positions at levels II, III, IV, or V of the Executive Schedule (5 U.S.C. 5313-5316) on the effective date of this Act shall be subject to the provisions of subsection (c) of this section and section 301 of this Act.

42 USC 5872.

(b) Except as provided in subsection (c), transfer of nontemporary personnel pursuant to this Act shall not cause any such employee to be separated or reduced in grade or compensation for one year after such transfer.

(c) Any person who, on the effective date of this Act, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5 of the United States Code, and who, without a break in service, is appointed in the Administration to a position having duties comparable to those performed immediately preceding his appointment shall continue to be compensated in his new position at not less than the rate provided for his previous position.

INCIDENTAL DISPOSITIONS

Sec. 303. The Director of the Office of Management and Budget is authorized to make such additional incidental dispositions of personnel, personnel positions, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to or to be

42 USC 5373.

made available in connection with functions transferred by this Act, as he may deem necessary or appropriate to accomplish the intent and purpose of this Act.

DEFINITIONS

42 USC 5874.

SEC. 304. As used in this Act—

(1) any reference to “function” or “functions” shall be deemed to include references to duty, obligation, power, authority, responsibility, right, privilege, and activity, or the plural thereof, as the case may be; and

(2) any reference to “perform” or “performance”, when used in relation to functions, shall be deemed to include the exercise of power, authority, rights, and privileges.

AUTHORIZATION OF APPROPRIATIONS

42 USC 5875.

SEC. 305. (a) Except as otherwise provided by law, appropriations made under this Act shall be subject to annual authorization.

(b) Authorization of appropriations to the Commission shall reflect the need for effective licensing and other regulation of the nuclear power industry in relation to the growth of such industry.

COMPTROLLER GENERAL AUDIT

42 USC 5876.

42 USC 2206.

Ante, pp. 1234,
1242.

SEC. 306. (a) Section 166. “Comptroller General Audit” of the Atomic Energy Act of 1954, as amended, shall be deemed to be applicable, respectively, to the nuclear and nonnuclear activities under title I and to the activities under title II.

(b) The Comptroller General of the United States shall audit, review, and evaluate the implementation of the provisions of title II of this Act by the Nuclear Safety and Licensing Commission not later than sixty months after the effective date of this Act, the Comptroller General shall prepare and submit to the Congress a report on his audit, which shall contain, but not be limited to—

Report to
Congress.

(1) an evaluation of the effectiveness of the licensing and related regulatory activities of the Commission and the operations of the Office of Nuclear Safety Research and the Bureau of Nuclear Materials Security;

(2) an evaluation of the effect of such Commission activities on the efficiency, effectiveness, and safety with which the activities licensed under the Atomic Energy Act of 1954, as amended, are carried out;

(3) recommendations concerning any legislation he deems necessary, and the reasons therefor, for improving the implementation of title II.

REPORTS

Reports to the
President and
Congress.
42 USC 5877.
Administration
activities and
progress.

SEC. 307. (a) The Administrator shall, as soon as practicable after the end of each fiscal year, make a report to the President for submission to the Congress on the activities of the Administration during the preceding fiscal year. Such report shall include a statement of the short-range and long-range goals, priorities, and plans of the Administration together with an assessment of the progress made toward the attainment of those objectives and toward the more effective and efficient management of the Administration and the coordination of its functions.

Feasibility of
transferring
military
application
functions.

(b) During the first year of operation of the Administration, the Administrator, in collaboration with the Secretary of Defense, shall conduct a thorough review of the desirability and feasibility of trans-

October 11, 1974

- 19 -

Pub. Law 93-438

88 STAT. 1252

ferring to the Department of Defense or other Federal agencies the functions of the Administrator respecting military application and restricted data, and within one year after the Administrator first takes office the Administrator shall make a report to the President, for submission to the Congress, setting forth his comprehensive analysis, the principal alternatives, and the specific recommendations of the Administrator and the Secretary of Defense.

(c) The Commission shall, as soon as practicable after the end of each fiscal year, make a report to the President for submission to the Congress on the activities of the Commission during the preceding fiscal year. Such report shall include a clear statement of the short-range and long-range goals, priorities, and plans of the Commission as they relate to the benefits, costs, and risks of commercial nuclear power. Such report shall also include a clear description of the Commission's activities and findings in the following areas—

Commission
activities and
findings.

(1) insuring the safe design of nuclear powerplants and other licensed facilities;

(2) investigating abnormal occurrences and defects in nuclear powerplants and other licensed facilities;

(3) safeguarding special nuclear materials at all stages of the nuclear fuel cycle;

(4) investigating suspected, attempted, or actual thefts of special nuclear materials in the licensed sector and developing contingency plans for dealing with such incidents;

(5) insuring the safe, permanent disposal of high-level radioactive wastes through the licensing of nuclear activities and facilities;

(6) protecting the public against the hazards of low-level radioactive emissions from licensed nuclear activities and facilities.

INFORMATION TO COMMITTEES

SEC. 308. The Administrator shall keep the appropriate congressional committees fully and currently informed with respect to all of the Administration's activities.

42 USC 5878.

TRANSFER OF FUNDS

SEC. 309. The Administrator, when authorized in an appropriation Act, may, in any fiscal year, transfer funds from one appropriation to another within the Administration; except, that no appropriation shall be either increased or decreased pursuant to this section by more than 5 per centum of the appropriation for such fiscal year.

42 USC 5879.

CONFORMING AMENDMENTS TO CERTAIN OTHER LAWS

SEC. 310. Subchapter II (relating to Executive Schedule pay rates) of chapter 53 of title 5, United States Code, is amended as follows:

(1) Section 5313 is amended by striking out "(8) Chairman, Atomic Energy Commission." and inserting in lieu thereof "(8) Chairman, Nuclear Regulatory Commission.", and by adding at the end thereof the following:

"(22) Administrator of Energy Research and Development Administration."

(2) Section 5314 is amended by striking out "(42) Members, Atomic Energy Commission." and inserting in lieu thereof "(42) Members, Nuclear Regulatory Commission.", and by adding at the end thereof the following:

"(60) Deputy Administrator, Energy Research and Development Administration."

(3) Section 5315 is amended by striking out paragraph (50), and by adding at the end thereof the following:

"(100) Assistant Administrators, Energy Research and Development Administration (6)."

"(101) Director of Nuclear Reactor Regulation, Nuclear Regulatory Commission."

"(102) Director of Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission."

"(103) Director of Nuclear Regulatory Research, Nuclear Regulatory Commission."

"(104) Executive Director for Operations, Nuclear Regulatory Commission."

(4) Section 5316 is amended by striking out paragraphs (29), (62), (69), and (102), by striking out "(81) General Counsel of the Atomic Energy Commission," and inserting in lieu thereof "(81) General Counsel of the Nuclear Regulatory Commission," and by adding at the end thereof the following:

"(134) General Counsel, Energy Research and Development Administration."

"(135) Additional officers, Energy Research and Development Administration (8)."

"(136) Additional officers, Nuclear Regulatory Commission (5)."

SEPARABILITY

42 USC 5801
note.

SEC. 311. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

EFFECTIVE DATE AND INTERIM APPOINTMENTS

42 USC 5801
note.
Publication in
Federal
Register.

SEC. 312. (a) This Act shall take effect one hundred and twenty days after the date of its enactment, or on such earlier date as the President may prescribe and publish in the Federal Register; except that any of the officers provided for in title I of this Act may be nominated and appointed, as provided by this Act, at any time after the date of enactment of this Act. Funds available to any department or agency (or any official or component thereof), any functions of which are transferred to the Administrator and the Commission by this Act, may, with the approval of the President, be used to pay the compensation and expenses of any officer appointed pursuant to this subsection until such time as funds for that purpose are otherwise available.

(b) In the event that any officer required by this Act to be appointed by and with the advice and consent of the Senate shall not have entered upon office on the effective date of this Act, the President may designate any officer, whose appointment was required to be made by and with the advice and consent of the Senate and who was such an officer immediately prior to the effective date of this Act, to act in such office until the office is filled as provided in this Act. While so acting, such persons shall receive compensation at the rates provided by this Act for the respective offices in which they act.

October 11, 1974

- 21 -

Pub. Law 93-438

88 STAT. 1254

TITLE IV—SEX DISCRIMINATION

SEX DISCRIMINATION PROHIBITED

Sec. 401. No person shall on the ground of sex be excluded from participation in, be denied a license under, be denied the benefits of, or be subjected to discrimination under any program or activity carried on or receiving Federal assistance under any title of this Act. This provision will be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under title VI of the Civil Rights Act of 1964. However, this remedy is not exclusive and will not prejudice or cut off any other legal remedies available to a discriminatee.

42 USC 5891.

42 USC 2000d.

Approved October 11, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-707 (Comm. on Government Operations) and No. 93-1445 (Comm. of Conference).

SENATE REPORT No. 93-980 accompanying S. 2744 (Comm. on Government Operations).

CONGRESSIONAL RECORD:

Vol. 119 (1973): Dec. 19, considered and passed House.

Vol. 120 (1974): Aug. 15, considered and passed Senate, amended, in lieu of S. 2744.

Oct. 9, House agreed to conference report.

Oct. 10, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:

Vol. 10, No. 41 (1974): Oct. 11, Presidential statement.



Public Law 93-454
93rd Congress, S. 3362
October 18, 1974

An Act

88 STAT. 1376

To enable the Secretary of the Interior to provide for the operation, maintenance, and continued construction of the Federal transmission system in the Pacific Northwest by use of the revenues of the Federal Columbia River Power System and the proceeds of revenue bonds, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Columbia River Transmission System Act".

Federal Columbia River
Transmission
System Act.
16 USC 838
note.

FINDINGS

SEC. 2. (a) Congress finds that in order to enable the Secretary of the Interior to carry out the policies of Public Law 88-552 relating to the marketing of electric power from hydroelectric projects in the Pacific Northwest, Public Laws 89-448 and 89-561 relating to use of revenues of the Federal Columbia River Power System to provide financial assistance to reclamation projects in the Pacific Northwest, the treaty between the United States and Canada relating to the cooperative development of the resources of the Columbia River Basin, and other applicable law, it is desirable and appropriate that the revenues of the Federal Columbia River Power System and the proceeds of revenue bonds be used to further the operation, maintenance, and further construction of the Federal transmission system in the Pacific Northwest.

16 USC 837.

16 USC 835j-
835m.

16 USC 838.

(b) Other than as specifically provided herein, the present authority and duties of the Secretary of the Interior relating to the Federal Columbia River Power System shall not be affected by this Act. The authority and duties of the Administrator referred to herein are subject to the supervision and direction of the Secretary.

DEFINITIONS

SEC. 3. As used in this Act—

(a) The term "Administrator" means the Administrator, Bonneville Power Administration.

16 USC 838a.

(b) The term "electric power" means electric peaking capacity or electric energy, or both.

(c) The term "major transmission facilities" means transmission facilities intended to be used to provide services not previously provided by the Bonneville Power Administration with its own facilities.

THE FEDERAL COLUMBIA RIVER TRANSMISSION SYSTEM

SEC. 4. The Secretary of the Interior, acting by and through the Administrator, shall operate and maintain the Federal transmission system within the Pacific Northwest and shall construct improvements, betterments, and additions to and replacements of such system within the Pacific Northwest as he determines are appropriate and required to:

16 USC 838b.

- (a) integrate and transmit the electric power from existing or additional Federal or non-Federal generating units;
- (b) provide service to the Administrator's customers;
- (c) provide interregional transmission facilities; or

(d) maintain the electrical stability and electrical reliability of the Federal system: *Provided, however,* That the Administrator shall not construct any transmission facilities outside the Pacific Northwest, excepting customer service facilities within any contiguous areas, not in excess of seventy-five airline miles from said region, which are a part of the service area of a distribution cooperative which has (i) no generating facilities, and (ii) a distribution system from which it serves both within and without said region, nor shall he commence construction of any major transmission facility within the Pacific Northwest, unless the expenditure of the funds for the initiation of such construction is specifically approved by Act of Congress.

CONGRESSIONAL APPROVAL OF EXPENDITURES

Transmission facilities, acquisition by condemnation, restriction.
16 USC 838c.

SEC. 5. (a) Unless specifically authorized by Act of Congress, the Administrator shall not expend funds made available under this Act, other than funds specifically appropriated by the Congress for such purpose, to acquire any operating transmission facility by condemnation: *Provided,* That this provision shall not restrict the acquisition of the right to cross such a facility by condemnation.

(b) At least sixty days prior to the time a request for approval or authority under section 4 or 5 of this Act is sent to Congress, the Administrator shall give notice of such request to entities in the Pacific Northwest with which the Administrator has power sales or exchange contracts or transmission contracts or which have a transmission interconnection with the Federal transmission system.

TRANSMISSION OF NON-FEDERAL POWER

16 USC 838d.

SEC. 6. The Administrator shall make available to all utilities on a fair and nondiscriminatory basis, any capacity in the Federal transmission system which he determines to be in excess of the capacity required to transmit electric power generated or acquired by the United States.

ACQUISITION OF PROPERTY

16 USC 838e.

SEC. 7. Subject to the provisions of section 5 of this Act the Administrator may purchase or lease or otherwise acquire and hold such real and personal property in the name of the United States as he deems necessary or appropriate to carry out his duties pursuant to law.

MARKETING AUTHORITY

16 USC 838f.

SEC. 8. The Administrator is hereby designated as the marketing agent for all electric power generated by Federal generating plants in the Pacific Northwest, constructed by, under construction by, or presently authorized for construction by the Bureau of Reclamation or the United States Corps of Engineers except electric power required for the operation of each Federal project and except electric power from the Green Springs project of the Bureau of Reclamation.

RATES AND CHARGES

16 USC 838g.

SEC. 9. Schedules of rates and charges for the sale, including dispositions to Federal agencies, of all electric power made available to the Administrator pursuant to section 8 of this Act or otherwise acquired, and for the transmission of non-Federal electric power over

October 18, 1974

- 3 -

Pub. Law 93-454

88 STAT. 1378

the Federal transmission system, shall become effective upon confirmation and approval thereof by the Federal Power Commission. Such rate schedules may be modified from time to time by the Secretary of the Interior, acting by and through the Administrator, subject to confirmation and approval by the Federal Power Commission, and shall be fixed and established (1) with a view to encouraging the widest possible diversified use of electric power at the lowest possible rates to consumers consistent with sound business principles, (2) having regard to the recovery (upon the basis of the application of such rate schedules to the capacity of the electric facilities of the projects) of the cost of producing and transmitting such electric power, including the amortization of the capital investment allocated to power over a reasonable period of years and payments provided for in section 11(b) (9), and (3) at levels to produce such additional revenues as may be required, in the aggregate with all other revenues of the Administrator, to pay when due the principal of, premiums, discounts, and expenses in connection with the issuance of and interest on all bonds issued and outstanding pursuant to this Act, and amounts required to establish and maintain reserve and other funds and accounts established in connection therewith.

UNIFORM RATES

SEC. 10. The said schedules of rates and charges for transmission, the said schedules of rates and charges for the sale of electric power, or both such schedules, may provide, among other things, for uniform rates or rates uniform throughout prescribed transmission areas. The recovery of the cost of the Federal transmission system shall be equitably allocated between Federal and non-Federal power utilizing such system.

16 USC 838h.

Cost al-
locations,
distribution.

BONNEVILLE POWER ADMINISTRATION FUND

SEC. 11. (a) There is hereby established in the Treasury of the United States a Bonneville Power Administration fund (hereinafter referred to as the "fund"). The fund shall consist of (1) all receipts, collections, and recoveries of the Administrator in cash from all sources, including trust funds, (2) all proceeds derived from the sale of bonds by the Administrator, (3) any appropriations made by the Congress for the fund, and (4) the following funds which are hereby transferred to the Administrator: (i) all moneys in the special account in the Treasury established pursuant to Executive Order Numbered 8526 dated August 26, 1940, (ii) the unexpended balances in the continuing fund established by the provisions of section 11 of the Bonneville Project Act of August 20, 1937 (16 U.S.C. 831 et seq.), and (iii) the unexpended balances of funds appropriated or otherwise made available for the Bonneville Power Administration. All funds transferred hereunder shall be available for expenditure by the Secretary of the Interior, acting by and through the Administrator, as authorized in this Act and any other Act relating to the Federal Columbia River transmission system, subject to such limitations as may be prescribed by any applicable appropriation act effective during such period as may elapse between their transfer and the approval by the Congress of the first subsequent annual budget program of the Administrator.

Establishment.
16 USC 838i.

3 CFR, 1938-
1943 Comp.,
p. 704.
16 USC 832j.

(b) The Administrator may make expenditures from the fund, which shall have been included in his annual budget submitted to Congress, without further appropriation and without fiscal year limi-

tation, but within such specific directives or limitations as may be included in appropriation acts, for any purpose necessary or appropriate to carry out the duties imposed upon the Administrator pursuant to law, including but not limited to—

(1) construction, acquisition, and replacement of (i) the transmission system, including facilities and structures appurtenant thereto, and (ii) additions, improvements, and betterments thereto (hereinafter in this Act referred to as "transmission system");

(2) operation, maintenance, repair, and relocation, to the extent such relocation is not provided for under subsection (1) above, of the transmission system;

(3) electrical research, development, experimentation, test, and investigation related to construction, operation, and maintenance of transmission systems and facilities;

(4) marketing of electric power;

(5) transmission over facilities of others and rental, lease, or lease-purchase of facilities;

(6) purchase of electric power (including the entitlement of electric plant capability) (i) on a short-term basis to meet temporary deficiencies in electric power which the Administrator is obligated by contract to supply, or (ii) if such purchase has been heretofore authorized or is made with funds expressly appropriated for such purchase by the Congress, or (iii) if to be paid for with funds provided by other entities for such purpose under a trust or agency arrangement;

(7) defraying emergency expenses or insuring continuous operation;

(8) paying the interest on, premiums, discounts, and expenses, if any, in connection with the issuance of, and principal of all bonds issued under section 13(a) of this Act, including provision for and maintenance of reserve and other funds established in connection therewith;

(9) making such payments to the credit of the reclamation fund or other funds as are required by or pursuant to law to be made into such funds in connection with reclamation projects in the Pacific Northwest: *Provided*, That this clause shall not be construed as permitting the use of revenues for repayment of costs allocated to irrigation at any project except as otherwise expressly authorized by law;

(10) making payments to the credit of miscellaneous receipts of the Treasury for all unpaid costs required by or pursuant to law to be charged to and returned to the general fund of the Treasury for the repayment of the Federal investment in the Federal Columbia River Power System from electric power marketed by the Administrator; and

(11) acquiring such goods and services, and paying dues and membership fees in such professional, utility, industry, and other societies, associations, and institutes, together with expenses related to such memberships, including but not limited to the acquisitions and payments set forth in the general provisions of the annual appropriations Act for the Department of Interior, as the Administrator determines to be necessary or appropriate in carrying out the purposes of this Act.

(c) Moneys heretofore or hereafter appropriated shall be used only for the purposes for which appropriated, and moneys received by the Administrator in trust shall be used only for carrying out such trust.

Ante, p. 822.

Moneys held
in trust.

October 18, 1974

- 5 -

Pub. Law 93-454

88 STAT. 1380

The provisions of the Government Corporation Control Act (31 U.S.C. 841 et seq.) shall be applicable to the Administrator in the same manner as they are applied to the wholly owned Government corporations named in section 101 of such Act (31 U.S.C. 846), but nothing in the proviso of section 850 of title 31, United States Code, shall be construed as affecting the powers granted in subsection (b) (11) of this section and in sections 2(f), 10(b), and 12(a) of the Bonneville Project Act (16 U.S.C. 832 et seq.).

(d) Notwithstanding the provisions of sections 105 and 106 of the Government Corporation Control Act, the financial transactions of the Administrator shall be audited by the Comptroller General at such times and to such extent as the Comptroller General deems necessary, and reports of the results of each such audit shall be made to the Congress within 6½ months following the end of the fiscal year covered by the audit.

16 USC 832a,
832i, 832k.
Audit, report to
Congress.
31 USC 850,
851.

INVESTMENT OF EXCESS FUNDS

SEC. 12. (a) If the Administrator determines that moneys in the fund are in excess of current needs he may request the investment of such amounts as he deems advisable by the Secretary of the Treasury in direct, general obligations of, or obligations guaranteed as to both principal and interest by, the United States of America.

16 USC 838j.

(b) With the approval of the Secretary of the Treasury, the Administrator may deposit moneys of the fund in any Federal Reserve bank or other depository for funds of the United States of America, or in such other banks and financial institutions and under such terms and conditions as the Administrator and the Secretary of the Treasury may mutually agree.

REVENUE BONDS

SEC. 13. (a) The Administrator is authorized to issue and sell to the Secretary of the Treasury from time to time in the name and for and on behalf of the Bonneville Power Administration bonds, notes, and other evidences of indebtedness (in this Act collectively referred to as "bonds") to assist in financing the construction, acquisition, and replacement of the transmission system, and to issue and sell bonds to refund such bonds. Such bonds shall be in such forms and denominations, bear such maturities, and be subject to such terms and conditions as may be prescribed by the Secretary of the Treasury taking into account terms and conditions prevailing in the market for similar bonds, the useful life of the facilities for which the bonds are issued, and financing practices of the utility industry. Refunding provisions may be prescribed by the Administrator. Such bonds shall bear interest at a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities, plus an amount in the judgment of the Secretary of the Treasury to provide for a rate comparable to the rates prevailing in the market for similar bonds. The aggregate principal amount of any such bonds outstanding at any one time shall not exceed \$1,250,000,000.

Sale and
issuance.
16 USC 838k.

Terms and
conditions.

Interest rate,
determination.

Limitation.

(b) The principal of, premiums, if any, and interest on such bonds shall be payable solely from the Administrator's net proceeds as hereinafter defined. "Net proceeds" shall mean for the purposes of this section the remainder of the Administrator's gross receipts from all sources after first deducting trust funds and the costs listed in section 11(b) (2) through 11(b) (7) and 11(b) (11), and shall include reserve or other funds created from such receipts.

"Net proceeds."

Bonds, purchase. (c) The Secretary of the Treasury shall purchase forthwith any bonds issued by the Administrator under this Act and for that purpose is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereafter in force, are extended to include any purchases of the bonds issued by the Administrator under this Act. The Secretary of the Treasury may, at any time, sell any of the bonds acquired by him under this Act. All redemptions, purchases, and sales by the Secretary of the Treasury of such bonds shall be treated as public debt transactions of the United States.

31 USC 774.

Approved October 18, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-1375 (Comm. on Interior and Insular Affairs).
 SENATE REPORT No. 93-1030 (Comm. on Interior and Insular Affairs).
 CONGRESSIONAL RECORD, Vol. 120 (1974):

July 30, considered and passed Senate.

Oct. 7, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 10, No. 43:

Oct. 19, Presidential statement.



Public Law 93-473
93rd Congress, S. 3234
October 26, 1974

An Act

88 STAT. 1431

To authorize a vigorous Federal program of research, development, and demonstration to assure the utilization of solar energy as a viable source for our national energy needs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Solar Energy Research, Development, and Demonstration Act of 1974".

Solar Energy
Research, De-
velopment, and
Demonstration
Act of 1974.
42 USC 5551
note.
42 USC 5551.

DECLARATION OF FINDINGS AND POLICY

SEC. 2. (a) The Congress hereby finds that—

- (1) the needs of a viable society depend on an ample supply of energy;
- (2) the current imbalance between domestic supply and demand for fuels and energy is likely to persist for some time;
- (3) dependence on nonrenewable energy resources cannot be continued indefinitely, particularly at current rates of consumption;
- (4) it is in the Nation's interest to expedite the long-term development of renewable and nonpolluting energy resources, such as solar energy;
- (5) the various solar energy technologies are today at widely differing stages of development, with some already near the stage of commercial application and others still requiring basic research;
- (6) the early development and export of viable equipment utilizing solar energy, consistent with the established preeminence of the United States in the field of high technology products, can make a valuable contribution to our balance of trade;
- (7) the mass production and use of equipment utilizing solar energy will help to eliminate the dependence of the United States upon foreign energy sources and promote the national defense;
- (8) to date, the national effort in research, development, and demonstration activities relating to the utilization of solar energy has been extremely limited; therefore
- (9) the urgency of the Nation's critical energy shortages and the need to make clean and renewable energy alternatives commercially viable require that the Nation undertake an intensive research, development, and demonstration program with an estimated Federal investment which may reach or exceed \$1,000,000,000.

(b) The Congress declares that it is the policy of the Federal Government to—

- (1) pursue a vigorous and viable program of research and resource assessment of solar energy as a major source of energy for our national needs; and
- (2) provide for the development and demonstration of practicable means to employ solar energy on a commercial scale.

DEFINITIONS

SEC. 3. For the purposes of this Act—

- (1) the term "solar energy" means energy which has recently originated in the Sun, including direct and indirect solar radiation and intermediate solar energy forms such as wind, sea thermal gradients, products of photosynthetic processes, organic wastes, and others;

42 USC 5552.

(2) the term "byproducts" includes, with respect to any solar energy technology or process, any solar energy products (including energy forms) other than those associated with or constituting the primary product of such technology or process;

(3) the term "insolation" means the rate at which solar energy is received at the surface of the Earth;

(4) the term "Project" means the Solar Energy Coordination and Management Project; and

(5) the term "Chairman" means the Chairman of the Project.

SOLAR ENERGY COORDINATION AND MANAGEMENT PROJECT

Establishment.
42 USC 5553.

SEC. 4. (a) There is hereby established the Solar Energy Coordination and Management Project.

(b) (1) The Project shall be composed of six members as follows:

(A) an Assistant Director of the National Science Foundation;

(B) an Assistant Secretary of Housing and Urban Development;

(C) a member of the Federal Power Commission;

(D) an Associate Administrator of the National Aeronautics and Space Administration;

(E) the General Manager of the Atomic Energy Commission; and

(F) a member to be designated by the President.

(2) The President shall designate one member of the Project to serve as Chairman of the Project.

(3) If the individual designated under paragraph (1)(F) is an officer or employee of the Federal Government, he shall receive no additional pay on account of his service as a member of the Project. If such individual is not an officer or employee of the Federal Government, he shall be entitled to receive the daily equivalent of the annual rate of basic pay in effect for level IV of the Executive Schedule (5 U.S.C. 5315) for each day (including traveltime) during which he is engaged in the actual performance of duties vested in the Project.

(c) The Project shall have overall responsibility for the provision of effective management and coordination with respect to a national solar energy research, development, and demonstration program, including—

(1) the determination and evaluation of the resource base, including its temporal and geographic characteristics;

(2) research and development on solar energy technologies; and

(3) the demonstration of appropriate solar energy technologies.

(d) (1) The Project shall carry out its responsibilities under this section in cooperation with the following Federal agencies:

(A) the National Science Foundation, the responsibilities of which shall include research;

(B) the National Aeronautics and Space Administration, the responsibilities of which shall include the provision of management capability and the development of technologies;

(C) the Atomic Energy Commission, the responsibilities of which shall include the development of technologies;

(D) the Department of Housing and Urban Development, the responsibilities of which shall include fostering the utilization of solar energy for the heating and cooling of buildings, pursuant to the Solar Heating and Cooling Demonstration Act of 1974 (P.L. 93-409; 88 Stat. 1069); and

(E) the Federal Power Commission, the responsibilities of which shall include fostering the utilization of solar energy for

42 USC 5501
note.

October 26, 1974

- 3 -

Pub. Law 93-473

88 STAT. 1433

the generation of electricity and for the production of synthetic fuels.

(2) Upon request of the Chairman, the head of any such agency is authorized to detail or assign, on a reimbursable basis or otherwise, any of the personnel of such agency to the Project to assist it in carrying out its responsibilities under this Act.

(e) The Project shall have exclusive authority with respect to the establishment or approval of programs or projects initiated under this Act, but the agency involved in any particular program or project shall be responsible for the operation and administration of such program or project.

(f) The National Aeronautics and Space Administration is authorized to undertake and carry out those programs assigned to it by the Project.

RESOURCE DETERMINATION AND ASSESSMENT

SEC. 5. (a) The Chairman shall initiate a solar energy resource determination and assessment program with the objective of making a regional and national appraisal of all solar energy resources, including data on insolation, wind, sea thermal gradients, and potentials for photosynthetic conversion. The program shall emphasize identification of promising areas for commercial exploitation and development. The specific goals shall include—

42 USC 5554.

(1) the development of better methods for predicting the availability of all solar energy resources, over long time periods and by geographic location;

(2) the development of advanced meteorological, oceanographic, and other instruments, methodology, and procedures necessary to measure the quality and quantity of all solar resources on periodic bases;

(3) the development of activities, arrangements, and procedures for the collection, evaluation, and dissemination of information and data relating to solar energy resource assessment.

(b) The Chairman, acting through the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, and other appropriate agencies, shall—

(1) develop and carry out a general plan for inventorying all forms of solar energy resources associated with Federal lands and (where consistent with property rights) non-Federal lands;

Solar energy resources inventory plan.

(2) conduct regional surveys based upon such general plan, using innovative meteorological, oceanographic, and space-related techniques, in sufficient numbers to lead to a national inventory of solar energy resources in the United States;

(3) publish and make available maps, reports, and other documents developed from such surveys to encourage and facilitate the commercial development of solar energy resources; and

Maps and reports, publication.

(4) make such recommendations for legislation as may appear to be necessary to establish policies for solar resources involving Federal lands and waters, consistent with known inventories of various resource types, with the state of technologies for solar energy development, and with evaluation of the environmental impacts of such development.

RESEARCH AND DEVELOPMENT

SEC. 6. (a) The Chairman shall initiate a research and development program for the purpose of resolving the major technical problems inhibiting commercial utilization of solar energy in the United States.

42 USC 5555.

(b) In connection with or as a part of such program, the Chairman shall—

(1) conduct, encourage, and promote scientific research and studies to develop effective and economical processes and equipment for the purpose of utilizing solar energy in an acceptable manner for beneficial uses;

(2) carry out systems, economic, social, and environmental studies to provide a basis for research, development and demonstration planning and phasing; and

(3) perform or cause to be performed technology assessments relevant to the utilization of solar energy.

(c) The specific solar energy technologies to be addressed or dealt with in the program shall include—

(1) direct solar heat as a source for industrial processes, including the utilization of low-level heat for process and other industrial purposes;

(2) thermal energy conversion, and other methods, for the generation of electricity and the production of chemical fuels;

(3) the conversion of cellulose and other organic materials (including wastes) to useful energy or fuels;

(4) photovoltaic and other direct conversion processes;

(5) sea thermal gradient conversion;

(6) windpower conversion;

(7) solar heating and cooling of housing and of commercial and public buildings; and

(8) energy storage.

DEMONSTRATION

42 USC 5556.

SEC. 7. (a) The Chairman is authorized to initiate a program to design and construct, in specific solar energy technologies (including, but not limited to, those listed in section (6) (c), facilities or powerplants of sufficient size to demonstrate the technical and economic feasibility of utilizing the various forms of solar energy. The specific goals of such programs shall include—

(1) production of electricity from a number of powerplants, on the order of one to ten megawatts each;

(2) production of synthetic fuels in commercial quantities;

(3) large-scale utilization of solar energy in the form of direct heat;

(4) utilization of thermal and all other byproducts of the solar facilities;

(5) design and development of hybrid systems involving the concomitant utilization of solar and other energy sources; and

(6) the continuous operation of such plants and facilities for a period of time.

(b) For each of the technologies for which a successful and appropriate development program is completed, the Chairman shall make a determination to proceed to demonstration based on criteria including, but not necessarily limited to, the following:

(1) the technological feasibility of the project;

(2) the costs and benefits of the project, as determined by an economic assessment;

(3) the immediate and the potential uses of the solar energy utilized in the project;

(4) long-term national need for the technology;

(5) environmental impact;

- (6) potential for technology transfer to other applications; and
- (7) the nature and extent of Federal participation, if any, in the project.
- (c) In carrying out his responsibilities under this section, the Chairman, acting through the appropriate Federal agencies, may provide for the establishment of one or more demonstration projects utilizing each form of solar energy, which shall include, as appropriate, the specific research, development, pilot plant construction and operation, demonstration plant construction and operation, and other facilities and activities which may be necessary to show commercial viability of the specific solar technology.
- (d) The Chairman, acting through the appropriate Federal agencies, is authorized to investigate and enter into agreements for the cooperative development of facilities to demonstrate solar technologies. The responsible Federal agency may consider—
- (1) cooperative agreements with non-Federal entities for construction of facilities and equipment to demonstrate solar energy technologies; and
 - (2) cooperative agreements with other Federal agencies for the construction of facilities and equipment and operation of facilities to produce energy for direct Federal utilization.
- (e) The Chairman, acting through appropriate Federal agencies is authorized to construct and operate demonstration projects without entering into cooperative agreements with respect to such projects, if the Chairman finds that—
- (1) the nature of the resource, the geographical location, the scale and engineering design of the facilities, the techniques of production, or any other significant factor of the specific demonstration project offers opportunities to make important contributions to the general knowledge of solar resources, the techniques of its development, or public confidence in the technology; and
 - (2) there is no opportunity for cooperative agreements with any non-Federal entity willing and able to cooperate in the demonstration project under subsection (d)(1), and there is no opportunity for cooperative agreements with other Federal agencies under subsection (d)(2).
- (f) If the estimate of the Federal investment with respect to construction and operation costs of any demonstration project proposed to be established under this section exceeds \$20,000,000, no amount may be appropriated for such project except as specifically authorized by legislation hereafter enacted by the Congress.
- (g) (1) At the conclusion of any demonstration project established under this section, or as soon thereafter as may be practicable, the responsible Federal agencies shall, by sale, lease, or otherwise, dispose of all Federal property interests which they have acquired pursuant to this section in accordance with existing law and the terms of the cooperative agreements involved.
- (2) The agency involved shall, under appropriate agreements or other arrangements, provide for the disposition of electricity, synthetic fuels, and other byproducts of the project administered by such agency.

SOLAR ENERGY TECHNOLOGY UTILIZATION

SEC. 8. (a)(1) In carrying out his functions under this Act the Chairman, utilizing the capabilities of the National Science Foundation, the National Aeronautics and Space Administration, the Department of Commerce, the Atomic Energy Commission, and other appropriate Federal agencies to the maximum extent possible, shall

Solar Energy
Information
Data Bank.
42 USC 5557.

establish and operate a Solar Energy Information Data Bank (hereinafter in this subsection referred to as the "bank") for the purpose of collecting, reviewing, processing, and disseminating information and data in all of the solar energy technologies referred to in section 7(c) in a timely and accurate manner in support of the objectives of this Act.

(2) Information and data compiled in the bank shall include—

(A) technical information (including reports, journal articles, dissertations, monographs, and project descriptions) on solar energy research, development, and applications;

(B) similar technical information on the design, construction, and maintenance of equipment utilizing solar energy;

(C) general information on solar energy applications to be disseminated for popular consumption;

(D) physical and chemical properties of materials required for solar energy activities and equipment; and

(E) engineering performance data on equipment and devices utilizing solar energy.

(3) In accordance with regulations prescribed under section 12, the Chairman shall provide retrieval and dissemination services with respect to the information described under paragraph (2) for—

(A) Federal, State, and local government organizations that are active in the area of energy resources (and their contractors);

(B) universities and colleges in their related research and consulting activities; and

(C) the private sector upon request in appropriate cases.

(4) In carrying out his functions under this subsection, the Chairman shall utilize, when feasible, the existing data base of scientific and technical information in Federal agencies, adding to such data base any information described in paragraph (2) which does not already reside in such base. He shall coordinate or merge this data bank with other Federal energy information data banks as necessary to assure efficient and effective operation.

(b) In carrying out his functions under this Act the Chairman shall perform or cause to be performed studies and research on incentives to promote broader utilization and consumer acceptance of solar energy technologies.

(c) The Chairman shall enter into such arrangements and take such other steps as may be necessary or appropriate to provide for the effective coordination of solar energy technology utilization with all other technology utilization programs within the Federal Government.

SCIENTIFIC AND TECHNICAL EDUCATION

42 USC 5558.

SEC. 9. The Chairman, acting through the National Science Foundation, is authorized and directed to support programs of education in the sciences and engineering to provide the necessary trained personnel to perform the solar energy research, development, and demonstration activities required under this Act. Such support may include fellowships, traineeships, technical training programs, technologist training programs, and summer institute programs.

SOLAR ENERGY RESEARCH INSTITUTE

Establishment.
42 USC 5559.

SEC. 10. (a) There is established a Solar Energy Research Institute, which shall perform such research, development, and related functions as the Chairman may determine to be necessary or appropriate in connection with the Project's activities under this Act or to be otherwise in furtherance of the purpose and objectives of this Act.

(b) The Institute may be located (as designated by the Chairman)

October 26, 1974

- 7 -

Pub. Law 93-473

88 STAT. 1437

at any new or existing Federal laboratory (including a non-Federal laboratory performing functions under a contract entered into with the Project or with any of the agencies represented in the Project as well as a laboratory whose personnel are Federal employees).

INTERNATIONAL COOPERATION

SEC. 11. (a) The Chairman, in furtherance of the objectives of this Act, is authorized to cooperate and participate jointly with other nations, especially those with agreements for scientific cooperation with the United States, in the following activities: 42 USC 5560.

(1) interinstitutional, bilateral, or multilateral research projects in the field of solar energy; and

(2) agreements and programs which will facilitate the exchange of information and data relating to solar energy resource assessment and solar energy technologies.

(b) The National Science Foundation is authorized to encourage, to the maximum extent practicable and consistent with the other objectives of this Act, international participation and cooperation in the development and maintenance of programs of education to carry out the policy set forth in section 9.

REGULATIONS

SEC. 12. The Chairman, in consultation with the heads of the Federal agencies having functions under this Act and with other appropriate officers and agencies, shall prescribe such regulations as may be necessary or appropriate to carry out this Act promptly and efficiently. Each such officer or agency, in consultation with the Chairman, may prescribe such regulations as may be necessary or appropriate to carry out his or its particular functions under this Act promptly and efficiently. 42 USC 5561.

ANNUAL REPORTS

SEC. 13. The Chairman shall report, on an annual basis, to the President and the Congress all actions taken under the provisions of this Act, all action planned for the ensuing year, and, to the extent practical, a projection of activities and funding requirements, for the ensuing five years. The Chairman also shall recommend, as he deems appropriate, any legislation or reorganization which might further the purposes of this Act. Report to President and Congress. 42 USC 5562.

INFORMATION TO CONGRESS

SEC. 14. Notwithstanding any other provision of law, the Chairman (or the head of any agency which assumes the functions of the Project pursuant to section 16) shall keep the appropriate committees of the House of Representatives and the Senate fully and currently informed with respect to all activities under this Act. 42 USC 5563.

COMPREHENSIVE PROGRAM DEFINITION

SEC. 15. (a) The Chairman is authorized and directed to prepare a comprehensive program definition of an integrated effort and commitment for effectively developing solar energy resources. The Chairman, in preparing such program definition, shall utilize and consult with the appropriate Federal agencies, State and local government agencies, and private organizations. 42 USC 5564.

(b) The Chairman shall transmit such comprehensive program definition to the President and to each House of the Congress. An Transmittal to President and Congress.

interim report shall be transmitted not later than March 1, 1975. The comprehensive program definition shall be transmitted as soon as possible thereafter, but in any case not later than June 30, 1975.

TRANSFER OF FUNCTIONS

42 USC 5565.

Sec. 16. Within sixty days after the effective date of the law creating a permanent Federal organization or agency having jurisdiction over the energy research and development functions of the United States (or within sixty days after the date of the enactment of this Act if the effective date of such law occurs prior to the date of the enactment of this Act), all of the authorities of the Project and all of the research and development functions (and other functions except those related to scientific and technical education) vested in Federal agencies under this Act along with related records, documents, personnel, obligations, and other items, to the extent necessary or appropriate, shall, in accordance with regulations prescribed by the Office of Management and Budget, be transferred to and vested in such organization or agency.

AUTHORIZATION OF APPROPRIATIONS

42 USC 5566.

Sec. 17. To carry out the provisions of this Act, there are authorized to be appropriated—

- (1) for the fiscal year ending June 30, 1976, \$75,000,000;
- (2) for subsequent fiscal years, only such sums as the Congress hereafter may authorize by law;
- (3) such amounts as may be authorized for the construction of demonstrations pursuant to section 7(f) of this Act; and
- (4) to the National Science Foundation for the fiscal year ending June 30, 1975, not to exceed \$2,000,000 to be made available for use in the preparation of the comprehensive program definition under section 15.

Approved October 26, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-1346 accompanying H.R. 16371 (Comm. on Science and Astronautics) and No. 93-1428 (Comm. of Conference).
 SENATE REPORT No. 93-1151 (Comm. on Interior and Insular Affairs).
 CONGRESSIONAL RECORD, Vol. 120 (1974):

Sept. 17, considered and passed Senate.

Sept. 19, considered and passed House, amended, in lieu of H.R. 16371.

Oct. 9, House agreed to conference report.

Oct. 11, Senate agreed to conference report.



Public Law 93-495
93rd Congress, H. R. 11221
October 28, 1974

An Act

To increase deposit insurance from \$20,000 to \$40,000, to provide full insurance for public unit deposits of \$100,000 per account, to establish a National Commission on Electronic Fund Transfers, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Federal deposit insurance, increase.

TITLE I—AMENDMENTS TO AND EXTENSIONS OF PROVISIONS OF LAW RELATING TO FEDERAL REGULATION OF DEPOSITORY INSTITUTIONS

FULL DEPOSIT INSURANCE FOR PUBLIC UNITS

SECTION 101. (a) The Federal Deposit Insurance Act is amended—

12 USC 1811 note.

(1) in subsection (m) of section 3 (12 U.S.C. 1813(m)), by inserting immediately after "depositor" in the first sentence the following: "(other than a depositor referred to in the third sentence of this subsection)";

(2) in subsection (i) of section 7 (12 U.S.C. 1817(i)), by striking out "Trust" and inserting in lieu thereof the following: "Except with respect to trust funds which are owned by a depositor referred to in paragraph (2) of section 11(a) of this Act, trust"; and

Infra.

(3) in subsection (a) of section 11 (12 U.S.C. 1821(a)), by inserting "(1)" immediately after "(a)", by striking out "The" in the last sentence and inserting in lieu thereof the following: "Except as provided in paragraph (2), the", and by inserting at the end of such subsection the following:

"(2) (A) Notwithstanding any limitation in this Act or in any other provision of law relating to the amount of deposit insurance available for the account of any one depositor, in the case of a depositor who is—

Insured banks, public funds in, coverage.

"(i) an officer, employee, or agent of the United States having official custody of public funds and lawfully investing or depositing the same in time and savings deposits in an insured bank;

"(ii) an officer, employee, or agent of any State of the United States, or of any county, municipality, or political subdivision thereof having official custody of public funds and lawfully investing or depositing the same in time and savings deposits in an insured bank in such State;

"(iii) an officer, employee, or agent of the District of Columbia having official custody of public funds and lawfully investing or depositing the same in time and savings deposits in an insured bank in the District of Columbia; or

"(iv) an officer, employee, or agent of the Commonwealth of Puerto Rico, of the Virgin Islands, of American Samoa, or of Guam, or of any county, municipality, or political subdivision thereof having official custody of public funds and lawfully investing or depositing the same in time and savings deposits in an insured bank in the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, or Guam, respectively;

his deposit shall be insured in an amount not to exceed \$100,000 per account.

88 STAT. 1500
88 STAT. 1501

"(b) The Corporation may limit the aggregate amount of funds that may be invested or deposited in time and savings deposits in any insured bank by any depositor referred to in subparagraph (A) of this paragraph on the basis of the size of any such bank in terms of its

assets: *Provided, however*, such limitation may be exceeded by the pledging of acceptable securities to the depositor referred to in subparagraph (A) of this paragraph when and where required."

(b) Title IV of the National Housing Act is amended—

(1) in section 401(b) (12 U.S.C. 1724(b)), by striking out "Funds" in the third sentence and inserting in lieu thereof the following: "Except in the case of an insured member referred to in the preceding sentence, funds";

(2) in section 405(a) (12 U.S.C. 1728(a)), by inserting after "except that no member or investor" the following: "(other than a member or investor referred to in subsection (d))"; and

(3) by adding at the end of section 405 (12 U.S.C. 1728) the following new subsection:

"(d) (1) Notwithstanding any limitation in this subchapter or in any other provision of law relating to the amount of deposit insurance available for any one account, in the case of an insured member who is—

"(i) an officer, employee, or agent of the United States having official custody of public funds and lawfully investing the same in an insured institution;

"(ii) an officer, employee, or agent of any State of the United States, or of any county, municipality, or political subdivision thereof having official custody of public funds and lawfully investing the same in an insured institution in such State;

"(iii) an officer, employee, or agent of the District of Columbia having official custody of public funds and lawfully investing the same in an insured institution in the District of Columbia; or

"(iv) an officer, employee, or agent of the Commonwealth of Puerto Rico, or of the Virgin Islands, or of any county, municipality, or political subdivision thereof having official custody of public funds and lawfully investing the same in an insured institution in the Commonwealth of Puerto Rico or the Virgin Islands, respectively;

the account of such insured member shall be insured in an amount not to exceed \$100,000 per account.

"(2) The Corporation may limit the aggregate amount of funds that may be invested in any insured institution by any insured member referred to in paragraph (1) of this subsection on the basis of the size of any such institution in terms of its assets."

(c) Subsection (c) of section 207 of the Federal Credit Union Act (12 U.S.C. 1787) is amended by—

(1) inserting "(1)" after "(c)",

(2) striking out "For the purposes of this subsection," and inserting in lieu thereof the following: "Subject to the provisions of paragraph (2), for the purposes of this subsection," and

(3) adding at the end thereof the following:

"(2) (A) Notwithstanding any limitation in this Act or in any other provision of law relating to the amount of insurance available for the account of any one depositor or member, in the case of a depositor or member who is—

"(i) an officer, employee, or agent of the United States having official custody of public funds and lawfully investing the same in a credit union insured in accordance with this title;

"(ii) an officer, employee, or agent of any State of the United States, or of any county, municipality, or political subdivision thereof having official custody of public funds and lawfully

Savings and
loan associa-
tions, public
funds in, cov-
erage.

Credit unions,
public funds
in, coverage.

October 28, 1974

- 3 -

Pub. Law 93-495

88 STAT. 1502

investing the same in a credit union insured in accordance with this title in such State;

"(iii) an officer, employee, or agent of the District of Columbia having official custody of public funds and lawfully investing the same in a credit union insured in accordance with this title in the District of Columbia; or

"(iv) an officer, employee, or agent of the Commonwealth of Puerto Rico, of the Panama Canal Zone, or of any territory or possession of the United States, or of any county, municipality, or political subdivision thereof having official custody of public funds and lawfully investing the same in a credit union insured in accordance with this title in the Commonwealth of Puerto Rico, the Panama Canal Zone, or any such territory or possession, respectively;

his account shall be insured in an amount not to exceed \$100,000 per account.

"(B) The Administrator may limit the aggregate amount of funds that may be invested or deposited in any credit union insured in accordance with this title by any depositor or member referred to in subparagraph (A) on the basis of the size of any such credit union in terms of its assets."

(d) Section 107(7) of the Federal Credit Union Act (12 U.S.C. 1757(7)) is amended by adding at the end thereof the following: "and to receive from an officer, employee, or agent of those nonmember units of Federal, State, or local governments and political subdivisions thereof enumerated in section 207 of this Act (12 U.S.C. 1787) and in the manner so prescribed payments on shares, share certificates, and share deposits;"

(e) Section 5(b)(2) of the Home Owners' Loan Act of 1933 is amended by inserting immediately after "security," "may be surety as defined by the Board". 12 USC 1464.

(f)(1) The Advisory Commission on Intergovernmental Relations (hereinafter referred to as the "Commission") shall conduct a study of the impact of this section on funds available for housing and on State and local bond markets. Study.
42 USC 4275
note.

(2) The Commission shall make a report to the Congress of the results of its study not later than two years after the date of enactment of this Act. Report to Congress.

(3) There is authorized to be appropriated to the Commission such sums as may be necessary to carry out this subsection.

(g) This section and the amendments made by it shall take effect on the thirtieth day beginning after the date of enactment of this Act. 12 USC 1813
note.

INCREASED CEILING ON DEPOSIT INSURANCE: FEDERAL DEPOSIT INSURANCE CORPORATION

SEC. 102. (a) The following provisions of the Federal Deposit Insurance Act are amended by striking out "\$20,000" each place it appears therein and inserting in lieu thereof "\$40,000":

(1) The first sentence of section 3(m) (12 U.S.C. 1813(m)).

(2) The first sentence of section 7(i) (12 U.S.C. 1817(i)).

(3) The last sentence of section 11(a) (12 U.S.C. 1821(a)).

(4) The fifth sentence of section 11(i) (12 U.S.C. 1821(i)).

(b) The amendments made by this section are not applicable to any claim arising out of the closing of a bank prior to the effective date of this section. 12 USC 1813
note.

(c) The amendments made by this section shall take effect on the thirtieth day beginning after the date of enactment of this Act. Effective date.
12 USC 1813
note.

88 STAT. 1503

INCREASED CEILING ON DEPOSIT INSURANCE: FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

12 USC 1724. SEC. 103. (a) The following provisions of title IV of the National Housing Act are amended by striking out "\$20,000" each place it appears therein and inserting in lieu thereof "\$40,000":

(1) Section 401(b) (12 U.S.C. 1724(b)).

(2) Section 405(a) (12 U.S.C. 1728(a)).

12 USC 1724
note.

(b) The amendments made by this section are not applicable to any claim arising out of a default, as defined in section 401(d) of the National Housing Act, where the appointment of a conservator, receiver, or other legal custodian as set forth in that section becomes effective prior to the effective date of this section.

Effective date.

12 USC 1724
note.

(c) The amendments made by this section shall take effect on the thirtieth day beginning after the date of enactment of this Act.

INCREASED CEILING ON DEPOSIT INSURANCE: INSURED CREDIT UNIONS

SEC. 104. (a) The first sentence of section 207(c) of title II of the Federal Credit Union Act (12 U.S.C. 1787 (c)) is amended by striking out "\$20,000" and inserting in lieu thereof "\$40,000".

12 USC 1787
note.

(b) The amendment made by this section is not applicable to any claim arising out of the closing of a credit union for liquidation on account of bankruptcy or insolvency pursuant to section 207 of title II of the Federal Credit Union Act (12 U.S.C. 1787) prior to the effective date of this section.

Effective date.

12 USC 1787
note.

(c) The amendment made by this section shall take effect on the thirtieth day beginning after the date of enactment of this Act.

CONVERSION OF SAVINGS AND LOAN ASSOCIATIONS

SEC. 105. (a) Section 403(b) of the National Housing Act, as amended (12 U.S.C. 1726(b)), is amended by adding at the end thereof the following new sentence: "As used in this subsection the term 'reserves' shall, to such extent as the Corporation may provide, include capital stock and other items, as defined by the Corporation."

"Reserves."

(b) Section 12(i) of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78l(i)), is amended to read as follows:

"(i) In respect of any securities issued by banks the deposits of which are insured in accordance with the Federal Deposit Insurance Act or institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation, the powers, functions, and duties vested in the Commission to administer and enforce sections 12, 13, 14(a), 14(c), 14(d), 14(f), and 16, (1) with respect to national banks and banks operating under the Code of Law for the District of Columbia are vested in the Comptroller of the Currency, (2) with respect to all other member banks of the Federal Reserve System are vested in the Board of Governors of the Federal Reserve System, (3) with respect to all other insured banks are vested in the Federal Deposit Insurance Corporation, and (4) with respect to institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation are vested in the Federal Home Loan Bank Board. The Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board shall have the power to make such rules and regulations as may be necessary for the execution of the functions vested in them as provided in this subsection. In carrying out their responsibilities under this subsection, the agencies named in the first sentence of this subsection shall issue substantially similar regulations to regulations and rules issued by the

12 USC 1811
note.

15 USC 781,
78m, 78n, 78p.

October 28, 1974

- 5 -

Pub. Law 93-495

88 STAT. 1504

Commission under sections 12, 13, 14(a), 14(c), 14(d), 14(f) and 16, unless they find that implementation of substantially similar regulations with respect to insured banks and insured institutions are not necessary or appropriate in the public interest or for protection of investors, and publish such findings, and the detailed reasons therefor, in the Federal Register. Such regulations of the above-named agencies, or the reasons for failure to publish such substantially similar regulations to those of the Commission, shall be published in the Federal Register within 120 days of the date of enactment of this subsection, and, thereafter, within 60 days of any changes made by the Commission in its relevant regulations and rules."

15 USC 781,
78m, 78n, 78p.

Publication in
Federal Regis-
ter.

(c) Paragraph (5) of subsection (1) of section 407 of the National Housing Act, as amended (12 U.S.C. 1730(1)(5)), is amended by inserting after "disclosures" a comma and the following: "including proxy statements and the solicitation of proxies thereby,".

(d) Subsection (j) of section 402 of the National Housing Act, as amended (12 U.S.C. 1725(j)), is amended to read as follows:

"(j)(1) Except as otherwise provided in this subsection, until June 30, 1976, the Corporation shall not approve, under regulations adopted pursuant to this title or section 5 of the Home Owners' Loan Act of 1933, by order or otherwise, a conversion from the mutual to stock form of organization involving or to involve an insured institution, except that this sentence shall not be deemed to limit now or hereafter the authority of the Corporation to approve conversions in supervisory cases. The Corporation may by rule, regulation, or otherwise and under such civil penalties (which may be cumulative to any other remedies) as it may prescribe take whatever action it deems necessary or appropriate to implement or enforce this subsection.

12 USC 1464.

(2) The number of applications for conversion which the Corporation may approve pursuant to such regulations prior to such date shall be determined by the Corporation but shall not in any case be in excess of 1 per centum of the total number of all insured institutions in existence on the date of enactment, exclusive of the number of applications submitted for filing prior to May 22, 1973. *Provided*, that the Corporation shall process to final determination any application submitted for filing prior to May 22, 1973, pursuant to regulations in effect and adopted pursuant to this title or section 5 of the Home Owners' Loan Act of 1933: with further proviso that, with respect to a plan of conversion of any such applicant which, before May 22, 1973, has given written public notice to its accountholders of adoption of a plan of conversion or has obtained waiver forms from substantially all its new accountholders subsequent to the giving of such notice, such plan need not require payment for stock distributed to accountholders as of a record date prior to the date of such notice.

"(3) Notwithstanding any other provision of law, an insured institution converting in accordance with this subsection may retain its Federal charter. The Corporation shall not, however, permit the conversion of Federally chartered associations in States the laws of which do not authorize the operation of State chartered stock associations, except that the prohibition contained in this sentence shall not apply to the District of Columbia, the Commonwealth of Puerto Rico, or a State where all insured institutions domiciled therein are Federally chartered.

"(4) Any aggrieved person may obtain review of a final action of the Federal Home Loan Bank Board or the Corporation which approves, with or without conditions, or disapproves a plan of conversion pursuant to this subsection only by complying with the provisions of subsection (k) of section 408 of this title (12 U.S.C. 1730a(k)) within the time limit and in the manner therein prescribed,

88 STAT. 1505

Publication in
Federal Register.Reports to
Congress.

which provisions shall apply in all respects as if such final action were an order the review of which is therein provided for, except that such time limit shall commence upon publication of notice of such final action in the Federal Register or upon the giving of such general notice of such final action as is required by or approved under regulations of the Corporation, whichever is later.

"(5) The Corporation shall, at least annually and more often as circumstances require, render reports to the Congress on the exercise of its authority under this subsection.

"(6) In implementing the provisions of this subsection the Corporation shall regulate the approvals granted so as to achieve (A) as much geographical dispersion as practicable; (B) an equitable distribution with respect to the size of converting institutions; (C) an appropriate distribution between State chartered and Federally chartered institutions; (D) timeliness of filing; (E) flexibility to the extent possible in plans of conversion taking into account the characteristics of particular converting institutions; (F) the meeting of capital needs; and (G) such other reasonable results as it may consider necessary or appropriate in the public interest."

MORATORIUM ON CONVERSION OF FEDERAL DEPOSIT INSURANCE CORPORATION INSURED INSTITUTIONS

SEC. 106. Section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)) is amended by adding at the end thereof the following new subsection:

"(10) Until June 30, 1976, the responsible agency shall not grant any approval required by law which has the practical effect of permitting a conversion from the mutual to the stock form of organization, including approval of any application pending on the date of enactment of this subsection, except that this sentence shall not be deemed to limit now or hereafter the authority of the responsible agency to grant approvals in cases where the responsible agency finds that it must act in order to maintain the safety, soundness, and stability of an insured bank. The responsible agency may by rule, regulation, or otherwise and under such civil penalties (which shall be cumulative to any other remedies) as it may prescribe take whatever action it deems necessary or appropriate to implement or enforce this subsection."

EXTENSION OF FLEXIBLE REGULATION OF INTEREST RATES AUTHORITY

12 USC 461
note.

SEC. 107. Section 7 of the Act of September 21, 1966 (Public Law 89-597), is amended by striking out "December 31, 1974" and inserting in lieu thereof "December 31, 1975".

INCREASE DOLLARS LIMITATION ON THE COST FOR CONSTRUCTION OF FEDERAL RESERVE BANK BRANCH BUILDINGS

SEC. 108. The ninth paragraph of section 10 of the Federal Reserve Act, as amended (12 U.S.C. 522), is amended by striking out "\$60,000,000" and inserting in lieu thereof "\$140,000,000".

PURCHASE OF UNITED STATES OBLIGATIONS BY FEDERAL RESERVE BANKS

SEC. 109. (a) Section 14(b) of the Federal Reserve Act, as amended (12 U.S.C. 355), is amended by striking out "November 1, 1973" and inserting in lieu thereof "November 1, 1975" and by striking out "October 31, 1973" and inserting in lieu thereof "October 31, 1975".

October 28, 1974

- 7 -

Pub. Law 93-495

88 STAT. 1506

SUPERVISORY AUTHORITY OF THE BOARD OF GOVERNORS OF THE FEDERAL
RESERVE SYSTEM OVER BANK HOLDING COMPANIES AND THEIR NON-
BANKING SUBSIDIARIES

SEC. 110. Subsection (b) of section 8 of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1818(b)), is amended by adding at the end thereof the following new paragraph:

"(3) This subsection and subsections (c), (d), (h), (i), (k), (l), (m), and (n) of this section shall apply to any bank holding company, and to any subsidiary (other than a bank) of a holding company, as those terms are defined in the Bank Holding Company Act of 1956, in the same manner as they apply to a State member insured bank."

12 USC 1841
note.

INDEPENDENCE OF FINANCIAL REGULATORY AGENCIES

SEC. 111. No officer or agency of the United States shall have any authority to require the Securities and Exchange Commission, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, or the National Credit Union Administration to submit legislative recommendations, or testimony, or comments on legislation, to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress if such recommendations, testimony, or comments to the Congress include a statement indicating that the views expressed therein are those of the agency submitting them and do not necessarily represent the views of the President.

12 USC 250.

INCREASE IN AUTHORITY OF THE TREASURY TO PURCHASE FEDERAL HOME
LOAN BANK OBLIGATIONS

SEC. 112. Subsection (i) of section 11 of the Federal Home Loan Bank Act, as amended (12 U.S.C. 1431(i)), is amended as follows:

(1) In the fourth sentence of the first paragraph, strike out "subsection" both places it appears and insert in lieu thereof "paragraph".

(2) Strike out the second paragraph and insert in lieu thereof the following:

"In addition to obligations authorized to be purchased by the preceding paragraph, the Secretary of the Treasury is authorized to purchase any obligations issued pursuant to this section in amounts not to exceed \$2,000,000,000. The authority provided in this paragraph shall expire August 10, 1975.

"Notwithstanding the foregoing, the authority provided in this subsection may be exercised during any calendar quarter beginning after the date of enactment of the Depository Institutions Amendments of 1974 only if the Secretary of the Treasury and the Chairman of the Federal Home Loan Bank Board certify to the Congress that (1) alternative means cannot be effectively employed to permit members of the Home Loan Bank System to continue to supply reasonable amounts of funds to the mortgage market, and (2) the ability to supply such funds is substantially impaired because of monetary stringency and a high level of interest rates. Any funds borrowed under this subsection shall be repaid by the Home Loan Banks at the earliest practicable date."

Repayment of
funds.

AUTHORITY OF THE FEDERAL HOME LOAN MORTGAGE CORPORATION
TO PURCHASE MORTGAGES FROM STATE INSURED INSTITUTIONS

SEC. 113. The first sentence of section 305(a)(1) of the Federal Home Loan Mortgage Corporation Act is amended by inserting "or

12 USC 1454.

from any financial institution the deposits or accounts of which are insured under the laws of any State if the total amount of time and savings deposits held in all such institutions in that State is more than 20 per centum of the total amount of such deposits in all banks, building and loan, savings and loan, and homestead associations (including cooperative banks) in that State" immediately after "agency of the United States".

TECHNICAL AMENDMENT

12 USC 548
note.

SEC. 114. (a) Section 7(d)(2) of the Act of August 16, 1973 (Public Law 93-100), is amended by striking out "the Commonwealth of Puerto Rico."

(b) The amendment made by subsection (a) applies with respect to any taxable year or other taxable period beginning on or after August 16, 1973.

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION SECONDARY RESERVE ADJUSTMENT

SEC. 115. Paragraph (1) of subsection (d) of section 404 of the National Housing Act, as amended (12 U.S.C. 1727), is amended by inserting "(A)" immediately after "(d)(1)" and by adding at the end thereof the following:

"Minimum net
reduction year."

"(B)(i) As used in this subparagraph (B), 'minimum net reduction year' means a year in which, at the close of December 31, the aggregate of the primary reserve and secondary reserve equals or exceeds $1\frac{1}{4}$ per centum of the total amount of all accounts of insured members of all insured institutions, and 'beginning balance' means, with respect to each insured institution, the amount of such institution's pro rata share, if any, of the secondary reserve as of the close of December 31, 1973, plus any amount or amounts which, after such close, shall have been transferred to such institution under the last sentence of subsection (e) of this section.

"Beginning
balance."

"(ii) In May of each year succeeding each of the first ten minimum net reduction years occurring after December 31, 1973, the Corporation shall reduce the amount of each insured institution's pro rata share, if any, of the secondary reserve as of the preceding December 31 by making to the extent available, a cash refund to each such institution of the difference, if any, between such pro rata share and the applicable percentage of its beginning balance prescribed in the following table:

"Minimum net reduction year:	Percent of beginning balance
1	98.1818182
2	94.5454546
3	89.0909091
4	81.8181818
5	72.7272727
6	61.8181818
7	49.0909091
8	34.5454546
9	18.1818182
10	0.0000000

CREDIT UNION MANAGEMENT: REASONABLE HEALTH AND ACCIDENT INSURANCE NOT CONSIDERED COMPENSATION

SEC. 116. Section 111 of the Federal Credit Union Act (12 U.S.C. 1761) is amended by striking the period at the end thereof and adding " : Provided, however, That reasonable health, accident, and similar insurance protection shall not be considered compensation under regulations promulgated by the Administrator."

October 28, 1974

- 9 -

Pub. Law 93-495

88 STAT. 1508

TITLE II—NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS

ESTABLISHMENT

SEC. 201. There is established the National Commission on Electronic Fund Transfers (hereinafter referred to as the "Commission") which shall be an independent instrumentality of the United States. 12 USC 2401.

MEMBERSHIP

SEC. 202. (a) The Commission shall be composed of twenty-six members as follows: 12 USC 2402.

(1) the Chairman of the Board of Governors of the Federal Reserve System or his delegate;

(2) the Attorney General or his delegate;

(3) the Comptroller of the Currency or his delegate;

(4) the Chairman of the Federal Home Loan Bank Board or his delegate;

(5) the Administrator of the National Credit Union Administration or his delegate;

(6) the Chairman of the Board of Directors of the Federal Deposit Insurance Corporation or his delegate;

(7) the Chairman of the Federal Communications Commission or his delegate;

(8) the Postmaster General or his delegate;

(9) the Secretary of the Treasury or his delegate;

(10) the Chairman of the Federal Trade Commission or his delegate;

(11) two individuals, appointed by the President, one of whom is an official of a State agency which regulates banking, or similar financial institutions, and one of whom is an official of a State agency which regulates thrift or similar financial institutions;

(12) seven individuals, appointed by the President, who are officers or employees of, or who otherwise represent banking, thrift, or other business entities, including one representative each of commercial banks, mutual savings banks, savings and loan associations, credit unions, retailers, nonbanking institutions offering credit card services, and organizations providing interchange services for credit cards issued by banks;

(13) five individuals, appointed by the President, from private life who are not affiliated with, do not represent and have no substantial interest in any banking, thrift, or other financial institution, including but not limited to credit unions, retailers, and insurance companies;

(14) the Comptroller General of the United States or his delegate; and

(15) the Director of the Office of Technology Assessment.

(b) The Chairperson shall be designated by the President at the time of his appointment from among the members of the Commission and such selection shall be by and with the advice and consent of the Senate unless the appointee holds an office to which he was appointed by and with the advice and consent of the Senate.

(c) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

FUNCTIONS

SEC. 203. (a) The Commission shall conduct a thorough study and investigation and recommend appropriate administrative action and Study.
12 USC 2403.

legislation necessary in connection with the possible development of public or private electronic fund transfer systems, taking into account, among other things—

(1) the need to preserve competition among the financial institutions and other business enterprises using such a system;

(2) the need to promote competition among financial institutions and to assure Government regulation and involvement or participation in a system competitive with the private sector be kept to a minimum;

(3) the need to prevent unfair or discriminatory practices by any financial institution or business enterprise using or desiring to use such a system;

(4) the need to afford maximum user and consumer convenience;

(5) the need to afford maximum user and consumer rights to privacy and confidentiality;

(6) the impact of such a system on economic and monetary policy;

(7) the implications of such a system on the availability of credit;

(8) the implications of such a system expanding internationally and into other forms of electronic communications; and

(9) the need to protect the legal rights of users and consumers.

Interim report.

Final report
to President
and Congress.

Termination
date.

(b) The Commission shall make an interim report within one year of its findings and recommendations and at such other times as it deems advisable and shall transmit to the President and to the Congress not later than two years after the date of enactment of this Act a final report of its findings and recommendations. Any such report shall include all hearing transcripts, staff studies, and other material used in preparation of the report. The interim and final reports shall be made available to the public upon transmittal. Sixty days after transmission of its final report the Commission shall cease to exist.

(c) The Commission shall not be required to obtain the clearance of any Federal agency prior to the transmittal of any interim or final report.

POWERS OF COMMISSION

Hearings.
12 USC 2404.

SEC. 204. (a) The Commission may for the purpose of carrying out this Act hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission may deem advisable. The Commission may administer oaths of affirmations to witnesses appearing before it.

(b) When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(c) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

Subpenas.

(d) (1) The Commission shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation by the Commission. Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing within the United States.

(2) If a person issued a subpoena under paragraph (1) refuses to obey such subpoena or is guilty of contempt, any court of the United States within the judicial district within which the hearing is con-

October 28, 1974

- 11 -

Pub. Law 93-495

88 STAT. 1510

ducted or within the judicial district within which such person is found or resides or transacts business may (upon application by the Commission) order such person to appear before the Commission to produce evidence or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(3) The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) All process of any court to which application may be made under this section may be served in the judicial district wherein the person required to be served resides or may be found.

ADMINISTRATION

SEC. 205. (a) The Commission—

12 USC 2405.

(1) may appoint with the advice and consent of the Senate and fix the compensation of an Executive Director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title; and

5 USC 101 et seq.
5 USC 5101,
5331.

(2) may procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed \$150 a day for individuals.

5 USC 5332
note.
Experts and consultants.

(b) The Comptroller General is authorized to make detailed audits of the books and records of the Commission, and shall report the results of any such audit to the Commission and to the Congress.

Audits, report to Congress.

COMPENSATION

SEC. 206. (a) A member of the Commission who is an officer or employee of the United States shall serve as a member of the Commission without additional compensation, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of his duties as a member of the Commission.

12 USC 2406.

(b) A member of the Commission who is not otherwise an officer or employee of the United States shall be compensated at a rate of \$150 per day when engaged in the performance of his duties as a member of the Commission, and shall also be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties as a member of the Commission.

ASSISTANCE OF GOVERNMENT AGENCIES

SEC. 207. (a) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request, such data, reports, and other information as the Commission deems necessary to carry out its functions under this title.

12 USC 2407.

(b) The head of any department, agency, or instrumentality of the United States may detail such personnel and may furnish such services, with or without reimbursement, as the Commission may request to assist it in carrying out its functions.

12 USC 2408.

SEC. 208. There are authorized to be appropriated without fiscal year limitations such sums, not to exceed \$2,000,000, as may be necessary to carry out the provisions of this title.

TITLE III—FAIR CREDIT BILLING

§ 301. Short title

This title may be cited as the "Fair Credit Billing Act".

Fair Credit
Billing Act.
15 USC 1601
note.

§ 302. Declaration of purpose

The last sentence of section 102 of the Truth in Lending Act (15 U.S.C. 1601) is amended by striking out the period and inserting in lieu thereof a comma and the following: "and to protect the consumer against inaccurate and unfair credit billing and credit card practices."

§ 303. Definitions of creditor and open end credit plan

The first sentence of section 103(f) of the Truth in Lending Act (15 U.S.C. 1602(f)) is amended to read as follows: "The term 'creditor' refers only to creditors who regularly extend, or arrange for the extension of, credit which is payable by agreement in more than four installments or for which the payment of a finance charge is or may be required, whether in connection with loans, sales of property or services, or otherwise. For the purposes of the requirements imposed under Chapter 4 and sections 127(a) (6), 127(a) (7), 127(a) (8), 127(b) (1), 127(b) (2), 127(b) (3), 127(b) (9), and 127(b) (11) of Chapter 2 of this Title, the term 'creditor' shall also include card issuers whether or not the amount due is payable by agreement in more than four installments or the payment of a finance charge is or may be required, and the Board shall, by regulation, apply these requirements to such card issuers, to the extent appropriate, even though the requirements are by their terms applicable only to creditors offering open end credit plans.

Post, p. 1512.
Infra,
15 USC 1637.

§ 304. Disclosure of fair credit billing rights

(a) Section 127(a) of the Truth in Lending Act (15 U.S.C. 1637 (a)) is amended by adding at the end thereof a new paragraph as follows:

Post, pp. 1512,
1515.

"(8) A statement, in a form prescribed by regulations of the Board of the protection provided by sections 161 and 170 to an obligor and the creditor's responsibilities under sections 162 and 170. With respect to each of two billing cycles per year, at semi-annual intervals, the creditor shall transmit such statement to each obligor to whom the creditor is required to transmit a statement pursuant to section 127(b) for such billing cycle."

(b) Section 127(c) of such Act (15 U.S.C. 1637(c)) is amended to read:

"(c) In the case of any existing account under an open end consumer credit plan having an outstanding balance of more than \$1 at or after the close of the creditor's first full billing cycle under the plan after the effective date of subsection (a) or any amendments thereto, the items described in subsection (a), to the extent applicable and not previously disclosed, shall be disclosed in a notice mailed or delivered to the obligor not later than the time of mailing the next statement required by subsection (b)."

§ 305. Disclosure of billing contact

Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end thereof a new paragraph as follows:

"(11) The address to be used by the creditor for the purpose of receiving billing inquiries from the obligor."

§ 306. Billing practices

The Truth in Lending Act (15 U.S.C. 1601-1665) is amended by adding at the end thereof a new chapter as follows:

"Chapter 4—CREDIT BILLING

"Sec.

"161. Correction of billing errors.

"162. Regulation of credit reports.

"163. Length of billing period.

"164. Prompt crediting of payments.

"165. Crediting excess payments.

"166. Prompt notification of returns.

"167. Use of cash discounts.

"168. Prohibition of tie-in services.

"169. Prohibition of offsets.

"170. Rights of credit card customers.

"171. Relation to State laws.

"§ 161. Correction of billing errors

"(a) If a creditor, within sixty days after having transmitted to an obligor a statement of the obligor's account in connection with an extension of consumer credit, receives at the address disclosed under section 127(b)(11) a written notice (other than notice on a payment stub or other payment medium supplied by the creditor if the creditor so stipulates with the disclosure required under section 127(a)(8)) from the obligor in which the obligor—

15 USC 1666.

Ante, p. 1511.

Ante, p. 1511.

"(1) sets forth or otherwise enables the creditor to identify the name and account number (if any) of the obligor,

"(2) indicates the obligor's belief that the statement contains a billing error and the amount of such billing error, and

"(3) sets forth the reasons for the obligor's belief (to the extent applicable) that the statement contains a billing error, the creditor shall, unless the obligor has, after giving such written notice and before the expiration of the time limits herein specified, agreed that the statement was correct—

"(A) not later than thirty days after the receipt of the notice, send a written acknowledgement thereof to the obligor, unless the action required in subparagraph (B) is taken within such thirty-day period, and

"(B) not later than two complete billing cycles of the creditor (in no event later than ninety days) after the receipt of the notice and prior to taking any action to collect the amount, or any part thereof, indicated by the obligor under paragraph (2) either—

"(i) make appropriate corrections in the account of the obligor, including the crediting of any finance charges on amounts erroneously billed, and transmit to the obligor a notification of such corrections and the creditor's explanation of any change in the amount indicated by the obligor under paragraph (2) and, if any such change is made and the obligor so requests, copies of documentary evidence of the obligor's indebtedness; or

"(ii) send a written explanation or clarification to the obligor, after having conducted an investigation, setting forth to the extent applicable the reasons why the creditor believes the account of the obligor was correctly shown in the statement and, upon request of the obligor, provide copies of documentary evidence of the obligor's indebtedness. In the case of a billing error where the obligor alleges that the creditor's billing statement reflects goods not delivered to

the obligor or his designee in accordance with the agreement made at the time of the transaction, a creditor may not construe such amount to be correctly shown unless he determines that such goods were actually delivered, mailed, or otherwise sent to the obligor and provides the obligor with a statement of such determination.

After complying with the provisions of this subsection with respect to an alleged billing error, a creditor has no further responsibility under this section if the obligor continues to make substantially the same allegation with respect to such error.

Definitions.

"(b) For the purpose of this section, a 'billing error' consists of any of the following:

"(1) A reflection on a statement of an extension of credit which was not made to the obligor or, if made, was not in the amount reflected on such statement.

"(2) A reflection on a statement of an extension of credit for which the obligor requests additional clarification including documentary evidence thereof.

"(3) A reflection on a statement of goods or services not accepted by the obligor or his designee or not delivered to the obligor or his designee in accordance with the agreement made at the time of a transaction.

"(4) The creditor's failure to reflect properly on a statement a payment made by the obligor or a credit issued to the obligor.

"(5) A computation error or similar error of an accounting nature of the creditor on a statement.

"(6) Any other error described in regulations of the Board.

"(c) For the purposes of this section, 'action to collect the amount, or any part thereof, indicated by an obligor under paragraph (2)' does not include the sending of statements of account to the obligor following written notice from the obligor as specified under subsection (a), if—

"(1) the obligor's account is not restricted or closed because of the failure of the obligor to pay the amount indicated under paragraph (2) of subsection (a), and

"(2) the creditor indicates the payment of such amount is not required pending the creditor's compliance with this section.

Nothing in this section shall be construed to prohibit any action by a creditor to collect any amount which has not been indicated by the obligor to contain a billing error.

"(d) Pursuant to regulations of the Board, a creditor operating an open end consumer credit plan may not, prior to the sending of the written explanation or clarification required under paragraph (B) (ii), restrict or close an account with respect to which the obligor has indicated pursuant to subsection (a) that he believes such account to contain a billing error solely because of the obligor's failure to pay the amount indicated to be in error. Nothing in this subsection shall be deemed to prohibit a creditor from applying against the credit limit on the obligor's account the amount indicated to be in error.

Noncompliance.

"(e) Any creditor who fails to comply with the requirements of this section or section 162 forfeits any right to collect from the obligor the amount indicated by the obligor under paragraph (2) of subsection (a) of this section, and any finance charges thereon, except that the amount required to be forfeited under this subsection may not exceed \$50.

"§ 162. Regulation of credit reports

"(a) After receiving a notice from an obligor as provided in section 161(a), a creditor or his agent may not directly or indirectly threaten

to report to any person adversely on the obligor's credit rating or credit standing because of the obligor's failure to pay the amount indicated by the obligor under section 161(a)(2), and such amount may not be reported as delinquent to any third party until the creditor has met the requirements of section 161 and has allowed the obligor the same number of days (not less than ten) thereafter to make payment as is provided under the credit agreement with the obligor for the payment of undisputed amounts.

"(b) If a creditor receives a further written notice from an obligor that an amount is still in dispute within the time allowed for payment under subsection (a) of this section, a creditor may not report to any third party that the amount of the obligor is delinquent because the obligor has failed to pay an amount which he has indicated under section 161(a)(2), unless the creditor also reports that the amount is in dispute and, at the same time, notifies the obligor of the name and address of each party to whom the creditor is reporting information concerning the delinquency.

"(c) A creditor shall report any subsequent resolution of any delinquencies reported pursuant to subsection (b) to the parties to whom such delinquencies were initially reported.

"§ 163. Length of billing period

"(a) If an open end consumer credit plan provides a time period within which an obligor may repay any portion of the credit extended without incurring an additional finance charge, such additional finance charge may not be imposed with respect to such portion of the credit extended for the billing cycle of which such period is a part unless a statement which includes the amount upon which the finance charge for that period is based was mailed at least fourteen days prior to the date specified in the statement by which payment must be made in order to avoid imposition of that finance charge.

15 USC 1666b.

"(b) Subsection (a) does not apply in any case where a creditor has been prevented, delayed, or hindered in making timely mailing or delivery of such periodic statement within the time period specified in such subsection because of an act of God, war, natural disaster, strike, or other excusable or justifiable cause, as determined under regulations of the Board.

"§ 164. Prompt crediting of payments

"Payments received from an obligor under an open end consumer credit plan by the creditor shall be posted promptly to the obligor's account as specified in regulations of the Board. Such regulations shall prevent a finance charge from being imposed on any obligor if the creditor has received the obligor's payment in readily identifiable form in the amount, manner, location, and time indicated by the creditor to avoid the imposition thereof.

15 USC 1666c.

"§ 165. Crediting excess payments

"Whenever an obligor transmits funds to a creditor in excess of the total balance due on an open end consumer credit account, the creditor shall promptly (1) upon request of the obligor refund the amount of the overpayment, or (2) credit such amount to the obligor's account.

15 USC 1666d.

"§ 166. Prompt notification of returns

"With respect to any sales transaction where a credit card has been used to obtain credit, where the seller is a person other than the card issuer, and where the seller accepts or allows a return of the goods or forgiveness of a debit for services which were the subject of such sale, the seller shall promptly transmit to the credit card issuer, a credit statement with respect thereto and the credit card issuer shall credit the account of the obligor for the amount of the transaction.

15 USC 1666e.

88 STAT. 1515

"§ 167. Use of cash discounts

15 USC 1666f.

"(a) With respect to credit card which may be used for extensions of credit in sales transactions in which the seller is a person other than the card issuer, the card issuer may not, by contract or otherwise, prohibit any such seller from offering a discount to a cardholder to induce the cardholder to pay by cash, check, or similar means rather than use a credit card.

"(b) With respect to any sales transaction, any discount not in excess of 5 per centum offered by the seller for the purpose of inducing payment by cash, check, or other means not involving the use of a credit card shall not constitute a finance charge as determined under section 106, if such discount is offered to all prospective buyers and its availability is disclosed to all prospective buyers clearly and conspicuously in accordance with regulations of the Board.

"§ 168. Prohibition of tie-in services

15 USC 1666g.

"Notwithstanding any agreement to the contrary, a card issuer may not require a seller, as a condition to participating in a credit card plan, to open an account with or procure any other service from the card issuer or its subsidiary or agent.

"§ 169. Prohibition of offsets

15 USC 1666h.

"(a) A card issuer may not take any action to offset a cardholder's indebtedness arising in connection with a consumer credit transaction under the relevant credit card plan against funds of the cardholder held on deposit with the card issuer unless—

"(1) such action was previously authorized in writing by the cardholder in accordance with a credit plan whereby the cardholder agrees periodically to pay debts incurred in his open end credit account by permitting the card issuer periodically to deduct all or a portion of such debt from the cardholder's deposit account, and

"(2) such action with respect to any outstanding disputed amount not be taken by the card issuer upon request of the cardholder.

In the case of any credit card account in existence on the effective date of this section, the previous written authorization referred to in clause (1) shall not be required until the date (after such effective date) when such account is renewed, but in no case later than one year after such effective date. Such written authorization shall be deemed to exist if the card issuer has previously notified the cardholder that the use of his credit card account will subject any funds which the card issuer holds in deposit accounts of such cardholder to offset against any amounts due and payable on his credit card account which have not been paid in accordance with the terms of the agreement between the card issuer and the cardholder.

"(b) This section does not alter or affect the right under State law of a card issuer to attach or otherwise levy upon funds of a cardholder held on deposit with the card issuer if that remedy is constitutionally available to creditors generally.

"§ 170. Rights of credit card customers

15 USC 1666i.

"(a) Subject to the limitation contained in subsection (b), a card issuer who has issued a credit card to a cardholder pursuant to an open end consumer credit plan shall be subject to all claims (other than tort claims) and defenses arising out of any transaction in which the credit card is used as a method of payment or extension of credit if (1) the obligor has made a good faith attempt to obtain satisfactory resolution of a disagreement or problem relative to the transaction from the person honoring the credit card; (2) the amount of the initial

October 28, 1974

- 17 -

Pub. Law 93-495

88 STAT. 1516

transaction exceeds \$50; and (3) the place where the initial transaction occurred was in the same State as the mailing address previously provided by the cardholder or was within 100 miles from such address, except that the limitations set forth in clauses (2) and (3) with respect to an obligor's right to assert claims and defenses against a card issuer shall not be applicable to any transaction in which the person honoring the credit card (A) is the same person as the card issuer, (B) is controlled by the card issuer, (C) is under direct or indirect common control with the card issuer, (D) is a franchised dealer in the card issuer's products or services, or (E) has obtained the order for such transaction through a mail solicitation made by or participated in by the card issuer in which the cardholder is solicited to enter into such transaction by using the credit card issued by the card issuer.

"(b) The amount of claims or defenses asserted by the cardholder may not exceed the amount of credit outstanding with respect to such transaction at the time the cardholder first notifies the card issuer or the person honoring the credit card of such claim or defense. For the purpose of determining the amount of credit outstanding in the preceding sentence, payments and credits to the cardholder's account are deemed to have been applied, in the order indicated, to the payment of: (1) late charges in the order of their entry to the account; (2) finance charges in order of their entry to the account; and (3) debits to the account other than those set forth above, in the order in which each debit entry to the account was made.

"§ 171. Relation to State laws

"(a) This chapter does not annul, alter, or affect, or exempt any person subject to the provisions of this chapter from complying with, the laws of any State with respect to credit billing practices, except to the extent that those laws are inconsistent with any provision of this chapter, and then only to the extent of the inconsistency. The Board is authorized to determine whether such inconsistencies exist. The Board may not determine that any State law is inconsistent with any provision of this chapter if the Board determines that such law gives greater protection to the consumer.

15 USC 1666j.

"(b) The Board shall by regulation exempt from the requirements of this chapter any class of credit transactions within any State if it determines that under the law of that State that class of transactions is subject to requirements substantially similar to those imposed under this chapter or that such law gives greater protection to the consumer, and that there is adequate provision for enforcement."

§ 307. Conforming amendments

(a) The table of chapters of the Truth in Lending Act is amended by adding immediately under item 3 the following:

"4. CREDIT BILLING..... 161"

(b) Section 111(d) of such Act (15 U.S.C. 1610(d)) is amended by striking out "and 130" and inserting in lieu thereof a comma and the following: "130, and 166".

(c) Section 121(a) of such Act (15 U.S.C. 1631(a)) is amended—

(1) by striking out "and upon whom a finance charge is or may be imposed"; and

(2) by inserting "or chapter 4" immediately after "this chapter".

(d) Section 121(b) of such Act (15 U.S.C. 1631(b)) is amended by inserting "or chapter 4" immediately after "this chapter".

(e) Section 122(a) of such Act (15 U.S.C. 1632(a)) is amended by inserting "or chapter 4" immediately after "this chapter".

88 STAT. 1517

(f) Section 122(b) of such Act (15 U.S.C. 1632(b)) is amended by inserting "or chapter 4" immediately after "this chapter".

§ 308. Effective date

This title takes effect upon the expiration of one year after the date of its enactment.

TITLE IV—AMENDMENTS TO THE TRUTH IN LENDING ACT

§ 401. Advertising; more-than-four-installment rule

(a) Chapter 3 of the Truth in Lending Act (15 U.S.C. 1661-1665) is amended by adding at the end thereof a new section as follows:

"§ 146. More-than-four-installment rule

"Any advertisement to aid, promote, or assist directly or indirectly the extension of consumer credit repayable in more than four installments shall, unless a finance charge is imposed, clearly and conspicuously state, in accordance with the regulations of the Board:

"THE COST OF CREDIT IS INCLUDED IN THE PRICE QUOTED FOR THE GOODS AND SERVICES."

(b) The table of sections of such chapter is amended by adding at the end thereof a new item as follows:

"146. More-than-four-installment rule."

§ 402. Agricultural credit exemption

Section 104 of the Truth in Lending Act (15 U.S.C. 1603) is amended by adding at the end thereof a new paragraph as follows:

"(5) Credit transactions primarily for agricultural purposes in which the total amount to be financed exceeds \$25,000."

§ 403. Administrative enforcement

(a) Section 108(a) of the Truth in Lending Act (15 U.S.C. 1607(a)) is amended by striking out paragraph (4) and by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(b) Section 108(a) of such Act (15 U.S.C. 1607(a)) is amended by adding at the end thereof a new paragraph as follows:

"(6) the Farm Credit Act of 1971, by the Farm Credit Administration with respect to any Federal land bank, Federal land bank association, Federal intermediate credit bank, or production credit association."

§ 404. Liens arising by operation of State law

Section 125 of the Truth in Lending Act (15 U.S.C. 1635) is amended—

(1) by striking out "is" the first time it appears in the first sentence of subsection (a) and inserting in lieu thereof "including any such interest arising by operation of law, is or will be"; and

(2) by inserting after "obligor" the second time it appears in the first sentence of subsection (b) the following: "including any such interest arising by operation of law,".

§ 405. Time limit for right of rescission

Section 125 of the Truth in Lending Act (15 U.S.C. 1635) is amended by adding at the end thereof a new subsection as follows:

"(f) An obligor's right of rescission shall expire three years after the date of consummation of the transaction or upon the sale of the property, whichever occurs earlier, notwithstanding the fact that the disclosures required under this section or any other material dis-

15 USC 1666
note.

15 USC 1665a.

12 USC 2001
note.

October 28, 1974

- 19 -

Pub. Law 93-495

88 STAT. 1518

closures required under this chapter have not been delivered to the obligor."

§ 406. Good faith compliance

Section 130 of the Truth in Lending Act (15 U.S.C. 1640) is amended by adding at the end thereof a new subsection as follows:

"(f) No provision of this section or section 112 imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule, regulation, or interpretation thereof by the Board, notwithstanding that after such act or omission has occurred, such rule, regulation, or interpretation is amended, rescinded, or determined by judicial or other authority to be invalid for any reason."

§ 407. Liability for multiple disclosures

Section 130 of the Truth in Lending Act (15 U.S.C. 1640) is amended by adding at the end thereof a new subsection as follows:

"(g) The multiple failure to disclose to any person any information required under this chapter to be disclosed in connection with a single account under an open end consumer credit plan, other single consumer credit sale, consumer loan, or other extension of consumer credit, shall entitle the person to a single recovery under this section but continued failure to disclose after a recovery has been granted shall give rise to rights to additional recoveries."

§ 408. Civil liability

(a) Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended to read as follows:

"(a) Except as otherwise provided in this section, any creditor who fails to comply with any requirement imposed under this chapter or chapter 4 of this title with respect to any person is liable to such person in an amount equal to the sum of—

Ante, p. 1512.

"(1) any actual damage sustained by such person as a result of the failure;

"(2) (A) in the case of an individual action twice the amount of any finance charge in connection with the transaction, except that the liability under this subparagraph shall not be less than \$100 nor greater than \$1,000; or

"(B) in the case of a class action, such amount as the court may allow, except that as to each member of the class no minimum recovery shall be applicable, and the total recovery in such action shall not be more than the lesser of \$100,000 or 1 per centum of the net worth of the creditor; and

"(3) in the case of any successful action to enforce the foregoing liability, the costs of the action, together with a reasonable attorney's fee as determined by the court.

In determining the amount of award in any class action, the court shall consider, among other relevant factors, the amount of any actual damages awarded, the frequency and persistence of failures of compliance by the creditor, the resources of the creditor, the number of persons adversely affected, and the extent to which the creditor's failure of compliance was intentional."

(b) Section 130(b) of such Act (15 U.S.C. 1640(b)) is amended by inserting after "this section" the first place it appears the following: "for any failure to comply with any requirement imposed under this chapter,"

(c) Section 130(c) of such Act (15 U.S.C. 1640(c)) is amended by striking out "chapter" and inserting in lieu thereof "title".

(d) Section 130 of such Act (15 U.S.C. 1640) is amended by adding at the end thereof a new subsection as follows:

"(h) A person may not take any action to offset any amount for which a creditor is potentially liable to such person under subsection

(a) (2) against any amount owing to such creditor by such person, unless the amount of the creditor's liability to such person has been determined by judgment of a court of competent jurisdiction in an action to which such person was a party."

15 USC 640
note.

(e) The amendments made by sections 406, 407, and 408 shall apply in determining the liability of any person under chapter 2 or 4 of the Truth in Lending Act, unless prior to the date of enactment of this Act such liability has been determined by final judgment of a court of competent jurisdiction and no further review of such judgment may be had by appeal or otherwise.

§ 409. Full statement of closing costs

Section 121 of the Truth in Lending Act (15 U.S.C. 1631) is amended by adding at the end thereof a new subsection as follows:

"(c) For the purpose of subsection (a), the information required under this chapter shall include a full statement of closing costs to be incurred by the consumer, which shall be presented, in accordance with the regulations of the Board—

"(1) prior to the time when any downpayment is made, or

"(2) in the case of a consumer credit transaction involving real property, at the time the creditor makes a commitment with respect to the transaction.

The Board may provide by regulation that any portion of the information required to be disclosed by this section may be given in the form of estimates where the provider of such information is not in a position to know exact information."

§ 410. Business use of credit cards

(a) Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631-1644) is amended by adding the following new section at the end thereof:

"§ 135. Business credit cards

15 USC 1645.
15 USC 1642,
1643, 1644.

"The exemption provided by section 104(1) does not apply to the provisions of sections 132, 133, and 134, except that a card issuer and a business or other organization which provides credit cards issued by the same card issuer to ten or more of its employees may by contract agree as to liability of the business or other organization with respect to unauthorized use of such credit cards without regard to the provisions of section 133, but in no case may such business or other organization or card issuer impose liability upon any employee with respect to unauthorized use of such a credit card except in accordance with and subject to the limitations of section 133."

(b) The table of sections of such chapter is amended by adding at the end thereof a new item as follows:

"135. Business credit cards."

§ 411. Identification of transaction

Section 127(b) (2) of the Truth in Lending Act (15 U.S.C. 1637 (b) (2)) is amended to read as follows:

"(2) The amount and date of each extension of credit during the period and a brief identification on or accompanying the statement of each extension of credit in a form prescribed by regulations of the Board sufficient to enable the obligor to identify the transaction, or relate it to copies of sales vouchers or similar instruments previously furnished."

§ 412. Exemption for State lending agencies

Section 125(e) of the Truth in Lending Act (15 U.S.C. 1635(e)) is amended by striking the period at the end thereof and adding the following: "or to a consumer credit transaction in which an agency of a State is the creditor."

§ 413. Liability of assignees

(a) Chapter 1 of the Truth in Lending Act (15 U.S.C. 1601-1613) is amended by adding at the end thereof a new section as follows:

"§ 115. Liability of assignees

"Except as otherwise specifically provided in this title, any civil action for a violation of this title which may be brought against the original creditor in any credit transaction may be maintained against any subsequent assignee of the original creditor where the violation from which the alleged liability arose is apparent on the face of the instrument assigned unless the assignment is involuntary."

15 USC 1614.

(b) The analysis of such chapter is amended by adding at the end thereof a new item as follows:

"115. Liability of assignees."

§ 414. Credit card fraud

Section 134 of the Truth in Lending Act (15 U.S.C. 1644) is amended to read as follows:

"§ 134. Fraudulent use of credit card

"(a) Whoever knowingly in a transaction affecting interstate or foreign commerce, uses or attempts or conspires to use any counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained credit card to obtain money, goods, services, or anything else of value which within any one-year period has a value aggregating \$1,000 or more; or

"(b) Whoever, with unlawful or fraudulent intent, transports or attempts or conspires to transport in interstate or foreign commerce a counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained credit card knowing the same to be counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained; or

"(c) Whoever, with unlawful or fraudulent intent, uses any instrumentality of interstate or foreign commerce to sell or transport a counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained credit card knowing the same to be counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained; or

"(d) Whoever knowingly receives, conceals, uses, or transport money, goods, services, or anything else of value (except tickets for interstate or foreign transportation) which (1) within any one-year period has a value aggregating \$1,000 or more, (2) has moved in or is part of, or which constitutes interstate or foreign commerce, and (3) has been obtained with a counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained credit card; or

"(e) Whoever knowingly receives, conceals, uses, sells, or transports in interstate or foreign commerce one or more tickets for interstate or foreign transportation, which (1) within any one-year period have a value aggregating \$500 or more, and (2) have been purchased or obtained with one or more counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained credit cards; or

"(f) Whoever in a transaction affecting interstate or foreign commerce furnishes money, property, services, or anything else of value, which within any one-year period has a value aggregating \$1,000 or more, through the use of any counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained credit card knowing the same to be counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained—

shall be fined not more than \$10,000 or imprisoned not more than ten years, or both." Penalty.

§ 415. Grace period for consumers

Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended—

(1) by amending subsection (a)(1) to read as follows:

“(1) The conditions under which a finance charge may be imposed, including the time period (if any) within which any credit extended may be repaid without incurring a finance charge, except that the creditor may, at his election and without disclosure, impose no such finance charge if payment is received after the termination of such time period.”; and

(2) by amending subsection (b)(10) to read as follows:

“(10) The date by which or the period (if any) within which, payment must be made to avoid additional finance charges, except that the creditor may, at his election and without disclosure, impose no such additional finance charge if payment is received after such date or the termination of such period.”

§ 416. Effective date

15 USC 1665a
note.

This title takes effect upon the date of its enactment, except that sections 409 and 411 take effect upon the expiration of one year after the date of its enactment.

TITLE V—EQUAL CREDIT OPPORTUNITY**§ 501. Short title**

This title may be cited as the “Equal Credit Opportunity Act”.

Equal Credit
Opportunity
Act.

15 USC 1691
note.

15 USC 1691
note.

§ 502. Findings and purpose

The Congress finds that there is a need to insure that the various financial institutions and other firms engaged in the extensions of credit exercise their responsibility to make credit available with fairness, impartiality, and without discrimination on the basis of sex or marital status. Economic stabilization would be enhanced and competition among the various financial institutions and other firms engaged in the extension of credit would be strengthened by an absence of discrimination on the basis of sex or marital status, as well as by the informed use of credit which Congress has heretofore sought to promote. It is the purpose of this Act to require that financial institutions and other firms engaged in the extension of credit make that credit equally available to all creditworthy customers without regard to sex or marital status.

§ 503. Amendment to the Consumer Credit Protection Act

15 USC 1601
note.

The Consumer Credit Protection Act (Public Law 90-321), is amended by adding at the end thereof a new title VII:

“TITLE VII—EQUAL CREDIT OPPORTUNITY

“Sec.

“701. Prohibited discrimination.

“702. Definitions.

“703. Regulations.

“704. Administrative enforcement.

“705. Relation to State laws.

“706. Civil liability.

“707. Effective date.

“§ 701. Prohibited discrimination

15 USC 1691.

“(a) It shall be unlawful for any creditor to discriminate against any applicant on the basis of sex or marital status with respect to any aspect of a credit transaction.

“(b) An inquiry of marital status shall not constitute discrimination for purposes of this title if such inquiry is for the purpose of ascer-

taining the creditor's rights and remedies applicable to the particular extension of credit, and not to discriminate in a determination of creditworthiness.

“§ 702. Definitions

“(a) The definitions and rules of construction set forth in this section are applicable for the purposes of this title. 15 USC 1691a.

“(b) The term ‘applicant’ means any person who applies to a creditor directly for an extension, renewal, or continuation of credit, or applies to a creditor indirectly by use of an existing credit plan for an amount exceeding a previously established credit limit.

“(c) The term ‘Board’ refers to the Board of Governors of the Federal Reserve System.

“(d) The term ‘credit’ means the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefor.

“(e) The term ‘creditor’ means any person who regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit.

“(f) The term ‘person’ means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

“(g) Any reference to any requirement imposed under this title or any provision thereof includes reference to the regulations of the Board under this title or the provision thereof in question.

“§ 703. Regulations

“The Board shall prescribe regulations to carry out the purposes of this title. These regulations may contain but are not limited to such classifications, differentiation, or other provision, and may provide for such adjustments and exceptions for any class of transactions, as in the judgment of the Board are necessary or proper to effectuate the purposes of this title, to prevent circumvention or evasion thereof, or to facilitate or substantiate compliance therewith. Such regulations shall be prescribed as soon as possible after the date of enactment of this Act, but in no event later than the effective date of this Act. 15 USC 1691b.

“§ 704. Administrative enforcement

“(a) Compliance with the requirements imposed under this title shall be enforced under: 15 USC 1691c.

“(1) Section 8 of the Federal Deposit Insurance Act, in the case of— 15 USC 1814.

“(A) national banks, by the Comptroller of the Currency,

“(B) member banks of the Federal Reserve System (other than national banks), by the Board,

“(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), by the Board of Directors of the Federal Deposit Insurance Corporation.

“(2) Section 5(d) of the Home Owners’ Loan Act of 1933, section 407 of the National Housing Act, and sections 6(i) and 17 of the Federal Home Loan Bank Act, by the Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), in the case of any institution subject to any of those provisions. 12 USC 1464, 12 USC 1730, 12 USC 1426, 1437.

“(3) The Federal Credit Union Act, by the Administrator of the National Credit Union Administration with respect to any Federal Credit Union. 12 USC 1751.

49 USC 1301
note.

7 USC 181
note.

7 USC 226,
227.
12 USC 2001
note.

15 USC 78a.

15 USC 661
note.

"(4) The Acts to regulate commerce, by the Interstate Commerce Commission with respect to any common carrier subject to those Acts.

"(5) The Federal Aviation Act of 1958, by the Civil Aeronautics Board with respect to any air carrier or foreign air carrier subject to that Act.

"(6) The Packers and Stockyards Act, 1921 (except as provided in section 406 of that Act), by the Secretary of Agriculture with respect to any activities subject to that Act.

"(7) The Farm Credit Act of 1971, by the Farm Credit Administration with respect to any Federal land bank, Federal land bank association, Federal intermediate credit bank, and production credit association;

"(8) The Securities Exchange Act of 1934, by the Securities and Exchange Commission with respect to brokers and dealers; and

"(9) The Small Business Investment Act of 1958, by the Small Business Administration, with respect to small business investment companies.

"(b) For the purpose of the exercise by any agency referred to in subsection (a) of its powers under any Act referred to in that subsection, a violation of any requirement imposed under this title shall be deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (a), each of the agencies referred to in that subsection may exercise for the purpose of enforcing compliance with any requirement imposed under this title, any other authority conferred on it by law. The exercise of the authorities of any of the agencies referred to in subsection (a) for the purpose of enforcing compliance with any requirement imposed under this title shall in no way preclude the exercise of such authorities for the purpose of enforcing compliance with any other provision of law not relating to the prohibition of discrimination on the basis of sex or marital status with respect to any aspect of a credit transaction.

"(c) Except to the extent that enforcement of the requirements imposed under this title is specifically committed to some other Government agency under subsection (a), the Federal Trade Commission shall enforce such requirements. For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act, a violation of any requirement imposed under this title shall be deemed a violation of a requirement imposed under that Act. All of the functions and powers of the Federal Trade Commission under the Federal Trade Commission Act are available to the Commission to enforce compliance by any person with the requirements imposed under this title, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests in the Federal Trade Commission Act.

15 USC 58.

"(d) The authority of the Board to issue regulations under this title does not impair the authority of any other agency designated in this section to make rules respecting its own procedures in enforcing compliance with requirements imposed under this title.

"§ 705. Relation to State laws

15 USC 1691d.

"(a) A request for the signature of both parties to a marriage for the purpose of creating a valid lien, passing clear title, waiving inchoate rights to property, or assigning earnings, shall not constitute discrimination under this title: *Provided, however,* That this provision shall not be construed to permit a creditor to take sex or marital

status into account in connection with the evaluation of creditworthiness of any applicant.

"(b) Consideration or application of State property laws directly or indirectly affecting creditworthiness shall not constitute discrimination for purposes of this title.

"(c) Any provision of State law which prohibits the separate extension of consumer credit to each party to a marriage shall not apply in any case where each party to a marriage voluntarily applies for separate credit from the same creditor: *Provided*, That in any case where such a State law is so preempted, each party to the marriage shall be solely responsible for the debt so contracted.

"(d) When each party to a marriage separately and voluntarily applies for and obtains separate credit accounts with the same creditor, those accounts shall not be aggregated or otherwise combined for purposes of determining permissible finance charges or permissible loan ceilings under the laws of any State or of the United States.

"(e) Except as otherwise provided in this title, the applicant shall have the option of pursuing remedies under the provisions of this title in lieu of, but not in addition to, the remedies provided by the laws of any State or governmental subdivision relating to the prohibition of discrimination on the basis of sex or marital status with respect to any aspect of a credit transaction.

"§ 706. Civil liability

"(a) Any creditor who fails to comply with any requirement imposed under this title shall be liable to the aggrieved applicant in an amount equal to the sum of any actual damages sustained by such applicant acting either in an individual capacity or as a representative of a class.

15 USC 1691e.

"(b) Any creditor who fails to comply with any requirement imposed under this title shall be liable to the aggrieved applicant for punitive damages in an amount not greater than \$10,000, as determined by the court, in addition to any actual damages provided in section 706(a): *Provided, however*, That in pursuing the recovery allowed under this subsection, the applicant may proceed only in an individual capacity and not as a representative of a class.

"(c) Section 706(b) notwithstanding, any creditor who fails to comply with any requirement imposed under this title may be liable for punitive damages in the case of a class action in such amount as the court may allow, except that as to each member of the class no minimum recovery shall be applicable, and the total recovery in such action shall not exceed the lesser of \$100,000 or 1 percent of the net worth of the creditor. In determining the amount of award in any class action, the court shall consider, among other relevant factors, the amount of any actual damages awarded, the frequency and persistence of failures of compliance by the creditor, the resources of the creditor, the number of persons adversely affected, and the extent to which the creditor's failure of compliance was intentional.

"(d) When a creditor fails to comply with any requirement imposed under this title, an aggrieved applicant may institute a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other action.

"(e) In the case of any successful action to enforce the foregoing liability, the costs of the action, together with a reasonable attorney's fee as determined by the court shall be added to any damages awarded by the court under the provisions of subsections (a), (b), and (c) of this section.

"(f) No provision of this title imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule,

88 STAT. 1525

regulation, or interpretation thereof by the Board, notwithstanding that after such act or omission has occurred, such rule, regulation, or interpretation is amended, rescinded, or determined by judicial or other authority to be invalid for any reason.

“(g) Without regard to the amount in controversy, any action under this title may be brought in any United States district court, or in any other court of competent jurisdiction, within one year from the date of the occurrence of the violation.

“§ 707. Effective date

“This title takes effect upon the expiration of one year after the date of its enactment.”.

15 USC 1691
note.

**TITLE VI—DISPOSITION OF ABANDONED MONEY
ORDERS AND TRAVELER'S CHECKS**

FINDINGS

12 USC 2501.

SEC. 601. The Congress finds and declares that—

(1) the books and records of banking and financial organizations and business associations engaged in issuing and selling money orders and traveler's checks do not, as a matter of business practice, show the last known addresses of purchasers of such instruments;

(2) a substantial majority of such purchasers reside in the States where such instruments are purchased;

(3) the States wherein the purchasers of money orders and traveler's checks reside should, as a matter of equity among the several States, be entitled to the proceeds of such instruments in the event of abandonment;

(4) it is a burden on interstate commerce that the proceeds of such instruments are not being distributed to the States entitled thereto; and

(5) the cost of maintaining and retrieving addresses of purchasers of money orders and traveler's checks is an additional burden on interstate commerce since it has been determined that most purchasers reside in the State of purchase of such instruments.

DEFINITIONS

12 USC 2502.

SEC. 602. As used in this title—

(1) “banking organization” means any bank, trust company, savings bank, safe deposit company, or a private banker engaged in business in the United States;

(2) “business association” means any corporation (other than a public corporation), joint stock company, business trust, partnership, or any association for business purposes of two or more individuals; and

(3) “financial organization” means any savings and loan association, building and loan association, credit union, or investment company engaged in business in the United States.

STATE ENTITLED TO ESCHEAT OR TAKE CUSTODY

12 USC 2503.

SEC. 603. Where any sum is payable on a money order, traveler's check, or other similar written instrument (other than a third party bank check) on which a banking or financial organization or a business association is directly liable—

(1) if the books and records of such banking or financial organization or business association show the State in which such

October 28, 1974

- 27 -

Pub. Law 93-495

88 STAT. 1526

money order, traveler's check, or similar written instrument was purchased, that State shall be entitled exclusively to escheat or take custody of the sum payable on such instrument, to the extent of that State's power under its own laws to escheat or take custody of such sum;

(2) if the books and records of such banking or financial organization or business association do not show the State in which such money order, traveler's check, or similar written instrument was purchased, the State in which the banking or financial organization or business association has its principal place of business shall be entitled to escheat or take custody of the sum payable on such money order, traveler's check, or similar written instrument, to the extent of that State's power under its own laws to escheat or take custody of such sum, until another State shall demonstrate by written evidence that it is the State of purchase; or

(3) if the books and records of such banking or financial organizations or business association show the State in which such money order, traveler's check, or similar written instrument was purchased and the laws of the State of purchase do not provide for the escheat or custodial taking of the sum payable on such instrument, the State in which the banking or financial organization or business association has its principal place of business shall be entitled to escheat or take custody of the sum payable on such money order, traveler's check, or similar written instrument, to the extent of that State's power under its own laws to escheat or take custody of such sum, subject to the right of the State of purchase to recover such sum from the State of principal place of business if and when the law of the State of purchase makes provision for escheat or custodial taking of such sum.

APPLICABILITY

SEC. 604. This title shall be applicable to sums payable on money orders, traveler's checks, and similar written instruments deemed abandoned on or after February 1, 1965, except to the extent that such sums have been paid over to a State prior to January 1, 1974.

12 USC 2501
note.

Approved October 28, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-751 (Comm. on Banking and Currency) and No. 93-1429 (Comm. of Conference).

SENATE REPORT No. 93-902 (Comm. on Banking, Housing and Urban Affairs). CONGRESSIONAL RECORD, Vol. 120 (1974):

Feb. 5, considered and passed House.

June 13, considered and passed Senate, amended.

Oct. 9, House agreed to conference report.

Oct. 10, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 10, No. 44:

Oct. 29, Presidential statement.



Public Law 93-496
93rd Congress, H. R. 15427
October 28, 1974

An Act

To amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Amtrak Improvement Act of 1974".

SEC. 2. Section 304(b) of the Rail Passenger Service Act of 1970 (45 U.S.C. 544(b)) is amended by striking out "owned" and inserting in lieu thereof "voted", and by adding at the end thereof the following new sentence: "If any railroad or any person controlling one or more railroads, as defined in section 1(3)(b) of the Interstate Commerce Act (49 U.S.C. 1(3)(b)), owns, directly or indirectly through subsidiaries or affiliated companies, nominees, or any person subject to its direction or control, a number of shares in excess of 33⅓ per centum of the total number of common shares issued and outstanding, such excess number shall, for voting and quorum purposes, be deemed to be not issued and outstanding."

SEC. 3. Section 305 of such Act (45 U.S.C. 545) is amended by adding at the end thereof the following new subsections:

"(f) The Corporation shall, to the maximum extent practicable, directly perform all maintenance, rehabilitation, repair, and refurbishment of rail passenger equipment. Until the Corporation obtains, by purchase, lease, construction, or any other method of acquisition, Corporation-owned or controlled facilities which are adequate for the proper maintenance, repair, rehabilitation, and refurbishment of the rolling stock and other equipment and facilities of the Corporation, the railroads performing such services shall do so as expeditiously as possible.

"(g) The Corporation shall advise, consult and cooperate with, and, upon request, is authorized to assist in any other manner the Secretary, the United States Railway Association, the Corps of Engineers, and the Consolidated Rail Corporation in order to facilitate completion and implementation of the Northeast Corridor project, as defined in section 206(a)(3) of the Regional Rail Reorganization Act of 1973, by the earliest practicable date. The Secretary shall assign the highest priority to the completion of such project."

SEC. 4. Section 305 of such Act is amended by adding at the end thereof the following new subsection:

"(f) The Secretary of the Treasury shall establish and maintain, in cooperation with the Corporation, customs inspection procedures aboard trains operated in international intercity rail passenger service under paragraph (7) of subsection (e) of this section, which procedures will be convenient for passengers and will result in the most rapid possible transit between embarkation and debarkation points on such service."

SEC. 5. (a) Section 403 of such Act (45 U.S.C. 563) is amended by striking out subsections (b) and (c) and inserting in lieu thereof the following new subsection:

"(b) Any State, regional, or local agency may request of the Corporation rail passenger service beyond that included within the basic system. The Corporation shall institute such service if the State, regional, or local agency agrees to reimburse the Corporation for 66⅔ per centum of the solely related costs and associated capital costs of such service, including interest on passenger equipment, less revenues attributable to such service."

Amtrak Im-
provement Act
of 1974.
45 USC 501
note.
National Rail-
road Passenger
Corporation,
stock owner-
ship.

68 STAT. 1526
68 STAT. 1527

Passenger
equipment
Maintenance
and repair.

Northeast
Corridor proj-
ect, comple-
tion.

45 USC 716.

Customs inspec-
tion, proce-
dures.

Rail service
beyond basic
system.

Pub. Law 93-496

- 2 -

October 28, 1974

Experimental
routes.
45 USC 563.

88 STAT. 1527
88 STAT. 1528
45 USC 545.

Intermodal
transportation
terminal, de-
sign and con-
struction.

Intercity rail
passenger serv-
ice, land ac-
quisition.

Financial,
technical,
and advisory
assistance.
49 USC 1653.

Criteria.

(b) Such section 403 is amended by redesignating subsection (d) as subsection (c) and by adding at the end of such subsection the following new sentence: "In carrying out the provisions of this subsection, the Secretary shall give priority to experimental routes designed to extend intercity rail passenger service to the major population area of each of the contiguous 48 States which does not have such service to any large population area designated as part of the basic system."

SEC. 6. Section 305(d)(1) of such Act (45 U.S.C. 305(d)(1)) is amended to read as follows:

"(d)(1) The Corporation is authorized, to the extent financial resources are available—

"(A) to acquire any property which the Secretary, acting in furtherance of his responsibility to design and construct an intermodal transportation terminal at Union Station in the District of Columbia, requests, upon assurance of full reimbursement by the Secretary; and

"(B) to acquire any right-of-way, land, or other property (except right-of-way, land, or other property of a railroad or property of a State or political subdivision thereof or of any other governmental agency), which is required for the construction of tracks or other facilities necessary to provide intercity rail passenger service;

by the exercise of the right of eminent domain, in accordance with the provisions of this subsection, in the district court of the United States for the judicial district in which such property is located or in any such court if a single piece of property is located in more than one judicial district: *Provided*, That such right may only be exercised when the Corporation cannot acquire such property by contract or is unable to agree with the owner as to the amount of compensation to be paid."

"(i)(1) The Secretary shall provide financial, technical, and advisory assistance in accordance with this subsection for the purpose of (A) promoting on a feasibility demonstration basis the conversion of not less than three railroad passenger terminals into intermodal transportation terminals; (B) preserving railroad passenger terminals that have a reasonable likelihood of being converted or otherwise maintained pending the formulation of plans for reuse; and (C) stimulating State and local governments, local and regional transportation authorities, common carriers, philanthropic organizations, and other responsible persons to develop plans for the conversion of railroad passenger terminals into intermodal transportation terminals and civic and cultural activity centers.

"(2) Financial assistance for the purpose set forth in paragraph (1)(A) of this subsection shall be granted in accordance with the following criteria: (A) the railroad terminal can be converted to accommodate such other modes of transportation as the Secretary deems appropriate, including motorbus transportation, mass transit (rail or rubber tire), and airline ticket offices and passenger terminal providing direct transportation to area airports; (B) the railroad passenger terminal is listed on the National Register of Historic Places maintained by the Secretary of the Interior; (C) the architectural integrity of the railroad passenger terminal will be preserved and such judgment is concurred in by consultants recommended by the Chairman of the National Endowment of the Arts and the Advisory Council on Historic Preservation and retained for this purpose by the Secretary; (D) to the extent practicable, the use of station facilities for transportation purposes may be combined with use for other civic and cultural activities, especially when such use is recommended by the Advisory Council

October 28, 1974

- 3 -

Pub. Law 93-496

88 STAT. 1529

on Historic Preservation or the Chairman of the National Endowment for the Arts, or the consultants retained by the Secretary upon their recommendation; and (E) the railroad passenger terminal and the conversion project meet such other criteria as the Secretary shall develop and promulgate in consultation with the Chairman of the National Endowment of the Arts and the Advisory Council on Historic Preservation. The Secretary shall make grants not later than July 1, 1976. The amount of the Federal share of any grant under this paragraph shall not exceed 60 per centum of the total cost of conversion of a railroad passenger terminal into an intermodal transportation terminal.

Grants, Federal share.

"(3) Financial assistance for the purpose set forth in paragraph (1) (B) of this subsection may be granted in accordance with regulations, to any responsible person (including a governmental entity) who is empowered by applicable law, qualified, prepared, and committed, on an interim basis pending the formulation of plans for reuse, to maintain (and prevent the demolition, dismantling, or further deterioration of) a railroad passenger terminal: *Provided*, That (A) such terminal has, in the opinion of the Secretary, a reasonable likelihood of being converted to or conditioned for reuse as an intermodal transportation terminal, a civic or cultural activities center, or both; and (B) planning activity aimed at conversion or reuse has commenced and is proceeding in a competent manner. Funds appropriated for the purpose of this paragraph and paragraph (1) (B) of this subsection shall be expended in the manner most likely to maximize the preservation of railroad passenger terminals capable reasonably of conversion to intermodal transportation terminals or which are listed in the National Register of Historic Places maintained by the Secretary of the Interior or which are recommended (on the basis of architectural integrity and quality) by the Chairman of the National Endowment for the Arts or the Advisory Council on Historic Preservation. The amount of the Federal share of any grant under this paragraph shall not exceed 60 per centum of the total cost of such interim maintenance for a period not to exceed five years.

"(4) Financial assistance for the purpose set forth in paragraph (1) (C) of this subsection may be granted, in accordance with regulations, to a qualified person (including a governmental entity) who is prepared to develop practicable plans meeting the zoning, land use, and other requirements of the applicable State and local jurisdictions in which the rail passenger terminal is located as well as requirements under this subsection; who shall incorporate into the designs and plans proposed for the conversion of such terminal into an intermodal transportation terminal, a civic or cultural center, or both, features which reasonably appear likely to attract private investors willing to undertake the implementation of such planned conversion and its subsequent maintenance and operation; and who shall complete the designs and plans for such conversion within two years following the approval of the application for Federal financial assistance under this subsection. In making grants under this paragraph, the Secretary shall give preferential consideration to applicants whose completed designs and plans will be implemented and effectuated within three years after the date of completion. Funds appropriated for the purpose of this paragraph and paragraph (1) (C) of this subsection shall be expended in the manner most likely to maximize the conversion and continued public use of railroad passenger terminals which are listed in the National Register of Historic Places maintained by the Secretary of the Interior or which are recommended (on the basis of architectural integrity and quality) by the Advisory Council on Historic Preservation or the Chairman of the National Endowment for

88 STAT. 1530

Regulations.

the Arts. The amount of the Federal share of any grant under this paragraph shall not exceed 60 per centum of the total cost of the project or undertaking for which the financial assistance is provided.

"(5) Within ninety days after the date of enactment of this subsection, the Secretary shall issue, and may from time to time amend, regulations with respect to financial assistance under this subsection and procedures for the award of such assistance. Each application for assistance under this subsection shall be made in writing in such form and with such content and other submissions as the Secretary shall require.

Recordkeeping.

"(6) The National Railroad Passenger Corporation shall give preference to using station facilities that would preserve buildings of historical and architectural significance.

Audit.

"(7) Each recipient of financial assistance under this subsection shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance was given or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit. Until the expiration of three years after completion of such project or undertaking, the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such receipts which, in the opinion of the Secretary or the Comptroller General, may be related or pertinent to such financial assistance.

Records, accessibility.

Appropriation.

"(8) There is authorized to be appropriated to the Secretary for the purpose set forth in paragraph (1)(A) of this subsection sums not to exceed \$15,000,000; (B) for the purpose set forth in paragraph (1)(B) of this subsection sums not to exceed \$5,000,000; and, (C) for the purpose set forth in paragraph (1)(C) of this subsection sums not to exceed \$5,000,000. Such sums as are appropriated shall remain available until expended.

"Civic and cultural activities."

"(9) As used in this subsection, 'civic and cultural activities' include, but are not limited to, libraries, musical and dramatic presentations, art exhibitions, adult education programs, public meeting place for community groups, convention visitors and others, and facilities for carrying on activities supported in whole or in part under Federal law.

"(10) Nothing in this subsection shall be construed to invalidate the eligibility of any station for funds designed to assist in its preservation or reuse under any other Federal program or statute."

Discontinuance of service.

SEC. 7. Section 404(b) of such Act (45 U.S.C. 564(b)), relating to discontinuance of service by the Corporation, is amended—

(1) by striking out "July 1, 1974" in paragraph (1) and paragraph (3) and inserting in lieu thereof in each such paragraph "July 1, 1975"; and

(2) by striking out "the expiration of the one-year period beginning on the date of enactment of this sentence" in the second sentence of paragraph (2) and inserting in lieu thereof "July 1, 1975".

Appropriation.

SEC. 8. (a) Section 601(a) of such Act (45 U.S.C. 601(a)), relating to authorization for appropriations, is amended (1) by striking out "\$334,300,000" and inserting in lieu thereof "\$534,300,000"; and (2) by adding at the end thereof the following new sentence: "Payments by the Secretary to the Corporation of appropriated funds shall

October 28, 1974

- 5 -

Pub. Law 93-496

88 STAT. 1531

be made no more frequently than every 90 days, unless the Corporation, for good cause, requests more frequent payment before the expiration of any 90-day period."

SEC. 9. (a) Section 602(d) of such Act (45 U.S.C. 602(d)), relating to the maximum amount of guaranteed loans which may be outstanding at any time, is amended by striking out "\$500,000,000" and inserting in lieu thereof "\$900,000,000".

Guaranty of
loans.

(b) Section 602 of such Act (45 U.S.C. 602) is amended by adding at the end thereof the following new subsections:

"(h) The Secretary shall, within 180 days after the date of enactment of this subsection, issue general guidelines designed to assist the Corporation in the formulation of capital and budgetary plans.

Guidelines.

"(i) Any request made by the Corporation for the guarantee of a loan pursuant to this section, which has been approved by the Board of Directors of the Corporation, shall be approved by the Secretary if, in the discretion of the Secretary, such request falls within the approved capital and budgetary guidelines issued under subsection (h)."

Approval.

SEC. 10. Section 801(b) of such Act (45 U.S.C. 641(b)) is amended to read as follows:

Enforcement
procedures.

"(b) A civil action may be brought by the Commission to enforce any provision of subsection (a) of this section. The Department of Justice shall represent the Commission in all court proceedings pursuant to this subsection, except that in any case in which the Commission seeks to challenge action or inaction on the part of any party which the Department of Justice is representing, the Commission may be represented by its own attorneys. Unless the Attorney General notifies the Commission within 45 days of a request for representation that he will represent the Commission, such representation may be made by attorneys designated by the Commission. Any action to enforce the provisions of subsection (a) may be maintained in the district court of the United States for any district in which a defendant is found, resides, transacts business, or maintains an agent for service of process. All process in any such suit may be served in any judicial district in which the person to be served is an inhabitant or in which he may be found."

SEC. 11. Section 805(2) (A) of such Act (45 U.S.C. 644 (2) (A)) is amended—

Annual audit.

(1) by striking out the first two sentences and inserting in lieu thereof the following: "The Comptroller General of the United States shall conduct annually a performance audit of the activities and transactions of the Corporation in accordance with generally accepted management principles, and under such rules and regulations as may be prescribed by the Comptroller General. Any such audit shall be conducted at such place or places as the Comptroller General may deem appropriate."; and

(2) by striking out "financial transactions" in the third sentence and inserting in lieu thereof "financial and other transactions".

SEC. 12. The Rail Passenger Service Act of 1970 is amended by striking out "Rail Passenger Service Act of 1970" each place it appears and inserting in lieu thereof at each such place "Rail Passenger Service Act".

26 USC 250,
45 USC 501
note.

SEC. 13. The High Speed Ground Transportation Act (49 U.S.C. 1631 et seq.) is amended by adding at the end thereof the following new section:

High-speed
ground trans-
portation
system, study.
49 USC 1643.

"SEC. 13. (a) The Secretary shall make an investigation and study, for the purpose of determining the social advisability, technical feasi-

bility, and economic practicability, of a high-speed ground transportation system between the cities of Tijuana in the State of Baja California, Mexico, and Vancouver in the Province of British Columbia, Canada, by way of the cities of Seattle in the State of Washington, Portland in the State of Oregon, and Sacramento, San Francisco, Fresno, Los Angeles, and San Diego in the State of California. In carrying out such investigation and study the Secretary shall consider—

“(1) the various means of providing such transportation, including both existing modes and those under development, such as the tracked levitation vehicle;

“(2) the cost of establishing and operating such a system, including any acquisition of necessary rights-of-way;

“(3) the environmental impact of such a system, including the future environmental impact from air and other transportation modes if such a system is not established;

“(4) the factors which would determine the future adequacy and commercial success of any such system, including the speed at which it would operate, the quality of service which could be offered, its cost to potential users, its convenience to potential users, and its ability to expand to meet projected increases in demand;

“(5) the efficiency of energy utilization and impact on energy resources of such a system, including the future impact of existing transportation systems on energy resources if such a system is not established;

“(6) the ability of such a system to be integrated with other local and intrastate transportation systems, both existing and planned, in order to create balanced and comprehensive transit systems;

“(7) coordination with other studies undertaken on the State and local level;

“(8) the impact of the design and location of transportation lines in creating desirable patterns of population distribution and growth; and

“(9) such other matters as he deems appropriate.

“(b) In carrying out any investigation and study pursuant to this section, the Secretary shall consult with, and give consideration to the views of, the Civil Aeronautics Board, the Interstate Commerce Commission, the National Railroad Passenger Corporation, the Corps of Engineers, and regional, State, and local transportation planning agencies. The Secretary may, for the purpose of carrying out such investigation and study, enter into contracts and other agreements with public or private agencies, institutions, organizations, corporations or individuals, without regard to sections 3648 and 3709 of the Revised Statutes of the United States (31 U.S.C. 529; 41 U.S.C. 5).

“(c) The Secretary shall report the results of the study and investigation made pursuant to this section, together with his recommendations, to the Congress and the President no later than January 30, 1977. The Secretary shall submit an interim report to the Congress on January 30, 1976.

“(d) There are authorized to be appropriated not to exceed \$8,000,000 to carry out the provisions of this section.”.

SEC. 14. Section 202(b)(2) of the Interstate Commerce Act (49 U.S.C. 302(b)(2)), is amended by striking the period at the end of the second sentence thereof and by inserting in lieu thereof the following: “: *Provided*, That (1) any amendments of such standards, which

Contract
authority.

Reports to
President and
Congress.

Appropriations.

October 28, 1974

- 7 -

Pub. Law 93-496

88 STAT. 1533

are determined by the national organization of the State commissions and promulgated by the Commission prior to the initial effective date of such standards shall become effective on such initial effective date; and (2) after such standards become effective initially, any amendments of such standards, which are subsequently determined by the national organization of the State commissions, shall become effective at the time of promulgation or at such other time, subsequent to promulgation by the Commission, as may be determined by such organization."

SEC. 15. Section 4 of the Department of Transportation Act (49 U.S.C. 1653) is amended by inserting the following two new subsections at the end thereof:

"(h)(1) The Secretary is authorized, in consultation with the Secretary of the Interior, to design, plan, and coordinate the construction of a model intermodal transportation terminal at Union Station in the District of Columbia. Such terminal may combine the new railroad passenger station described in paragraph (4) of section 102(a) of Public Law 90-264, as amended, and accommodations for such other modes of transportation as the Secretary deems appropriate. To the extent practicable, the Secretary shall incorporate into the design and plans for such intermodal transportation terminal features which will make such facility a model facility and which will attract private investors willing to undertake the development and construction of the terminal.

Model intermodal transportation terminal in D.C.

40 USC 802.

"(2) Notwithstanding any provision of Public Law 90-264, as amended, in order to facilitate construction of such model intermodal transportation terminal, the Secretary of the Interior shall lease or transfer such space (including air space), which is not required for purposes of the National Visitor Center, as the Secretary of the Interior holds or may acquire north of the Union Station Building to such party or parties and upon such terms and conditions as the Secretary deems appropriate, notwithstanding section 321 of the Act of June 30, 1932 (40 U.S.C. 303(b)). The Secretary and the Secretary of the Interior may, to the extent required to complete a visitor center, agree to joint use of the concourse.

Lease or transfer of space.

"(3) The design and plans for the intermodal terminal shall be completed within 2 years following enactment of this subsection. The construction of the intermodal terminal shall be completed within 5 years following enactment of this subsection.

Design, plans and completion dates.

"(4) There is authorized to be appropriated to the Secretary, for the purposes of carrying out this subsection, such sums as are necessary, not to exceed \$5,000,000.

Appropriations.

"(5) Nothing in this subsection (h) shall be construed as relieving the Washington Terminal Company, its successors or assigns, from the obligation to finance and construct a new railroad passenger station in compliance with the terms of paragraph (4) of section 102(a) of Public Law 90-264 (82 Stat. 43)."

SEC. 16. (a) Section 3(b) of the Department of Transportation Act (49 U.S.C. 1652(b)) is amended by striking out "Under Secretary" each place it appears and inserting in lieu thereof at each such place "Deputy Secretary".

(b) Section 9(p)(1) of the Department of Transportation Act (49 U.S.C. 1657(p)(1)) is amended by striking out "Under Secretary" and inserting in lieu thereof "Deputy Secretary".

(c) Section 5313 of title 5, United States Code, is amended by striking out "(7) Under Secretary of Transportation" and inserting in lieu thereof "(7) Deputy Secretary of Transportation".

88 STAT. 1534

Integration
of rail serv-
ice with
other modes
of transpor-
tation, study.
Report to
Congress.
45 USC 645 note.

SEC. 17. The Secretary of Transportation shall conduct a study and report to the Congress within one year after the date of enactment of this section on the potential for integrating rail service provided by the National Railroad Passenger Corporation with other modes of transportation, including buses, with particular attention to the transportation needs of rural areas. Such study and report shall include an evaluation of the funding mechanisms to assist increased service by other modes of transportation, including buses, connected to rail service provided by the National Railroad Passenger Corporation where such assistance will provide the opportunity for increased utilization of such rail service, especially by persons residing in rural areas.

Approved October 28, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-1145 (Comm. on Interstate and Foreign Commerce) and No. 93-1441 (Comm. of Conference).

SENATE REPORTS: No. 93-1015 accompanying S. 3569 (Comm. on Commerce) and No. 93-1248 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 120 (1974):

July 11, considered and passed House.

Aug. 8, 9, considered and passed Senate, amended, in lieu of S. 3569.

Oct. 10, Senate agreed to conference report.

Oct. 15, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 10, No. 44:

Oct. 29, Presidential statement.



Public Law 93-498
93rd Congress, S. 1769
October 29, 1974

An Act

88 STAT. 1535

To reduce losses of life and property, through better fire prevention and control, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Fire Prevention and Control Act of 1974".

Federal Fire
Prevention and
Control Act of
1974.
15 USC 2201
note.
15 USC 2201.
15 USC 278f
notes.

FINDINGS

SEC. 2. The Congress finds that—

(1) The National Commission on Fire Prevention and Control, established pursuant to Public Law 90-259, has made an exhaustive and comprehensive examination of the Nation's fire problem, has made detailed findings as to the extent of this problem in terms of human suffering and loss of life and property, and has made ninety thoughtful recommendations.

(2) The United States today has the highest per capita rate of death and property loss from fire of all the major industrialized nations in the world.

(3) Fire is an undue burden affecting all Americans, and fire also constitutes a public health and safety problem of great dimensions. Fire kills 12,000 and scars and injures 300,000 Americans each year, including 50,000 individuals who require extended hospitalization. Almost \$3 billion worth of property is destroyed annually by fire, and the total economic cost of destructive fire in the United States is estimated conservatively to be \$11,000,000,000 per year. Firefighting is the Nation's most hazardous profession.

(4) Such losses of life and property from fire are unacceptable to the Congress.

(5) While fire prevention and control is and should remain a State and local responsibility, the Federal Government must help if a significant reduction in fire losses is to be achieved.

(6) The fire service and the civil defense program in each locality would both benefit from closer cooperation.

(7) The Nation's fire problem is exacerbated by (A) the indifference with which some Americans confront the subject; (B) the Nation's failure to undertake enough research and development into fire and fire-related problems; (C) the scarcity of reliable data and information; (D) the fact that designers and purchasers of buildings and products generally give insufficient attention to fire safety; (E) the fact that many communities lack adequate building and fire prevention codes; and (F) the fact that local fire departments spend about 95 cents of every dollar appropriated to the fire services on efforts to extinguish fires and only about 5 cents on fire prevention.

(8) There is a need for improved professional training and education oriented toward improving the effectiveness of the fire services, including an increased emphasis on preventing fires and on reducing injuries to firefighters.

(9) A national system for the collection, analysis, and dissemination of fire data is needed to help local fire services establish research and action priorities.

(10) The number of specialized medical centers which are properly equipped and staffed for the treatment of burns and the rehabilitation of victims of fires is inadequate.

(11) The unacceptably high rates of death, injury, and property loss from fire can be reduced if the Federal Government establishes a

coordinated program to support and reinforce the fire prevention and control activities of State and local governments.

PURPOSES

15 USC 2202.

SEC. 3. It is declared to be the purpose of Congress in this Act to—

- (1) reduce the Nation's losses caused by fire through better fire prevention and control;
- (2) supplement existing programs of research, training, and education, and to encourage new and improved programs and activities by State and local governments;
- (3) establish the National Fire Prevention and Control Administration and the Fire Research Center within the Department of Commerce; and
- (4) establish an intensified program of research into the treatment of burn and smoke injuries and the rehabilitation of victims of fires within the National Institutes of Health.

DEFINITIONS

15 USC 2203.

SEC. 4. As used in this Act, the term—

- (1) "Academy" means the National Academy for Fire Prevention and Control;
- (2) "Administration" means the National Fire Prevention and Control Administration established pursuant to section 5 of this Act;
- (3) "Administrator" means the Administrator of the National Fire Prevention and Control Administration;
- (4) "fire service" means any organization in any State consisting of personnel, apparatus, and equipment which has as its purpose protecting property and maintaining the safety and welfare of the public from the dangers of fire, including a private fire-fighting brigade. The personnel of any such organization may be paid employees or unpaid volunteers or any combination thereof. The location of any such organization and its responsibility for extinguishment and suppression of fires may include, but need not be limited to, a Federal installation, a State, city, town, borough, parish, county, fire district, fire protection district, rural fire district, or other special district. The terms "fire prevention", "firefighting", and "firecontrol" relate to activities conducted by a fire service;
- (5) "local" means of or pertaining to any city, town, county, special purpose district, unincorporated territory, or other political subdivision of a State;
- (6) "Secretary" means the Secretary of Commerce; and
- (7) "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, the Trust Territory of the Pacific Islands and any other territory or possession of the United States.

ESTABLISHMENT OF THE NATIONAL FIRE PREVENTION AND CONTROL ADMINISTRATION

15 USC 2204.

SEC. 5. (a) ESTABLISHMENT OF ADMINISTRATION.—There is hereby established in the Department of Commerce an agency which shall be known as the National Fire Prevention and Control Administration.

(b) ADMINISTRATOR.—There shall be at the head of the Administration the Administrator of the National Fire Prevention and Control Administration. The Administrator shall be appointed by the Presi-

October 29, 1974

- 3 -

Pub. Law 93-498

88 STAT. 1537

dent, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for level IV of the Executive Schedule pay rates (5 U.S.C. 5315). The Administrator shall report and be responsible to the Secretary.

(c) **DEPUTY ADMINISTRATOR.**—There shall be in the Administration a Deputy Administrator of the National Fire Prevention and Control Administration who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate now or hereafter provided for level V of the Executive Schedule pay rates (5 U.S.C. 5316). The Deputy Administrator shall perform such functions as the Administrator shall from time to time assign or delegate, and shall act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.

PUBLIC EDUCATION

SEC. 6. The Administrator is authorized to take all steps necessary to educate the public and to overcome public indifference as to fire and fire prevention. Such steps may include, but are not limited to, publications, audiovisual presentations, and demonstrations. Such public education efforts shall include programs to provide specialized information for those groups of individuals who are particularly vulnerable to fire hazards, such as the young and the elderly. The Administrator shall sponsor and encourage research, testing, and experimentation to determine the most effective means of such public education. 15 USC 2205.

NATIONAL ACADEMY FOR FIRE PREVENTION AND CONTROL

SEC. 7. (a) ESTABLISHMENT.—The Secretary shall establish, at the earliest practicable date, a National Academy for Fire Prevention and Control. The purpose of the Academy shall be to advance the professional development of fire service personnel and of other persons engaged in fire prevention and control activities. 15 USC 2206.

(b) **SUPERINTENDENT.**—The Academy shall be headed by a Superintendent, who shall be appointed by the Secretary. In exercising the powers and authority contained in this section the Superintendent shall be subject to the direction of the Administrator.

(c) **POWERS OF SUPERINTENDENT.**—The Superintendent is authorized to—

(1) develop and revise curricula, standards for admission and performance, and criteria for the awarding of degrees and certifications;

(2) appoint such teaching staff and other personnel as he determines to be necessary or appropriate;

(3) conduct courses and programs of training and education, as defined in subsection (d) of this section;

(4) appoint faculty members and consultants without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and, with respect to temporary and intermittent services, to make appointments to the same extent as is authorized by section 3109 of title 5, United States Code;

(5) establish fees and other charges for attendance at, and subscription to, courses and programs offered by the Academy. Such fees may be modified or waived as determined by the Superintendent;

(6) conduct short courses, seminars, workshops, conferences, and similar education and training activities in all parts and localities of the United States;

5 USC 101 et
seq.

- (7) enter into such contracts and take such other actions as may be necessary in carrying out the purposes of the Academy; and
- (8) consult with officials of the fire services and other interested persons in the exercise of the foregoing powers.
- (d) PROGRAM OF THE ACADEMY.—The Superintendent is authorized to—
- (1) train fire service personnel in such skills and knowledge as may be useful to advance their ability to prevent and control fires, including, but not limited to—
 - (A) techniques of fire prevention, fire inspection, firefighting, and fire and arson investigation;
 - (B) tactics and command of firefighting for present and future fire chiefs and commanders;
 - (C) administration and management of fire services;
 - (D) tactical training in the specialized field of aircraft fire control and crash rescue;
 - (E) tactical training in the specialized field of fire control and rescue aboard waterborne vessels; and
 - (F) the training of present and future instructors in the aforementioned subjects;
 - (2) develop model curricula, training programs, and other educational materials suitable for use at other educational institutions, and to make such materials available without charge;
 - (3) develop and administer a program of correspondence courses to advance the knowledge and skills of fire service personnel;
 - (4) develop and distribute to appropriate officials model questions suitable for use in conducting entrance and promotional examinations for fire service personnel; and
 - (5) encourage the inclusion of fire prevention and detection technology and practices in the education and professional practice of architects, builders, city planners, and others engaged in design and planning affected by fire safety problems.
- (e) TECHNICAL ASSISTANCE.—The Administrator is authorized, to the extent that he determines it necessary to meet the needs of the Nation, to encourage new programs and to strengthen existing programs of education and training by local fire services, units, and departments, State and local governments, and private institutions, by providing technical assistance and advice to—
- (1) vocational training programs in techniques of fire prevention, fire inspection, firefighting, and fire and arson investigation;
 - (2) fire training courses and programs at junior colleges; and
 - (3) four-year degree programs in fire engineering at colleges and universities.
- (f) ASSISTANCE.—The Administrator is authorized to provide assistance to State and local fire service training programs through grants, contracts, or otherwise. Such assistance shall not exceed 4 per centum of the amount authorized to be appropriated in each fiscal year pursuant to section 17 of this Act.
- (g) SITE SELECTION.—The Academy shall be located on such site as the Secretary selects, subject to the following provisions:
- (1) The Secretary is authorized to appoint a Site Selection Board consisting of the Academy Superintendent and two other members to survey the most suitable sites for the location of the Academy and to make recommendations to the Secretary.
 - (2) The Site Selection Board in making its recommendations and the Secretary in making his final selection, shall give consideration to the training and facility needs of the Academy, environ-

Financial
assistance.

Post, p. 1545.

mental effects, the possibility of using a surplus Government facility, and such other factors as are deemed important and relevant. The Secretary shall make a final site selection not later than 2 years after the date of enactment of this Act.

(h) CONSTRUCTION COSTS.—Of the sums authorized to be appropriated for the purpose of implementing the programs of the Administration, not more than \$9,000,000 shall be available for the construction of facilities of the Academy on the site selected under subsection (g) of this section. Such sums for such construction shall remain available until expended.

(i) EDUCATIONAL AND PROFESSIONAL ASSISTANCE.—The Administrator is authorized to—

(1) provide stipends to students attending Academy courses and programs, in amounts up to 75 per centum of the expense of attendance, as established by the Superintendent;

(2) provide stipends to students attending courses and non-degree training programs approved by the Superintendent at universities, colleges, and junior colleges, in amounts up to 50 per centum of the cost of tuition;

(3) make or enter into contracts to make payments to institutions of higher education for loans, not to exceed \$2,500 per academic year for any individual who is enrolled on a full-time basis in an undergraduate or graduate program of fire research or engineering which is certified by the Superintendent. Loans under this paragraph shall be made on such terms and subject to such conditions as the Superintendent and each institution involved may jointly determine; and

(4) establish and maintain a placement and promotion opportunities center in cooperation with the fire services, for firefighters who wish to learn and take advantage of different or better career opportunities. Such center shall not limit such assistance to students and graduates of the Academy, but shall undertake to assist all fire service personnel.

(j) BOARD OF VISITORS.—Upon establishment of the Academy, the Secretary shall establish a procedure for the selection of professionals in the field of fire safety, fire prevention, fire control, research and development in fire protection, treatment and rehabilitation of fire victims, or local government services management to serve as members of a Board of Visitors for the Academy. Pursuant to such procedure, the Secretary shall select eight such persons to serve as members of such Board of Visitors to serve such terms as the Secretary may prescribe. The function of such Board shall be to review annually the program of the Academy and to make comments and recommendations to the Secretary regarding the operation of the Academy and any improvements therein which such Board deems appropriate. Each member of such Board shall be reimbursed for any expenses actually incurred by him in the performance of his duties as a member of such Board.

(k) ACCREDITATION.—The Superintendent is authorized to establish a Committee on Fire Training and Education which shall inquire into and make recommendations regarding the desirability of establishing a mechanism for accreditation of fire training and education programs and courses, and the role which the Academy should play if such a mechanism is recommended. The Committee shall consist of the Superintendent as Chairman and eighteen other members appointed by the Administrator from among individuals and organizations possessing special knowledge and experience in the field of fire training and education or related fields. The Committee shall submit to the Administrator within two years after its appointment, a full and complete

Committee on
Fire Training
and Education.
Establishment.

Report to
Administrator.

88 STAT. 1540

Termination.

report of its findings and recommendations. Upon the submission of such report, the Committee shall cease to exist. Each appointed member of the Committee shall be reimbursed for expenses actually incurred in the performance of his duties as a member.

(1) **ADMISSION.**—The Superintendent is authorized to admit to the courses and programs of the Academy individuals who are members of the firefighting, rescue, and civil defense forces of the Nation and such other individuals, including candidates for membership in these forces, as he determines can benefit from attendance. Students shall be admitted from any State, with due regard to adequate representation in the student body of all geographic regions of the Nation. In selecting students, the Superintendent may seek nominations and advice from the fire services and other organizations which wish to send students to the Academy.

FIRE TECHNOLOGY

15 USC 2207.

SEC. 8. (a) TECHNOLOGY DEVELOPMENT PROGRAM.—The Administrator shall conduct a continuing program of development, testing, and evaluation of equipment for use by the Nation's fire, rescue, and civil defense services, with the aim of making available improved suppression, protective, auxiliary, and warning devices incorporating the latest technology. Attention shall be given to the standardization, compatibility, and interchangeability of such equipment. Such development, testing, and evaluation activities shall include, but need not be limited to—

(1) safer, less cumbersome articles of protective clothing, including helmets, boots, and coats;

(2) breathing apparatus with the necessary duration of service, reliability, low weight, and ease of operation for practical use;

(3) safe and reliable auxiliary equipment for use in fire prevention, detection, and control, such as fire location detectors, visual and audio communications equipment, and mobile equipment;

(4) special clothing and equipment needed for forest fires, brush fires, oil and gasoline fires, aircraft fires and crash rescue, fires occurring aboard waterborne vessels, and in other special firefighting situations;

(5) fire detectors and related equipment for residential use with high sensitivity and reliability, and which are sufficiently inexpensive to purchase, install, and maintain to insure wide acceptance and use;

(6) in-place fire prevention systems of low cost and of increased reliability and effectiveness;

(7) methods of testing fire alarms and fire protection devices and systems on a non-interference basis;

(8) the development of purchase specifications, standards, and acceptance and validation test procedures for all such equipment and devices; and

(9) operation tests, demonstration projects, and fire investigations in support of the activities set forth in this section.

(b) **LIMITATION.**—The Administration shall not engage in the manufacture or sale of any equipment or device developed pursuant to this section, except to the extent that it deems it necessary to adequately develop, test, or evaluate such equipment or device.

(c) **MANAGEMENT STUDIES.**—(1) The Administrator is authorized to conduct, directly or through contracts or grants, studies of the operations and management aspects of fire services, utilizing quantitative techniques, such as operations research, management economics, cost effectiveness studies, and such other techniques and methods as

October 29, 1974

- 7 -

Pub. Law 93-498

88 STAT. 1541

may be applicable and useful. Such studies shall include, but need not be limited to, the allocation of resources, the optimum location of fire stations, the optimum geographical area for an integrated fire service, the manner of responding to alarms, the operation of citywide and regional fire dispatch centers, firefighting under conditions of civil disturbance, and the effectiveness, frequency, and methods of building inspections.

(2) The Administrator is authorized to conduct, directly or through contracts or grants, research concerning the productivity and efficiency of fire service personnel, the job categories and skills required by fire services under varying conditions, the reduction of injuries to fire service personnel, the most effective fire prevention programs and activities, and techniques for accurately measuring and analyzing the foregoing.

(3) The Administrator is authorized to conduct, directly or through contracts, grants, or other forms of assistance, development, testing, and demonstration projects to the extent deemed necessary to introduce and to encourage the acceptance of new technology, standards, operating methods, command techniques, and management systems for utilization by the fire services.

(4) The Administrator is authorized to assist the Nation's fire services, directly or through contracts, grants, or other forms of assistance, to measure and evaluate, on a cost-benefit basis, the effectiveness of the programs and activities of each fire service and the predictable consequences on the applicable local fire services of coordination or combination, in whole or in part, in a regional, metropolitan, or statewide fire service.

(d) RURAL ASSISTANCE.—The Administrator is authorized to assist the Nation's fire services, directly or through contracts, grants, or other forms of assistance, to sponsor and encourage research into approaches, techniques, systems, and equipment to improve fire prevention and control in the rural and remote areas of the Nation.

(e) COORDINATION.—In establishing and conducting programs under this section, the Administrator shall take full advantage of applicable technological developments made by other departments and agencies of the Federal Government, by State and local governments, and by business, industry, and nonprofit associations.

NATIONAL FIRE DATA CENTER

SEC. 9. (a) GENERAL.—The Administrator shall operate, directly or through contracts or grants, an integrated, comprehensive National Fire Data Center for the selection, analysis, publication, and dissemination of information related to the prevention, occurrence, control, and results of fires of all types. The program of such Data Center shall be designed to (1) provide an accurate nationwide analysis of the fire problem, (2) identify major problem areas, (3) assist in setting priorities, (4) determine possible solutions to problems, and (5) monitor the progress of programs to reduce fire losses. To carry out these functions, the Data Center shall gather and analyze—

(1) information on the frequency, causes, spread, and extinguishment of fires;

(2) information on the number of injuries and deaths resulting from fires, including the maximum available information on the specific causes and nature of such injuries and deaths, and information on property losses;

(3) information on the occupational hazards faced by firefighters, including the causes of deaths and injuries arising, directly and indirectly, from firefighting activities;

15 USC 2208.

Data Center
program, func-
tions.

(4) information on all types of firefighting activities, including inspection practices;

(5) technical information related to building construction, fire properties of materials, and similar information;

(6) information on fire prevention and control laws, systems, methods, techniques, and administrative structures used in foreign nations;

(7) information on the causes, behavior, and best method of control of other types of fire, including, but not limited to, forest fires, brush fires, fire underground, oil blow-out fires, and water-borne fires; and

(8) such other information and data as is deemed useful and applicable.

(b) **METHODS.**—In carrying out the program of the Data Center, the Administrator is authorized to—

(1) develop standardized data reporting methods;

(2) encourage and assist State, local, and other agencies, public and private, in developing and reporting information; and

(3) make full use of existing data gathering and analysis organizations, both public and private.

Information dissemination.

(c) **DISSEMINATION.**—The Administrator shall insure dissemination to the maximum extent possible of fire data collected and developed by the Data Center, and shall make such data, information, and analysis available in appropriate form to Federal agencies, State and local governments, private organizations, industry, business, and other interested persons.

MASTER PLANS

15 USC 2209.

SEC. 10. (a) GENERAL.—The establishment of master plans for fire prevention and control are the responsibility of the States and the political subdivisions thereof. The Administrator is authorized to encourage and assist such States and political subdivisions in such planning activities, consistent with his powers and duties under this Act.

Report to Congress.

(b) **REPORT.**—Four years after the date of enactment of this Act, the Secretary shall submit to the Congress a report on the establishment and effectiveness of master plans in the field of fire prevention and control throughout the Nation. Such report shall include, but need not be limited to—

(1) a summary of the extent and quality of master planning activities;

(2) a summary and evaluation of master plans that have been prepared by States and political subdivisions thereof. Such summary and evaluation shall consider, with respect to each such plan (A) the characteristics of the jurisdiction adopting it, including, but not limited to, density and distribution of population; ratio of volunteer versus paid fire services; geographic location, topography, and climate; per capita rate of death and property loss from fire; size and characteristics of political subdivisions of the governmental units thereof; and socio-economic composition; and (B) the approach to development and implementation of the master plans;

(3) an evaluation of the best approach to the development and implementation of master plans (e.g., central planning by a State agency, regionalized planning within a State coordinated by a State agency, or local planning supplemented and coordinated by a State agency);

(4) an assessment of the costs and benefits of master plans;

(5) a recommendation to Congress on whether Federal financial assistance should be authorized in order that master plans can be developed in all States; and

October 29, 1974

- 9 -

Pub. Law 93-498

88 STAT. 1543

(6) a model master plan or plans suitable for State and local implementation.

(c) **DEFINITION.**—For the purposes of this section, a “master plan” is one which will result in the planning and implementation in the area involved of a general program of action for fire prevention and control. Such master plan is reasonably expected to include (1) a survey of the resources and personnel of existing fire services and an analysis of the effectiveness of the fire and building codes in such area; (2) an analysis of short and long term fire prevention and control needs in such area; (3) a plan to meet the fire prevention and control needs in such area; and (4) an estimate of cost and realistic plans for financing the implementation of the plan and operation on a continuing basis and a summary of problems that are anticipated in implementing such master plan.

“Master plan.”

REIMBURSEMENT FOR COSTS OF FIREFIGHTING ON FEDERAL PROPERTY

SEC. 11. (a) CLAIM.—Each fire service that engages in the fighting of a fire on property which is under the jurisdiction of the United States may file a claim with the Administrator for the amount of direct expenses and direct losses incurred by such fire service as a result of fighting such fire. The claim shall include such supporting information as the Administrator may prescribe.

15 USC 2210.

(b) **DETERMINATION.**—Upon receipt of a claim filed under subsection (a) of this section, the Administrator shall determine—

(1) what payments, if any, to the fire service or its parent jurisdiction, including taxes or payments in lieu of taxes, the United States has made for the support of fire services on the property in question;

(2) the extent to which the fire service incurred additional firefighting costs, over and above its normal operating costs, in connection with the fire which is the subject of the claim; and

(3) the amount, if any, of the additional costs referred to in paragraph (2) of this subsection which were not adequately covered by the payments referred to in paragraph (1) of this subsection.

(c) **PAYMENT.**—The Secretary shall forward the claim and a copy of the Administrator's determination under subsection (b) (3) of this section to the Secretary of the Treasury. The Secretary of the Treasury shall, upon receipt of the claim and determination, pay such fire service or its parent jurisdiction, from any moneys in the Treasury not otherwise appropriated but subject to reimbursement (from any appropriations which may be available or which may be made available for the purpose) by the Federal department or agency under whose jurisdiction the fire occurred, a sum no greater than the amount determined with respect to the claim under subsection (b) (3) of this section.

(d) **ADJUDICATION.**—In the case of a dispute arising in connection with a claim under this section, the Court of Claims of the United States shall have jurisdiction to adjudicate the claim and enter judgment accordingly.

REVIEW OF CODES

SEC. 12. The Administrator is authorized to review, evaluate, and suggest improvements in State and local fire prevention codes, building codes, and any relevant Federal or private codes and regulations. In evaluating any such code or codes, the Administrator shall consider the human impact of all code requirements, standards, or provisions

State-local
fire preven-
tion codes,
review.
15 USC 2211.

in terms of comfort and habitability for residents or employees, as well as the fire prevention and control value or potential of each such requirement, standard, or provision.

FIRE SAFETY EFFECTIVENESS STATEMENTS

- 15 USC 2212. SEC. 13. The Administrator is authorized to encourage owners and managers of residential multiple-unit, commercial, industrial, and transportation structures to prepare Fire Safety Effectiveness Statements, pursuant to standards, forms, rules, and regulations to be developed and issued by the Administrator.

ANNUAL CONFERENCE

- 15 USC 2213. SEC. 14. The Administrator is authorized to organize, or to participate in organizing, an annual conference on fire prevention and control. He may pay, in whole or in part, the cost of such conference and the expenses of some or all of the participants. All of the Nation's fire services shall be eligible to send representatives to each such conference to discuss, exchange ideas on, and participate in educational programs on new techniques in fire prevention and control. Such conferences shall be open to the public.

PUBLIC SAFETY AWARDS

- 15 USC 2214. SEC. 15. (a) ESTABLISHMENT.—There are hereby established two classes of honorary awards for the recognition of outstanding and distinguished service by public safety officers—

(1) the President's Award For Outstanding Public Safety Service ("President's Award"); and

(2) the Secretary's Award For Distinguished Public Safety Service ("Secretary's Award").

(b) DESCRIPTION.—(1) The President's Award shall be presented by the President of the United States to public safety officers for extraordinary valor in the line of duty or for outstanding contribution to public safety.

(2) The Secretary's Award shall be presented by the Secretary, the Secretary of Defense, or by the Attorney General to public safety officers for distinguished service in the field of public safety.

(c) SELECTION.—The Secretary, the Secretary of Defense, and the Attorney General shall advise and assist the President in the selection of individuals to whom the President's Award shall be tendered and in the course of performing such duties they shall seek and review nominations for such awards which are submitted to them by Federal, State, county, and local government officials. They shall annually transmit to the President the names of those individuals determined by them to merit the award, together with the reasons therefor. Recipients of the President's Award shall be selected by the President.

(d) LIMITATION.—(1) There shall not be presented in any one calendar year in excess of twelve President's Awards.

(2) There shall be no limitation on the number of Secretary's Awards presented.

(e) AWARD.—(1) Each President's Award shall consist of—

(A) a medal suitably inscribed, bearing such devices and emblems, and struck from such material as the Secretary of the Treasury, after consultation with the Secretary, the Secretary of Defense, and the Attorney General deems appropriate. The Secretary of the Treasury shall cause the medal to be struck and furnished to the President; and

(B) an appropriate citation.

October 29, 1974

- 11 -

Pub. Law 93-498

88 STAT. 1545

(2) Each Secretary's Award shall consist of an appropriate citation.

(f) **REGULATIONS.**—The Secretary, the Secretary of Defense, and the Attorney General are authorized and directed to issue jointly such regulations as may be necessary to carry out this section.

(g) **DEFINITIONS.**—As used in this section, the term "public safety officer" means a person serving a public agency, with or without compensation, as—

"Public safety officer."

- (1) a firefighter;
- (2) a law enforcement officer, including a corrections or court officer; or
- (3) a civil defense officer.

ANNUAL REPORT

SEC. 16. The Secretary shall report to the Congress and the President not later than June 30 of the year following the date of enactment of this Act and each year thereafter on all activities relating to fire prevention and control, and all measures taken to implement and carry out this Act during the preceding calendar year. Such report shall include, but need not be limited to—

Report to Congress and President.
15 USC 2215.

(a) a thorough appraisal, including statistical analysis, estimates, and long-term projections of the human and economic losses due to fire;

(b) a survey and summary, in such detail as is deemed advisable, of the research and technology program undertaken or sponsored pursuant to this Act;

(c) a summary of the activities of the Academy for the preceding 12 months, including, but not limited to—

(1) an explanation of the curriculum of study;

(2) a description of the standards of admission and performance;

(3) the criteria for the awarding of degrees and certificates; and

(4) a statistical compilation of the number of students attending the Academy and receiving degrees or certificates;

(d) a summary of the activities undertaken to assist the Nation's fire services;

(e) a summary of the public education programs undertaken;

(f) an analysis of the extent of participation in preparing and submitting Fire Safety Effectiveness Statements;

(g) a summary of outstanding problems confronting the administration of this Act, in order of priority;

(h) such recommendations for additional legislation as are deemed necessary or appropriate; and

(i) a summary of reviews, evaluations, and suggested improvements in State and local fire prevention and building codes, fire services, and any relevant Federal or private codes, regulations, and fire services.

AUTHORIZATION OF APPROPRIATIONS

SEC. 17. There are authorized to be appropriated to carry out the foregoing provisions of this Act, except section 11 of this Act, such sums as are necessary, not to exceed \$10,000,000 for the fiscal year ending June 30, 1975, and not to exceed \$15,000,000 for the fiscal year ending June 30, 1976.

15 USC 2216.

FIRE RESEARCH CENTER

SEC. 18. The Act of March 3, 1901 (15 U.S.C. 278), is amended by striking out sections 16 and 17 (as added by title I of the Fire Preven-

15 USC 278f,
278g.

Establishment.
15 USC 278f.

tion and Control Act of 1968) and by inserting in lieu thereof the following new section:

"SEC. 16. (a) There is hereby established within the Department of Commerce a Fire Research Center which shall have the mission of performing and supporting research on all aspects of fire with the aim of providing scientific and technical knowledge applicable to the prevention and control of fires. The content and priorities of the research program shall be determined in consultation with the Administrator of the National Fire Prevention and Control Administration. In implementing this section, the Secretary is authorized to conduct, directly or through contracts or grants, a fire research program, including—

"(1) basic and applied fire research for the purpose of arriving at an understanding of the fundamental processes underlying all aspects of fire. Such research shall include scientific investigations of—

"(A) the physics and chemistry of combustion processes;

"(B) the dynamics of flame ignition, flame spread, and flame extinguishment;

"(C) the composition of combustion products developed by various sources and under various environmental conditions;

"(D) the early stages of fires in buildings and other structures, structural subsystems and structural components in all other types of fires, including, but not limited to, forest fires, brush fires, fires underground, oil blowout fires, and waterborne fires, with the aim of improving early detection capability;

"(E) the behavior of fires involving all types of buildings and other structures and their contents (including mobile homes and highrise buildings, construction materials, floor and wall coverings, coatings, furnishings, and other combustible materials), and all other types of fires, including forest fires, brush fires, fires underground, oil blowout fires, and waterborne fires;

"(F) the unique fire hazards arising from the transportation and use, in industrial and professional practices, of combustible gases, fluids, and materials;

"(G) design concepts for providing increased fire safety consistent with habitability, comfort, and human impact in buildings and other structures; and

"(H) such other aspects of the fire process as may be deemed useful in pursuing the objectives of the fire research program;

"(2) research into the biological, physiological, and psychological factors affecting human victims of fire, and the performance of individual members of fire services, including—

"(A) the biological and physiological effects of toxic substances encountered in fires;

"(B) the trauma, cardiac conditions, and other hazards resulting from exposure to fire;

"(C) the development of simple and reliable tests for determining the cause of death from fires;

"(D) improved methods of providing first aid to victims of fires;

"(E) psychological and motivational characteristics of persons who engage in arson, and the prediction and cure of such behavior;

"(F) the conditions of stress encountered by firefighters, the effects of such stress, and the alleviation and reduction of such conditions; and

October 29, 1974

- 13 -

Pub. Law 93-498

88 STAT. 1547

"(G) such other biological, psychological, and physiological effects of fire as have significance for purposes of control or prevention of fires; and

"(3) operation tests, demonstration projects, and fire investigations in support of the activities set forth in this section.

"The Secretary shall insure that the results and advances arising from the work of the research program are disseminated broadly. He shall encourage the incorporation, to the extent applicable and practicable, of such results and advances in building codes, fire codes, and other relevant codes, test methods, fire service operations and training, and standards. The Secretary is authorized to encourage and assist in the development and adoption of uniform codes, test methods, and standards aimed at reducing fire losses and costs of fire protection.

"(b) For the purposes of this section there is authorized to be appropriated not to exceed \$3,500,000 for the fiscal year ending June 30, 1975 and not to exceed \$4,000,000 for the fiscal year ending June 30, 1976." Appropriation.

VICTIMS OF FIRE

SEC. 19. (a) PROGRAM.—The Secretary of Health, Education, and Welfare shall establish, within the National Institutes of Health and in cooperation with the Secretary, an expanded program of research on burns, treatment of burn injuries, and rehabilitation of victims of fires. The National Institutes of Health shall— 42 USC 290a.

(1) sponsor and encourage the establishment throughout the Nation of twenty-five additional burn centers, which shall comprise separate hospital facilities providing specialized burn treatment and including research and teaching programs, and twenty-five additional burn units, which shall comprise specialized facilities in general hospitals used only for burn victims;

(2) provide training and continuing support of specialists to staff the new burn centers and burn units;

(3) sponsor and encourage the establishment of ninety burn programs in general hospitals which comprise staffs of burn injury specialists;

(4) provide special training in emergency care for burn victims;

(5) augment sponsorship of research on burns and burn treatment;

(6) administer and support a systematic program of research concerning smoke inhalation injuries; and

(7) sponsor and support other research and training programs in the treatment and rehabilitation of burn injury victims.

(b) AUTHORIZATION OF APPROPRIATION.—For purposes of this section, there are authorized to be appropriated not to exceed \$5,000,000 for the fiscal year ending June 30, 1975 and not to exceed \$8,000,000 for the fiscal year ending June 30, 1976.

PUBLIC ACCESS TO INFORMATION

SEC. 20. Copies of any document, report, statement, or information received or sent by the Secretary or the Administrator shall be made available to the public pursuant to the provisions of section 552 of title 5, United States Code: *Provided*, That, notwithstanding the provisions of subsection (b) of such section and of section 1905 of title 18, United States Code, the Secretary may disclose information which concerns or relates to a trade secret— 15 USC 2217.

(1) upon request, to other Federal Government departments and agencies for official use;

(2) upon request, to any committee of Congress having jurisdiction over the subject matter to which the information relates;

(3) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceedings; and

(4) to the public when he determines such disclosure to be necessary in order to protect health and safety after notice and opportunity for comment in writing or for discussion in closed session within fifteen days by the party to which the information pertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to health and safety).

ADMINISTRATIVE PROVISIONS

15 USC 2218.

SEC. 21. (a) ASSISTANCE.—Each department, agency, and instrumentality of the executive branch of the Federal Government and each independent regulatory agency of the United States is authorized and directed to furnish to the Administrator, upon written request, on a reimbursable basis or otherwise, such assistance as the Administrator deems necessary to carry out his functions and duties pursuant to this Act, including, but not limited to, transfer of personnel with their consent and without prejudice to their position and ratings.

(b) POWERS.—With respect to this Act, the Administrator is authorized to—

(1) enter into, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5) such contracts, grants, leases, cooperative agreements, or other transactions as may be necessary to carry out the provisions of this Act;

(2) accept gifts and voluntary and uncompensated services, notwithstanding the provisions of section 3679 of the Revised Statutes (31 U.S.C. 665(b));

(3) purchase, lease, or otherwise acquire, own, hold, improve, use, or deal in and with any property (real, personal, or mixed, tangible or intangible), or interest in property, wherever situated; and sell, convey, mortgage, pledge, lease, exchange, or otherwise dispose of property and assets;

(4) procure temporary and intermittent services to the same extent as is authorized under section 3109 of title 5, United States Code, but at rates not to exceed \$100 a day for qualified experts; and

(5) establish such rules, regulations, and procedures as are necessary to carry out the provisions of this Act.

(c) AUDIT.—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the recipients of contracts, grants, or other forms of assistance that are pertinent to its activities under this Act for the purpose of audit or to determine if a proposed activity is in the public interest.

(d) INVENTIONS AND DISCOVERIES.—All property rights with respect to inventions and discoveries, which are made in the course of or under contract with any government agency pursuant to this Act, shall be subject to the basic policies set forth in the President's Statement of Government Patent Policy issued August 23, 1971, or such revisions of that statement of policy as may subsequently be promulgated and published in the Federal Register.

(e) COORDINATION.—To the extent practicable, the Administrator shall utilize existing programs, data, information, and facilities already available in other Federal Government departments and agencies and, where appropriate, existing research organizations, centers,

Comptroller
General, ac-
cess to rec-
ords.

Publication in
Federal Regis-
ter.

October 29, 1974

- 15 -

Pub. Law 93-498

88 STAT. 1549

and universities. The Administrator shall provide liaison at an appropriate organizational level to assure coordination of his activities with State and local government agencies, departments, bureaus, or offices concerned with any matter related to programs of fire prevention and control and with private and other Federal organizations and offices so concerned.

ASSISTANCE TO CONSUMER PRODUCT SAFETY COMMISSION

SEC. 22. Upon request, the Administrator shall assist the Consumer Product Safety Commission in the development of fire safety standards or codes for consumer products, as defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.). 15 USC 2219.

CONFORMING AMENDMENTS

SEC. 23. Section 12 of the Act of February 14, 1903, as amended (15 U.S.C. 1511), is amended to read as follows:

"BUREAUS IN DEPARTMENT

"Sec. 12. The following named bureaus, administrations, services, offices, and programs of the public service, and all that pertains thereto, shall be under the jurisdiction and subject to the control of the Secretary of Commerce:

- "(a) National Oceanic and Atmospheric Administration;
- "(b) United States Travel Service;
- "(c) Maritime Administration;
- "(d) National Bureau of Standards;
- "(e) Patent Office;
- "(f) Bureau of the Census;
- "(g) National Fire Prevention and Control Administration; and
- "(h) such other bureaus or other organizational units as the Secretary of Commerce may from time to time establish in accordance with law."

Approved October 29, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-795 accompanying H.R. 11989 (Comm. on Science and Astronautics) and Nos. 93-1277 and 93-1413 (Committees of Conference).

SENATE REPORTS: No. 93-470 (Comm. on Commerce) and Nos. 93-1088 and 93-1211 (Committees of Conference).

CONGRESSIONAL RECORD:

Vol. 119 (1973): Nov. 2, considered and passed Senate.

Vol. 120 (1974): Apr. 25, 29, considered and passed House, amended, in lieu of H.R. 11989.

Oct. 9, House agreed to conference report.

Oct. 10, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:

Vol. 10, No. 44 (1974): Oct. 29, Presidential statement.



Public Law 93-503
93rd Congress, S. 386
November 26, 1974

An Act

To amend the Urban Mass Transportation Act of 1964 to provide increased assistance for mass transportation systems.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Mass Transportation Assistance Act of 1974".

National Mass
Transportation
Assistance Act
of 1974.
49 USC 1601b
note.
49 USC 1601b.
88 STAT. 1565
88 STAT. 1566

FINDINGS

SEC. 2. The Congress finds that—

(1) over 70 per centum of the Nation's population lives in urban areas;

(2) transportation is the lifeblood of an urbanized society and the health and welfare of that society depends upon the provision of efficient economical and convenient transportation within and between its urban area;

(3) for many years the mass transportation industry satisfied the transportation needs of the urban areas of the country capably and profitably;

(4) in recent years the maintenance of even minimal mass transportation service in urban areas has become so financially burdensome as to threaten the continuation of this essential public service;

(5) the termination of such service or the continued increase in its cost to the user is undesirable, and may have a particularly serious adverse effect upon the welfare of a substantial number of lower income persons;

(6) some urban areas are now engaged in developing preliminary plans for, or are actually carrying out, comprehensive projects to revitalize their mass transportation operations; and

(7) immediate substantial Federal assistance is needed to enable many mass transportation systems to continue to provide vital service.

TITLE I—INCREASED MASS TRANSPORTATION ASSISTANCE

AUTHORIZATION

SEC. 101. (a) The first sentence of section 4(c) of the Urban Mass Transportation Act of 1964 is amended by striking out "\$6,100,000,000" and inserting in lieu thereof "\$10,925,000,000".

49 USC 1603.

(b) Section 4(c) of such Act is further amended by adding at the end thereof the following new sentence: "Of the total amount available to finance activities under this Act (other than under section 5) on and after the date of the enactment of the National Mass Transportation Assistance Act of 1974, not to exceed \$500,000,000 shall be available exclusively for assistance in areas other than urbanized areas (as defined in section 5(a)(3))."

Post, p. 1567.

Supra.

TRANSPORTATION PLANNING

SEC. 102. Section 3(a) of the Urban Mass Transportation Act of 1964 is amended—

49 USC 1602.

(1) by inserting "(1)" after "SEC. 3. (a)";

(2) by redesignating clauses (1) and (2) of the third sentence as clauses (A) and (B) respectively;

(3) by striking out the sixth and seventh sentences; and

(4) by adding at the end thereof the following:

"(2) It is declared to be in the national interest to encourage and promote the development of transportation systems, embracing various modes of transport in a manner that will serve the States and local communities efficiently and effectively. To accomplish this objective the Secretary shall cooperate with the States in the development of long-range plans and programs which are properly coordinated with plans for improvements in other affected forms of transportation and which are formulated with due consideration to their probable effect on the future development of urban areas of more than fifty thousand population. The development of projects in urbanized areas under this section shall be based upon a continuing, cooperative, and comprehensive planning process covering all modes of surface transportation and carried on by the States and the governing bodies of local communities in accordance with this paragraph. The Secretary shall not approve any project in an urbanized area after July 1, 1976, under this section unless he finds that such project is based on a continuing comprehensive transportation planning process carried on in conformance with the objectives stated in this paragraph."

FORMULA GRANT PROGRAM

SEC. 103. (a) The Urban Mass Transportation Act of 1964 is amended by striking out section 5 and inserting in lieu thereof the following new section:

49 USC 1604.

"URBAN MASS TRANSIT PROGRAM

Definitions.

"SEC. 5. (a) As used in this section—

"(1) the term 'construction' means the supervising, inspecting, actual building, and all expenses incidental to the acquisition, construction, or reconstruction of facilities and equipment for use in mass transportation, including designing, engineering, locating, surveying, mapping, acquisition of rights-of-way, relocation assistance, and acquisition and replacement of housing sites;

"(2) the term 'Governor' means the Governor, or his designate, of any one of the fifty States or of Puerto Rico, and the Mayor of the District of Columbia; and

"(3) the term 'urbanized area' means an area so designated by the Bureau of the Census, within boundaries which shall be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary, and which shall at a minimum, in the case of any such area, encompass the entire urbanized area within the State as designated by the Bureau of the Census.

"(b) (1) The Secretary shall apportion for expenditure in fiscal years 1975 through 1980 the sums authorized by subsection (c). Such sums shall be made available for expenditure in urbanized areas or parts thereof on the basis of a formula under which urbanized areas or part thereof will be entitled to receive an amount equal to the sum of—

"(A) one-half of the total amount so apportioned multiplied by the ratio which the population of such urbanized area or part thereof, as designated by the Bureau of the Census, bears to the total population of all the urbanized areas in all the States as shown by the latest available Federal census; and

Apportionment
formula.

November 26, 1974

- 3 -

Pub. Law 93-503

88 STAT. 1568

“(B) one-half of the total amount so apportioned multiplied by a ratio for that urbanized area determined on the basis of population weighted by a factor of density, as determined by the Secretary.

As used in the preceding sentence, the term ‘density’ means the number of inhabitants per square mile.

"Density."

“(2) The Governor, responsible local officials and publicly-owned operators of mass transportation services, in accordance with the procedures required under section (g) (1), with the concurrence of the Secretary, shall designate a recipient to receive and dispense the funds apportioned under paragraph (1) that are attributable to urbanized areas of two hundred thousand or more population. In any case in which a statewide or regional agency or instrumentality is responsible under State laws for the financing, construction and operation, directly, by lease, contract, or otherwise, of public transportation services, such agency or instrumentality shall be the recipient to receive and dispense such funds. The term ‘designated recipient’ as used in this Act shall refer to the recipient selected according to the procedures required by this paragraph.

"Designated recipient."

“(3) Sums apportioned under paragraph (1) not made available for expenditure by designated recipients in accordance with the terms of paragraph (2) shall be made available to the Governor for expenditure in urbanized areas or parts thereof in accordance with the procedures required under subsection (g) (1).

“(c) (1) To finance grants under this section, the Secretary may incur obligations on behalf of the United States in the form of grants, contracts, agreements, or otherwise in an aggregate amount not to exceed \$3,975,000,000. There are authorized to be appropriated for liquidation of the obligations incurred under this paragraph not to exceed \$300,000,000 prior to the close of fiscal year 1975; not to exceed \$500,000,000 prior to the close of fiscal year 1976; not to exceed \$650,000,000 prior to the close of fiscal year 1977; not to exceed \$775,000,000 prior to the close of fiscal year 1978; not to exceed \$850,000,000 prior to the close of fiscal year 1979; and not to exceed \$900,000,000 prior to the close of fiscal year 1980. Sums so appropriated shall remain available until expended.

Appropriation.

“(2) Sums apportioned under this section shall be available for obligation by the Governor or designated recipient for a period of two years following the close of the fiscal year for which such sums are apportioned, and any amounts so apportioned remaining unobligated at the end of such period shall lapse and shall be returned to the Treasury for deposit as miscellaneous receipts.

“(d) (1) The Secretary may approve as a project under this section, on such terms and conditions as he may prescribe, (A) the acquisition, construction, and improvement of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service, and (B) the payment of operating expenses to improve or to continue such service by operation, lease, contract, or otherwise.

“(2) The Secretary shall issue such regulations as he deems necessary to administer this subsection and subsection (e), including regulations regarding maintenance of effort by States, local governments, and local public bodies, the appropriate definition of operating expenses, and requirements for improving the efficiency of transit services.

Regulations.

“(e) The Federal grant for any construction project under this section shall not exceed 80 per centum of the cost of the construction project, as determined under section 4(a) of this Act. The Federal

Construction grants, limitation.

grant for any project for the payment of subsidies for operating expenses shall not exceed 50 per centum of the cost of such operating expense project. The remainder shall be provided in cash, from sources other than Federal funds or revenues from the operation of public mass transportation systems. Any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital.

"(f) Federal funds available for expenditure for mass transportation projects under this section shall be supplementary to and not in substitution for the average amount of State and local government funds and other transit revenues such as advertising, concessions, and property leases, expended on the operation of mass transportation service in the area involved for the two fiscal years preceding the fiscal year for which the funds are made available; but nothing in this sentence shall be construed as preventing State or local tax revenues which are used for the operation of mass transportation service in the area involved from being credited (to the extent necessary) toward the non-Federal share of the cost of the project for purposes of the preceding sentence.

"(g) (1) It is declared to be in the national interest to encourage and promote the development of transportation systems, embracing various modes of transport in a manner that will serve the States and local communities efficiently and effectively. To accomplish this objective the Secretary shall cooperate with the States in the development of long-range plans and programs which are properly coordinated with plans for improvement in other affected forms of transportation and which are formulated with due consideration to their probable effect on the future development of urban areas of more than fifty thousand population. The development of projects in urbanized areas under this section shall be based upon a continuing, cooperative, and comprehensive planning process covering all modes of surface transportation and carried on by the States and the governing bodies of local communities in accordance with this paragraph. The Secretary shall not approve any project in an urbanized area after July 1, 1976, under this section unless he finds that such project is based on a continuing comprehensive transportation planning process carried on in conformance with the objectives stated in this paragraph.

"(2) The Governor or designated recipient shall submit to the Secretary for his approval a program of projects for utilization of the funds authorized, which shall be based on the continuing comprehensive planning process of paragraph (1). The Secretary shall act upon programs submitted to him as soon as practicable, and he may approve a program in whole or in part.

"(3) An applicant for assistance under this section (other than a Governor) shall submit the program or programs to the Governor of the State affected, concurrently with submission to the Secretary. If within thirty days thereafter the Governor submits comments to the Secretary, the Secretary shall consider such comments before taking final action on the program or programs.

"(h) (1) The Governor or the designated recipient of the urbanized area shall submit to the Secretary for his approval such surveys, plans, specifications, and estimates for each proposed project as the Secretary may require. The Secretary shall act upon such surveys, plans, specifications, and his entering into a grant or contract agreement with respect to any such project shall be a contractual obligation of the Federal Government for the payment of its proportional contribution thereto.

Long-range
plans and
programs.

Program of
projects, sub-
mittal to
Secretary of
Transportation.

Submittal to
Governor.

Surveys, plans,
and specifica-
tions.

November 26, 1974

- 5 -

Pub. Law 93-503

88 STAT. 1570

"(2) In approving any project under this section, the Secretary shall assure that possible adverse economic, social, and environmental effects relating to the proposed project have been fully considered in developing the project, and that the final decisions on the project are made in the best overall public interest, taking into consideration the need for fast, safe, and efficient transportation, public services, and conservation of environment and natural resources, and the costs of eliminating or minimizing any such adverse effects, including—

"(A) air, noise, and water pollution;

"(B) destruction or disruption of manmade and natural resources, esthetic values, community cohesion, and the availability of public facilities and services;

"(C) adverse employment effects, and tax and property value losses;

"(D) injurious displacement of people, businesses, and farms; and

"(E) disruption of desirable community and regional growth.

"(i) Upon submission for approval of a proposed project under this section, the Governor or the designated recipient of the urbanized area shall certify to the Secretary that he or it has conducted public hearings (or has afforded the opportunity for such hearings) and that these hearings included (or were scheduled to include) consideration of the economic and social effects of such project, its impact on the environment, including requirements under the Clean Air Act, the Federal Water Pollution Control Act, and other applicable Federal environmental statutes, and its consistency with the goals and objectives of such urban planning as has been promulgated by the community. Such certification shall be accompanied by (1) a report which indicates the consideration given to the economic, social, environmental, and other effects of the proposed project, including, for construction projects, the effects of its location or design, and the consideration given to the various alternatives which were raised during the hearing or which were otherwise considered, and (2) upon the Secretary's request, a copy of the transcript of the hearings.

Hearings.

42 USC 1857
note.
33 USC 1151
note.

"(j) (1) The Secretary may discharge any of his responsibilities under this action with respect to a project under this section upon the request of any Governor or designated recipient of the urbanized area by accepting a certification by the Governor or his designee, or by the designated recipient of the urbanized area, if he finds that such project will be carried out in accordance with State laws, regulations, directives, and standards establishing requirements at least equivalent to those contained in, or issued pursuant to, this section.

"(2) The Secretary shall make a final inspection or review of each such project upon its completion and shall require an adequate report of its estimated and actual cost, as well as such other information as he determines to be necessary.

Final inspection or review.

"(3) The Secretary shall promulgate such guidelines and regulations as may be necessary to carry out this subsection.

Guidelines and regulations.

"(4) Acceptance by the Secretary of a certification under this section may be rescinded by the Secretary at any time if, in his opinion, it is necessary to do so.

"(5) Nothing in this section shall affect or discharge any responsibility or obligation of the Secretary under any other Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f)), title VI of the Civil Rights Act of 1964 (42 U.S.C. 200(d) et seq.), title VIII of the Act of April 11, 1968 (Public Law 90-284, 42 U.S.C. 3601 et seq.), and the Uniform Relocation

42 USC 2000d.

88 STAT. 1571

42 USC 4601
note.
Formal project
agreement.

Assistance and Land Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

"(k) (1) As soon as practicable after the plans, specifications, and estimates for a specific project under this section have been approved, the Secretary shall enter into a formal project agreement with the Governor, his designee or the designated recipient of the urbanized area. Such project agreement shall make provision for non-Federal funds required for the State's or designated recipient's pro rata share of the cost of the project.

"(2) The Secretary may rely upon representations made by the applicant with respect to the arrangements or agreements made by the Governor or the designated recipient where a part of the project involved is to be constructed at the expense of, or in cooperation with, local subdivisions of the State.

31 USC 529.

"(3) The Secretary is authorized, notwithstanding the provisions of section 3648 of the Revised Statutes, as amended, to make advance or progress payments on account of any grant or contract made pursuant to this section, on such terms and conditions as he may prescribe.

"(1) The Secretary shall not approve any project under this section unless he finds that such project is needed to carry out a program, meeting criteria established by him, for a unified or officially coordinated urban transportation system as a part of the comprehensively planned development of the urban area, and is necessary for the sound, economic, and desirable development of such area, and that the applicant or responsible agency has the legal, financial, and technical capacity to carry out the proposed project. A project under this section may not be undertaken unless the responsible public officials of the urbanized area in which the project is located have been consulted and, except for projects solely to pay subsidies for operating expenses, their views considered with respect to the corridor, location, and design of the project.

Fares for el-
derly and
handicapped
persons.

"(m) The Secretary shall not approve any project under this section unless the applicant agrees and gives satisfactory assurances, in such manner and form as may be required by the Secretary and in accordance with such terms and conditions as the Secretary may prescribe, that the rates charged elderly and handicapped persons during nonpeak hours for transportation utilizing or involving the facilities and equipment of the project financed with assistance under this section will not exceed one-half of the rates generally applicable to other persons at peak hours, whether the operation of such facilities and equipment is by the applicant or is by another entity under lease or otherwise.

49 USC 1609,
1602.

"(n) (1) The provisions of section 13(c) and section 3(e) (4) shall apply in carrying out mass transportation projects under this section.

5 USC 1501.

"(2) The provision of assistance under this section shall not be construed as bringing within the application of chapter 15 of title 5, United States Code, any nonsupervisory employee of an urban mass transportation system (or of any other agency or entity performing related functions) to whom such chapter is otherwise inapplicable."

49 USC 1603.

(b) Section 4(a) of such Act is amended by striking out "Except as specified in section 5, no" and inserting in lieu thereof "No".

ELIGIBILITY OF QUASI-PUBLIC DEVELOPMENT CORPORATIONS

49 USC 1602.

SEC. 104. (a) The first sentence of section 3(a) of the Urban Mass Transportation Act of 1964 is amended by inserting "(1)" after "financing", and by inserting before the period at the end thereof the

November 26, 1974 - - 7 -

Pub. Law 93-503

88 STAT. 1572

following: “, and (2) the establishment and organization of public or quasi-public transit corridor development corporations or entities”.

(b) The second sentence of section 3(a) of such Act is amended to read as follows: “Eligible facilities and equipment may include personal property including buses and other rolling stock and real property including land (but not public highways), within the entire zone affected by the construction and operation of transit improvements, including station sites, needed for an efficient and coordinated mass transportation system which is compatible with socially, economically, and environmentally sound patterns of land use.” 49 USC 1602.

COORDINATION OF URBAN MASS TRANSIT PROGRAMS WITH MODEL CITIES PROGRAMS

SEC. 105. Section 103(a) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended— 42 USC 3303.

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and

(2) by inserting after paragraph (3) the following new paragraph:

“(4) any program which includes a transportation component as a project or activity to be undertaken meets the requirements of section 3(e) of the Urban Mass Transportation Act of 1964;”. 49 USC 1602.

PROCUREMENT

SEC. 106. The fifth sentence of section 3(a) of the Urban Mass Transportation Act of 1964 is amended by inserting before the period at the end thereof the following: “, nor shall any grant or loan funds be used to support procurements utilizing exclusionary or discriminatory specifications”. 49 USC 1602.

INVESTIGATION OF SAFETY HAZARDS IN URBAN MASS TRANSPORTATION SYSTEMS

SEC. 107. The Secretary of Transportation shall investigate unsafe conditions in any facility, equipment, or manner of operation financed under this Act which creates a serious hazard of death or injury for the purpose of determining its nature and extent and the means which might best be employed to eliminate or correct it. If the Secretary determines that such facility, equipment, or manner of operation is unsafe, he shall require the State or local public body or agency to submit to the Secretary a plan for correcting the unsafe facility, equipment, or manner of operation, and the Secretary may withhold further financial assistance to the applicant until such plan is approved or implemented. 49 USC 1604a.

FARES FOR ELDERLY AND HANDICAPPED PERSONS

SEC. 108. Nothing contained in this title shall require the charging of fares to elderly and handicapped persons. 49 USC 1604b.

SCHOOL BUS OPERATIONS

SEC. 109. (a) Section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof (immediately after subsection (f)) the following new subsection: 49 USC 1602.

“(g) No Federal financial assistance shall be provided under this Act for the construction or operation of facilities and equipment for

use in providing public mass transportation service to any applicant for such assistance unless such applicant and the Secretary shall have first entered into an agreement that such applicant will not engage in schoolbus operations, exclusively for the transportation of students and school personnel, in competition with private schoolbus operators. This subsection shall not apply to an applicant with respect to operation of a schoolbus program if the applicant operates a school system in the area to be served and operates a separate and exclusive schoolbus program for this school system. This subsection shall not apply unless private schoolbus operators are able to provide adequate transportation, at reasonable rates, and in conformance with applicable safety standards; and this subsection shall not apply with respect to any State or local public body or agency thereof if it (or a direct predecessor in interest from which it acquired the function of so transporting schoolchildren and personnel along with facilities to be used therefor) was so engaged in schoolbus operations any time during the twelve-month period immediately prior to the date of the enactment of this subsection. A violation of an agreement under this subsection shall bar such applicant from receiving any other Federal financial assistance under this Act."

49 USC 1602.

(b) The first sentence of section 3(f) of such Act is amended by striking out "purchase of buses" each place it appears and inserting in lieu thereof "purchase or operation of buses".

ALTERNATE USE OF CAPITAL GRANTS

49 USC 1602.

SEC. 110. Section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof (after the new subsection added by section 109 of this Act) the following new subsection:

"(h) Notwithstanding any other provision of this Act, or of any contract or agreement entered into under this Act, up to one-half of any financial assistance provided under this Act (other than under section 5) to any State or local public body or agency thereof for the fiscal year 1975 or any subsequent fiscal year may, at the option of such State or local public body or agency, be used exclusively for the payment of operating expenses (incurred in connection with the provision of mass transportation service in an urban area or areas) to improve or to continue such service, if the Secretary finds (in any case where the financial assistance to be so used was originally provided for another project) that effective arrangements have been made to substitute and, by the end of the fiscal year following the fiscal year for which such sums are used, make available (for such other project) an equal amount of State or local funds (in addition to any State or local funds otherwise required by this Act to be contributed toward the cost of such project). Any amounts used for the payment of operating expenses pursuant to this subsection shall be subject to such terms and conditions (including the requirement for local matching contributions), required for the payment of operating expenses under other provisions of this Act, as the Secretary may deem necessary and appropriate."

DATA AND FINANCIAL REPORTING SYSTEMS

49 USC 1611.

SEC. 111. Section 15 of the Urban Mass Transportation Act of 1964 is amended by striking out the entire section and inserting in lieu thereof the following:

"REPORTING SYSTEM"

"SEC. 15. (a) The Secretary shall by January 10, 1977, develop, test, and prescribe a reporting system to accumulate public mass transportation financial and operating information by uniform categories and a uniform system of accounts and records. Such systems shall be designed to assist in meeting the needs of individual public mass transportation systems, Federal, State, and local governments, and the public for information on which to base planning for public transportation services, and shall contain information appropriate to assist in the making of public sector investment decisions at all levels of government. The Secretary is authorized to develop and test these systems in consultation with interested persons and organizations. The Secretary is authorized to carry out this subsection independently, or by grant or contract (including working arrangements with other Federal, State, or local government agencies). The Secretary is authorized to request and receive such information or data as he deems appropriate from public or private sources.

"(b) After July 1, 1978, the Secretary shall not make any grant under section 5 unless the applicant for such grant and any person or organization to receive benefits directly from that grant are each subject to both the reporting system and the uniform system of accounts and records prescribed under subsection (a) of this section."

Arte, p. 1567.

TITLE II—FARE-FREE MASS TRANSPORTATION

DEMONSTRATIONS

SEC. 201. The Secretary of Transportation (hereinafter referred to as the "Secretary") shall enter into such contracts or other arrangements as may be necessary for research and the development, establishment, and operation of demonstration projects to determine the feasibility of fare-free urban mass transportation systems.

49 USC 1605
note.

SEC. 202. Federal grants or payments for the purpose of assisting such projects shall cover not to exceed 80 per centum of the cost of the project involved, including operating costs and the amortization of capital costs for any fiscal year for which such contract or other arrangement is in effect.

Federal grants,
limitation.
49 USC 1605
note.

SEC. 203. The Secretary shall select cities or metropolitan areas for such projects in accordance with the following:

49 USC 1605
note.

(1) to the extent practicable, such cities or metropolitan areas shall have a failing or nonexistent or marginally profitable transit system, a decaying central city, automobile-caused air pollution problems, and an immobile central city population;

(2) several projects should be selected from cities or metropolitan areas of differing sizes and populations;

(3) a high level of innovative service must be provided including the provision of crosstown and other transportation service to the extent necessary for central city residents and others to reach employment, shopping, and recreation; and

(4) to the extent practicable, projects utilizing different modes of mass transportation shall be approved.

SEC. 204. The Secretary shall study fare-free systems assisted pursuant to this title, and other financially assisted urban mass transportation systems providing reduced fares for the purpose of determining the following:

Study.
49 USC 1605
note.

(1) the effects of such systems on (i) vehicle traffic and attendant air pollution, congestion, and noise, (ii) the mobility of urban residents, and (iii) the economic viability of central city business;

(2) the mode of mass transportation that can best meet the desired objectives;

(3) the extent to which frivolous ridership increases as a result of reduced fare or fare-free systems;

(4) the extent to which the need for urban highways might be reduced as a result of reduced fare or fare-free systems; and

(5) the best means of financing reduced fare or fare-free transportation on a continuing basis.

Reports to
Congress.
49 USC 1605
note.

SEC. 205. The Secretary shall make annual reports to the Congress on the information gathered pursuant to section 204 of this title and shall make a final report of his findings, including any recommendations he might have to implement such findings, not later than June 30, 1975.

49 USC 1605
note.

SEC. 206. In carrying out the provisions of this title, the Secretary shall provide advisory participation by interested State and local government authorities, mass transportation systems management personnel, employee representatives, mass transportation riders, and any other persons that he may deem necessary or appropriate.

Appropriation.
49 USC 1605
note.

SEC. 207. There are hereby authorized to be appropriated not to exceed \$20,000,000 for each of the fiscal years ending on June 30, 1975, and June 30, 1976, respectively, to carry out the provisions of this title.

TITLE III—RAILROAD GRADE CROSSINGS

Hammond, Ind.,
demonstration
project.
49 USC 1605
note.

SEC. 301. The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in Hammond, Indiana, for the relocation of railroad lines for the purpose of eliminating highway railroad grade crossings. The Federal share payable on account of such project shall be that provided in section 120 of title 23, United States Code.

Appropriation.
49 USC 1605
note.

SEC. 302. There are authorized to be appropriated to carry out this title not to exceed \$14,000,000, except that two-thirds of all funds expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund.

Approved November 26, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-141 accompanying H.R. 6452 (Comm. on Banking and Currency) and Nos. 93-813 and 93-1427 (Committees of Conference).

SENATE REPORT No. 93-361 (Comm. on Banking, Housing and Urban Affairs).
CONGRESSIONAL RECORD:

Vol. 119 (1973): Sept. 7, 10, considered and passed Senate,
Oct. 3, considered and passed House, amended, in
lieu of H.R. 6452.

Vol. 120 (1974): July 30, House recommitted conference report.
Nov. 19, Senate agreed to conference report.
Nov. 21, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:

Vol. 10, No. 48 (1974): Nov. 26, Presidential statement.



Public Law 93-516
93rd Congress, H. R. 17503
December 7, 1974

An Act

To extend the authorizations of appropriations in the Rehabilitation Act of 1973 for one year, to transfer the Rehabilitation Services Administration to the Office of the Secretary of Health, Education, and Welfare, to make certain technical and clarifying amendments, and for other purposes; to amend the Randolph-Sheppard Act for the blind; to strengthen the program authorized thereunder; and to provide for the convening of a White House Conference on Handicapped Individuals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AMENDMENTS TO THE REHABILITATION ACT OF 1973

SHORT TITLE

SEC. 100. This title shall be known as the "Rehabilitation Act Amendments of 1974".

REHABILITATION SERVICES ADMINISTRATION

SEC. 101. (a) Section 3(a) of the Rehabilitation Act of 1973 is amended to read as follows:

"(a) There is established in the Office of the Secretary a Rehabilitation Services Administration which shall be headed by a Commissioner (hereinafter in this Act referred to as the 'Commissioner') appointed by the President by and with the advice and consent of the Senate. Except for titles IV and V and as otherwise specifically provided in this Act, such Administration shall be the principal agency, and the Commissioner shall be the principal officer, of such Department for carrying out this Act. In the performance of his functions, the Commissioner shall be directly responsible to the Secretary or to the Under Secretary or an appropriate Assistant Secretary of such Department, as designated by the Secretary. The functions of the Commissioner shall not be delegated to any officer not directly responsible, both with respect to program operation and administration, to the Commissioner."

(b) The amendment made by subsection (a) of this section shall be effective sixty days after the date of enactment of this Act.

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR VOCATIONAL REHABILITATION SERVICES

SEC. 102. (a) Section 100(b) of such Act is amended by—

(1) striking out "and" after "1974," in paragraph (1) and inserting before the period at the end of such paragraph a comma and "and \$720,000,000 for the fiscal year ending June 30, 1976"; and

(2) striking out "and" after "1974," in the first sentence of paragraph (2) and inserting after "1975," in such sentence "and \$42,000,000 for the fiscal year ending June 30, 1976";

(b) Section 112(a) of such Act is amended by striking out "and" after "1974," and by inserting "and up to \$2,500,000 but no less than \$1,000,000 for the fiscal year ending June 30, 1976," after "1975,"

(c) Section 121(b) of such Act is amended by striking out "1976" and inserting in lieu thereof "1977".

Vocational re-
habilitation
services.
Rehabilitation
Act Amendments
of 1974.
29 USC 701 note.

29 USC 702.

88 STAT. 1617
88 STAT. 1618
29 USC 780,
790.

Effective date.
29 USC 702 note.

Federal grants
to States.
29 USC 720.

Pilot projects.
29 USC 732.

Payments to
States.
29 USC 741.

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH AND TRAINING

SEC. 103. Section 201(a) of such Act is amended by—

(1) striking out "and" after "1974," in the first sentence of para-

29 USC 761.

graph (1) and inserting after "1975" in such sentence a comma and "and \$32,000,000 for the fiscal year ending June 30, 1976";

(2) striking out the comma after "20 per centum" in the second sentence of paragraph (1) and inserting after "respectively," in such sentence "and 25 per centum of the amounts appropriated in each succeeding fiscal year"; and

(3) striking out "there is authorized to be appropriated" in paragraph (2) and inserting after "1975" in such paragraph a comma and "and \$32,000,000 for the fiscal year ending June 30, 1976".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR GRANTS FOR
CONSTRUCTION OF REHABILITATION FACILITIES

29 USC 771.

SEC. 104. Section 301 (a) of such Act is amended by—

(1) striking out "and" after "1974," in the first sentence and inserting before the period at the end of such sentence a comma and "and June 30, 1976"; and

(2) striking out "1977" in the last sentence and inserting in lieu thereof "1978".

88 STAT. 1618

88 STAT. 1619

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR VOCATIONAL
TRAINING SERVICES FOR HANDICAPPED INDIVIDUALS

29 USC 772.

SEC. 105. Section 302(a) of such Act is amended by striking out "and" after "1974," and by inserting after "1975" a comma and "and June 30, 1976".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR SPECIAL
PROJECTS AND DEMONSTRATIONS

29 USC 774.

SEC. 106. Section 304(a) (1) of such Act is amended by striking out "and" after "1974," and by inserting after "1975" a comma and "and \$20,000,000 for the fiscal year ending June 30, 1976".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL
CENTER FOR DEAF-BLIND YOUTHS AND ADULTS

29 USC 775.

SEC. 107. Section 305(a) of such Act is amended by striking out "and" after "1974," and by inserting after "1975" a comma and "and June 30, 1976".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR PROGRAM AND
PROJECT EVALUATION

29 USC 783.

SEC. 108. Section 403 of such Act is amended by striking out "and" after "1974," and by inserting after "1975," the following: "and June 30, 1976".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR
SECRETARIAL RESPONSIBILITIES

29 USC 785.

SEC. 109. Section 405(d) of such Act is amended by inserting before the period a comma and "and \$600,000 for the fiscal year ending June 30, 1976".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR ARCHITECTURAL
AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

29 USC 792.

SEC. 110. Section 502(h) of such Act is amended by inserting before the period at the end thereof a comma and "and \$1,500,000 for the fiscal year ending June 30, 1976".

December 7, 1974

- 3 -

Pub. Law 93-516

MISCELLANEOUS AMENDMENTS

SEC. 111. (a) Section 7(6) of such Act is amended by adding at the end thereof the following new sentence: "For the purposes of titles IV and V of this Act, such term means any person who (A) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (B) has a record of such an impairment, or (C) is regarded as having such an impairment."

Handicapped individual.
29 USC 706.
29 USC 780, 790.

(b) Section 101(a)(6) of such Act is amended by adding at the end thereof before the semicolon "(including a requirement that the State agency and facilities in receipt of assistance under this title shall take affirmative action to employ and advance in employment qualified handicapped individuals covered under, and on the same terms and conditions as set forth in, section 503)".

State employment requirement.
29 USC 721.
56 STAT. 1619
88 STAT. 1620
29 USC 793.

(c) Section 101(a)(9)(C) of such Act is amended by adding at the end thereof before the semicolon "in such detail as required by the Secretary in order for him to analyze and evaluate annually the reasons for and numbers of such ineligibility determinations as part of his responsibilities under section 401, and that the State agency will at least annually categorize and analyze such reasons and numbers and report this information to the Secretary and will, not later than 12 months after each such determination, review each such ineligibility determination in accordance with the criteria set forth in section 102".

Ineligibility determinations, review.
29 USC 721.
29 USC 781.

(d) Section 101(a)(15) of such Act is amended by inserting after "facilities" at the end of the parenthetical "and review of the efficacy of the criteria employed with respect to ineligibility determinations described in subclause (C) of clause (9) of this subsection".

29 USC 722.
Continuing studies.
29 USC 721.

(e) Section 102 of such Act is amended by—

Individualized written rehabilitation program.
29 USC 722.

(1) inserting in subsection (a) after "program" where it first appears in the first sentence a comma and "or the specification of reasons for a determination of ineligibility prior to initiation of such program based on preliminary diagnosis," and inserting at the end of the second sentence of such subsection before the period a comma and "and, as appropriate, such specification of reasons for such an ineligibility determination shall set forth the rights and remedies, including recourse to the process set forth in subsection (b)(5) of this section, available to the individual in question";

(2) striking out in subsection (c) all of clause (1) from "in" the first time it appears through "primary" and inserting in lieu thereof "in making any determination of ineligibility referred to in subsection (a) of this section, or in developing and carrying out the individualized written rehabilitation program required by section 101 in the case of each handicapped individual,";

(3) striking out in clause (2) of subsection (c) "program, that the evaluation of rehabilitation potential" and inserting in lieu thereof "program, or as a part of the specification of reasons for an ineligibility determination, as appropriate, that the preliminary diagnosis or evaluation of rehabilitation potential, as appropriate,"; and

(4) inserting in clause (3) of subsection (c) a comma and "as an amendment to such written program," after "decision".

(f) Section 112(a) is amended by—

Ante, p. 1618.

(1) striking out "an amount equal to the amount obligated for expenditure for carrying out such projects and demonstrations for appropriations under the Vocational Rehabilitation Act in

the fiscal year ending June 30, 1973," and inserting in lieu thereof "\$11,860,000"; and

(2) adding at the end thereof a new sentence as follows: "In the event that funds so appropriated under section 304 do not exceed \$11,860,000 in any fiscal year, the Secretary is authorized to utilize such funds to carry out this section".

(g) Section 130(b) of such Act is amended by striking out "February 1, 1975" and inserting in lieu thereof "June 30, 1975".

(h) Section 202(a) of such Act is amended by striking out "and analyses" in the penultimate clause and inserting in lieu thereof a comma and "analyses, and demonstrations".

(i) Section 304(b) of such Act is amended by—

(1) striking out "and" before "(2)" in the first sentence, and inserting at the end of such sentence before the period a comma and "and (3) for operating programs (including renovation and construction of facilities, where appropriate) to demonstrate methods of making recreational activities fully accessible to handicapped individuals"; and

(2) striking out "for" the third time it appears in the parenthetical in clause (2) in the first sentence and inserting in lieu thereof "or".

(j) Section 304(c) of such Act is amended by inserting after "Labor," in the first sentence "who".

(k) Section 304(e)(1) of such Act is amended by inserting after "(B)" the following: "with the concurrence of the Board established by section 502,".

(l)(1) Section 306(b) of such Act is amended by inserting after "project" a comma and "or for a project which involves construction,".

(2) Section 306(b)(4) of such Act is amended by inserting after "specifications" the following: "which have been approved by the Board established by section 502,".

(m) Section 405(c) of such Act is amended by—

(1) striking out "the Handicapped" and inserting in lieu thereof "Handicapped Individuals"; and

(2) by adding at the end thereof the following new sentence: "In no event shall any functions under this section be further delegated to any persons with operational responsibilities for carrying out functions authorized under any other section of this Act or under any other provision of law designed to benefit handicapped individuals."

(n)(1) Section 502(a) of such Act is amended by redesignating clauses (6), (7), and (8) thereof as clauses (7), (8), and (9), respectively, and by inserting immediately after clause (5) the following new clause:

"(6) Department of Defense;".

(2) Section 502(a) of such Act is further amended by adding at the end thereof the following new sentence: "The Secretary of Health, Education, and Welfare shall be the Chairman of the Board, and the Board shall appoint, upon recommendation of the Secretary, a Consumer Advisory Panel, a majority of the members of which shall be handicapped individuals, to provide guidance, advice, and recommendations to the Board in carrying out its functions."

(o)(1) Section 502(d) of such Act is amended by striking out "section, the Board" in the first sentence and inserting in lieu thereof "Act, the Board shall, directly or through grants to or contracts with public or private nonprofit organizations, carry out its functions under subsections (b) and (c) of this section, and".

Ante, p. 1620.

88 STAT. 1620

88 STAT. 1621

29 USC 750.

29 USC 762.

29 USC 774.

Infra.

29 USC 776.

29 USC 785.

29 USC 792.

Architectural and Transportation Barriers Compliance Board, Chairman. Consumer Advisory Panel, appointment.

December 7, 1974

- 5 -

Pub. Law 93-516

88 STAT. 1622

(2) Section 502(d) of such Act is further amended by adding at the end thereof the following new sentences: "Any such order affecting any Federal department, agency, or instrumentality of the United States shall be final and binding on such department, agency, or instrumentality. An order of compliance may include the withholding or suspension of Federal funds with respect to any building found not to be in compliance with standards prescribed pursuant to the Acts cited in subsection (b) of this section."

Arte, p. 1621.

Withholding or suspension of Federal funds.

(p) Section 502(e) of such Act is amended by adding before the first sentence the following new first sentence: "There shall be appointed by the Board an executive director and such other professional and clerical personnel as are necessary to carry out its functions under this Act."

Additional Board appointees.

(q) Section 502(g) of such Act is amended by striking out in the penultimate sentence "prior to January 1" and inserting in lieu thereof "not later than September 30".

Report to Congress.

TITLE II—RANDOLPH-SHEPPARD ACT AMENDMENTS

Randolph-Sheppard Act Amendments of 1974.

SHORT TITLE

SEC. 200. This title may be cited as the "Randolph-Sheppard Act Amendments of 1974".

20 USC 107 note.

FINDINGS

SEC. 201. The Congress finds—

20 USC 107 note.

(1) after review of the operation of the blind vending stand program authorized under the Randolph-Sheppard Act of June 20, 1936, that the program has not developed, and has not been sustained, in the manner and spirit in which the Congress intended at the time of its enactment, and that, in fact, the growth of the program has been inhibited by a number of external forces;

20 USC 107.

(2) that the potential exists for doubling the number of blind operators on Federal and other property under the Randolph-Sheppard program within the next five years, provided the obstacles to growth are removed, that legislative and administrative means exist to remove such obstacles, and that Congress should adopt legislation to that end; and

(3) that at a minimum the following actions must be taken to insure the continued vitality and expansion of the Randolph-Sheppard program—

(A) establish uniformity of treatment of blind vendors by all Federal departments, agencies, and instrumentalities,

(B) establish guidelines for the operation of the program by State licensing agencies,

(C) require coordination among the several entities with responsibility for the program,

(D) establish a priority for vending facilities operated by blind vendors on Federal property,

(E) establish administrative and judicial procedures under which fair treatment of blind vendors, State licensing agencies, and the Federal Government is assured,

(F) require stronger administration and oversight functions in the Federal office carrying out the program, and

(G) accomplish other legislative and administrative objectives which will permit the Randolph-Sheppard program to flourish.

OPERATION OF VENDING FACILITIES ON FEDERAL PROPERTY

SEC. 202. The first section of the Act entitled "An Act to authorize the operation of stands in Federal buildings by blind persons, to enlarge the economic opportunities of the blind, and for other purposes" (hereafter referred to in this title as the "Randolph-Sheppard Act"), approved June 20, 1936, as amended (20 U.S.C. 107), is amended by striking out all after the enacting clause and inserting in lieu thereof the following:

"That (a) for the purposes of providing blind persons with remunerative employment, enlarging the economic opportunities of the blind, and stimulating the blind to greater efforts in striving to make themselves self-supporting, blind persons licensed under the provisions of this Act shall be authorized to operate vending facilities on any Federal property.

"(b) In authorizing the operation of vending facilities on Federal property, priority shall be given to blind persons licensed by a State agency as provided in this Act; and the Secretary, through the Commissioner, shall, after consultation with the Administrator of General Services and other heads of departments, agencies, or instrumentalities of the United States in control of the maintenance, operation, and protection of Federal property, prescribe regulations designed to assure that—

"(1) the priority under this subsection is given to such licensed blind persons (including assignment of vending machine income pursuant to section 7 of this Act to achieve and protect such priority), and

"(2) wherever feasible, one or more vending facilities are established on all Federal property to the extent that any such facility or facilities would not adversely affect the interests of the United States.

Any limitation on the placement or operation of a vending facility based on a finding that such placement or operation would adversely affect the interests of the United States shall be fully justified in writing to the Secretary, who shall determine whether such limitation is justified. A determination made by the Secretary pursuant to this provision shall be binding on any department, agency, or instrumentality of the United States affected by such determination. The Secretary shall publish such determination, along with supporting documentation, in the Federal Register."

FEDERAL AND STATE RESPONSIBILITIES

SEC. 203. (a) (1) Section 2(a) of the Randolph-Sheppard Act is amended by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively, and by inserting the following new paragraph (1):

"(1) Insure that the Rehabilitation Services Administration is the principal agency for carrying out this Act; and the Commissioner shall, within one hundred and eighty days after enactment of the Randolph-Sheppard Act Amendments of 1974, establish requirements for the uniform application of this Act by each State agency designated under paragraph (5) of this subsection, including appropriate accounting procedures, policies on the selection and establishment of new vending facilities, distribution of income to blind vendors, and the use and control of set-aside funds under section 3(3) of this Act;"

(2) Section 2(a) (2) of such Act, as redesignated by paragraph (1) of this subsection, is amended to read as follows:

Regulations.

Post, p. 1626,
1627.Publication in
Federal Register.

20 USC 107a.

20 USC 107b.
Supra.

December 7, 1974

- 7 -

Pub. Law 93-516

88 STAT. 1624

"(2) Through the Commissioner, make annual surveys of concession vending opportunities for blind persons on Federal and other property in the United States, particularly with respect to Federal property under the control of the General Services Administration, the Department of Defense, and the United States Postal Service;".

Concession vending opportunities, annual surveys.

(3) Section 2(a) (5) of such Act, as redesignated by paragraph (1) of this subsection, is amended—

Ante, p. 1623.

(A) by striking out "commission" each place it appears and inserting in lieu thereof "agency",

(B) by striking out "and at least twenty-one years of age",

(C) by striking out "articles dispensed automatically or in containers or wrapping in which they are placed before receipt by the vending stand, and such other articles as may be approved for each property by the department or agency in control of the maintenance, operation, and protection thereof and the State licensing agency in accordance with the regulations prescribed pursuant to the first section" and inserting in lieu thereof the following: "foods, beverages, and other articles or services dispensed automatically or manually and prepared on or off the premises in accordance with all applicable health laws, as determined by the State licensing agency, and including the vending or exchange of chances for any lottery authorized by State law and conducted by an agency of a State",

(D) by striking out "stands" and "stand" and inserting in lieu thereof "facilities" and "facility", respectively, and

(E) by striking out the colon and all matter following the colon, and inserting in lieu thereof "; and".

(4) Section 2(a) (6) of such Act, as redesignated by paragraph (1) of this subsection, is amended to read as follows:

"(6) Through the Commission, (A) conduct periodic evaluations of the program authorized by this Act, including upward mobility and other training required by section 8, and annually submit to the appropriate committees of Congress a report based on such evaluations, and (B) take such other steps, including the issuance of such rules and regulations, as may be necessary or desirable in carrying out the provisions of this Act."

Evaluations, annual reports to congressional committees. Post, p. 1628. Rules and regulations. 20 USC 107a.

(b) Section 2(b) of such Act is amended—

(1) by striking out "stand" the first time it appears in the first sentence and where it appears in the second sentence and inserting in lieu thereof "facility";

(2) by striking out "and have resided for at least one year in the State in which such stand is located"; and

(3) by striking out "but are able, in spite of such infirmity, to operate such stands".

(c) Section 2(c) of such Act is amended by striking out "stand" in each place in which it appears and inserting in lieu thereof "facility".

(d) Section 2 of such Act is further amended by adding at the end thereof the following new subsections:

"(d) (1) After January 1, 1975, no department, agency, or instrumentality of the United States shall undertake to acquire by ownership, rent, lease, or to otherwise occupy, in whole or in part, any building unless, after consultation with the head of such department, agency, or instrumentality and the State licensing agency, it is determined by the Secretary that (A) such building includes a satisfactory site or sites for the location and operation of a vending facility by a blind person, or (B) if a building is to be constructed, substantially altered, or renovated, or in the case of a building that is already occupied on such date by such department, agency, or instrumentality,

Federally occupied buildings, sites for vending facilities.

88 STAT. 1625

Notice to
State licens-
ing agency.

is to be substantially altered or renovated for use by such department, agency, or instrumentality, the design for such construction, substantial alteration, or renovation includes a satisfactory site or sites for the location and operation of a vending facility by a blind person. Each such department, agency, or instrumentality shall provide notice to the appropriate State licensing agency of its plans for occupation, acquisition, renovation, or relocation of a building adequate to permit such State agency to determine whether such building includes a satisfactory site or sites for a vending facility.

"(2) The provisions of paragraph (1) shall not apply (A) when the Secretary and the State licensing agency determine that the number of people using the property is or will be insufficient to support a vending facility, or (B) to any privately owned building, any part of which is leased by any department, agency, or instrumentality of the United States and in which, (i) prior to the execution of such lease, the lessor or any of his tenants had in operation a restaurant or other food facility in a part of the building not included in such lease, and (ii) the operation of such a vending facility by a blind person would be in proximate and substantial direct competition with such restaurant or other food facility except that each such department, agency, and instrumentality shall make every effort to lease property in privately owned buildings capable of accommodating a vending facility.

"(3) For the purposes of this subsection, the term 'satisfactory site' means an area determined by the Secretary to have sufficient space, electrical and plumbing outlets, and such other facilities as the Secretary may by regulation prescribe, for the location and operation of a vending facility by a blind person.

"(e) In any State having an approved plan for vocational rehabilitation pursuant to the Vocational Rehabilitation Act or the Rehabilitation Act of 1973 (Public Law 93-112), the State licensing agency designated under paragraph (5) of subsection (a) of this section shall be the State agency designated under section 101(a)(1)(A) of such Rehabilitation Act of 1973."

DUTIES OF STATE LICENSING AGENCIES AND ARBITRATION

SEC. 204. (a) Section 3 of the Randolph-Sheppard Act is amended—
(1) by striking out "commission" and inserting in lieu thereof "agency";

(2) by striking out in paragraphs (2) and (3) "stand" and "stands" wherever such terms appear and inserting in lieu thereof "facility" and "facilities", respectively; and

(3) by striking out in paragraph (6) the word "stand" and inserting in lieu thereof "facility". and, by inserting immediately before the period the following: ", and to agree to submit the grievances of any blind licensee not otherwise resolved by such hearing to arbitration as provided in section 5 of this Act".

(b) Section 3(3) of such Act is further amended by striking out "and" immediately before subparagraph (D) and by inserting immediately before the colon at the end of such subparagraph the following "; and (E) retirement or pension funds, health insurance contributions, and provision for paid sick leave and vacation time, if it is determined by a majority vote of blind licensees licensed by such State agency, after such agency provides to each such licensee full information on all matters relevant to such proposed program, that funds under this paragraph shall be set aside for such purposes".

(c) Section 3(3) of such Act is further amended by inserting before the word "proceeds" in both places it appears, the word "net".

"Satisfactory
site."

29 USC 31 note,
701 note.

29 USC 721.

20 USC 107b.

Post, p. 1626.
Set aside
funds.

December 7, 1974

- 9 -

Pub. Law 93-516

88 STAT. 1626

REPEALS

SEC. 205. Sections 4 and 7 of the Randolph-Sheppard Act are repealed. 20 USC 107c, 107e-1.

ARBITRATION; VENDING MACHINE INCOME; PERSONNEL; TRAINING

SEC. 206. The Randolph-Sheppard Act is further amended by redesignating sections 5, 6, and 8, as sections 4, 9, and 10, respectively, and by inserting immediately after section 4, as redesignated, the following new sections: 20 USC 107d, 107e, 107f.

"SEC. 5. (a) Any blind licensee who is dissatisfied with any action arising from the operation or administration of the vending facility program may submit to a State licensing agency a request for a full evidentiary hearing, which shall be provided by such agency in accordance with section 3(6) of this Act. If such blind licensee is dissatisfied with any action taken or decision rendered as a result of such hearing, he may file a complaint with the Secretary who shall convene a panel to arbitrate the dispute pursuant to section 6 of this Act, and the decision of such panel shall be final and binding on the parties except as otherwise provided in this Act. 20 USC 107d-1.

Ante, p. 1625.

Supra.

"(b) Whenever any State licensing agency determines that any department, agency, or instrumentality of the United States that has control of the maintenance, operation, and protection of Federal property is failing to comply with the provisions of this Act or any regulations issued thereunder (including a limitation on the placement or operation of a vending facility as described in section 1(b) of this Act and the Secretary's determination thereon) such licensing agency may file a complaint with the Secretary who shall convene a panel to arbitrate the dispute pursuant to section 6 of this Act, and the decision of such panel shall be final and binding on the parties except as otherwise provided in this Act. Ante, p. 1623.

Infra.

"SEC. 6. (a) Upon receipt of a complaint filed under section 5 of this Act, the Secretary shall convene an ad hoc arbitration panel as provided in subsection (b). Such panel shall, in accordance with the provisions of subchapter II of chapter 5 of title 5, United States Code, give notice, conduct a hearing, and render its decision which shall be subject to appeal and review as a final agency action for purposes of chapter 7 of such title 5. Arbitration panel, duties, 20 USC 107d-2, 5 USC 551.

"(b) (1) The arbitration panel convened by the Secretary to hear grievances of blind licensees shall be composed of three members appointed as follows: 5 USC 701, Membership.

"(A) one individual designated by the State licensing agency;

"(B) one individual designated by the blind licensee; and

"(C) one individual, not employed by the State licensing agency or, where appropriate, its parent agency, who shall serve as chairman, jointly designated by the members appointed under subparagraphs (A) and (B).

If any party fails to designate a member under subparagraph (1) (A), (B), or (C), the Secretary shall designate such member on behalf of such party.

"(2) The arbitration panel convened by the Secretary to hear complaints filed by a State licensing agency shall be composed of three members appointed as follows:

"(A) one individual, designated by the State licensing agency;

"(B) one individual, designated by the head of the Federal department, agency, or instrumentality controlling the Federal property over which the dispute arose; and

"(C) one individual, not employed by the Federal department, agency, or instrumentality controlling the Federal property over

which the dispute arose, who shall serve as chairman, jointly designated by the members appointed under subparagraphs (A) and (B).

If any party fails to designate a member under subparagraph (2) (A), (B), or (C), the Secretary shall designate such member on behalf of such party. If the panel appointed pursuant to paragraph (2) finds that the acts or practices of any such department, agency, or instrumentality are in violation of this Act, or any regulation issued thereunder, the head of any such department, agency, or instrumentality shall cause such acts or practices to be terminated promptly and shall take such other action as may be necessary to carry out the decision of the panel.

"(c) The decisions of a panel convened by the Secretary pursuant to this section shall be matters of public record and shall be published in the Federal Register.

"(d) The Secretary shall pay all reasonable costs of arbitration under this section in accordance with a schedule of fees and expenses he shall publish in the Federal Register.

"Sec. 7. (a) In accordance with the provisions of subsection (b) of this section, vending machine income obtained from the operation of vending machines on Federal property shall accrue (1) to the blind licensee operating a vending facility on such property, or (2) in the event there is no blind licensee operating such facility on such property, to the State agency in whose State the Federal property is located, for the uses designated in subsection (c) of this section, except that with respect to income which accrues under clause (1) of this subsection, the Commissioner may prescribe regulations imposing a ceiling on income from such vending machines for an individual blind licensee. In the event such a ceiling is imposed, no blind licensee shall receive less vending machine income under such ceiling than he was receiving on January 1, 1974. No limitation shall be imposed on income from vending machines, combined to create a vending facility, which are maintained, serviced, or operated by a blind licensee. Any amounts received by a blind licensee that are in excess of the amount permitted to accrue to him under any ceiling imposed by the Commissioner shall be disbursed to the appropriate State agency under clause (2) of this subsection and shall be used by such agency in accordance with subsection (c) of this section.

"(b) (1) After January 1, 1975, 100 per centum of all vending machine income from vending machines on Federal property which are in direct competition with a blind vending facility shall accrue as specified in subsection (a) of this section. 'Direct competition' as used in this section means the existence of any vending machines or facilities operated on the same premises as a blind vending facility except that vending machines or facilities operated in areas serving employees the majority of whom normally do not have direct access to the blind vending facility shall not be considered in direct competition with the blind vending facility. After January 1, 1975, 50 per centum of all vending machine income from vending machines on Federal property which are not in direct competition with a blind vending facility shall accrue as specified in subsection (a) of this section, except that with respect to Federal property at which at least 50 per centum of the total hours worked on the premises occurs during periods other than normal working hours, 30 per centum of such income shall so accrue.

"(2) The head of each department, agency, and instrumentality of the United States shall insure compliance with this section with respect to buildings, installations, and facilities under his control, and shall be responsible for collection of, and accounting for, such vending machine income.

Publication in
Federal Register.

Publication in
Federal Register.

Vending machine income
accrual.
20 USC 107d-3.

Excess amounts,
transferral to
State agency.

"Direct competition."

December 7, 1974

- 11 -

Pub. Law 93-516

88 STAT. 1626

"(c) All vending machine income which accrues to a State licensing agency pursuant to subsection (a) of this section shall be used to establish retirement or pension plans, for health insurance contributions, and for provision of paid sick leave and vacation time for blind licensees in such State, subject to a vote of blind licensees as provided under section 3(3)(E) of this Act. Any vending machine income remaining after application of the first sentence of this subsection shall be used for the purposes specified in sections 3(3) (A), (B), (C), and (D) of this Act, and any assessment charged to blind licensees by a State licensing agency shall be reduced pro rata in an amount equal to the total of such remaining vending machine income.

Income accruing to State licensing agency, use.

Ante, p. 1626.

20 USC 107b.

"(d) Subsections (a) and (b) (1) of this section shall not apply to income from vending machines within retail sales outlets under the control of exchange or ships' stores systems authorized by title 10, United States Code, or to income from vending machines operated by the Veterans Canteen Service, or to income from vending machines not in direct competition with a blind vending facility at individual locations, installations, or facilities on Federal property the total of which at such individual locations, installations, or facilities does not exceed \$3,000 annually.

Nonapplicability.

10 USC 101 et seq.

"(e) The Secretary, through the Commissioner, shall prescribe regulations to establish a priority for the operation of cafeterias on Federal property by blind licensees when he determines, on an individual basis and after consultation with the head of the appropriate installation, that such operation can be provided at a reasonable cost with food of a high quality comparable to that currently provided to employees, whether by contract or otherwise.

Cafeterias on Federal property, priority for operation, regulations.

"(f) This section shall not operate to preclude preexisting or future arrangements, or regulations of departments, agencies, or instrumentalities of the United States, under which blind licensees (1) receive a greater percentage or amount of vending machine income than that specified in subsection (b) (1) of this section, or (2) receive vending machine income from individual locations, installations, or facilities on Federal property the total of which at such individual locations, installations, or facilities does not exceed \$3,000 annually.

Preexisting conditions or future arrangements.

"(g) The Secretary shall take such action and promulgate such regulations as he deems necessary to assure compliance with this section.

Regulations.

"Sec. 8. The Commissioner shall insure, through promulgation of appropriate regulations, that uniform and effective training programs, including on-the-job training, are provided for blind individuals, through services under the Rehabilitation Act of 1973 (Public Law 93-112). He shall further insure that State agencies provide programs for upward mobility (including further education and additional training or retraining for improved work opportunities) for all trainees under this Act, and that follow-along services are provided to such trainees to assure that their maximum vocational potential is achieved."

Training programs.
20 USC 107d-4.

29 USC 701 note.

DEFINITIONS

SEC. 207. Section 9 of the Randolph-Sheppard Act, as redesignated by section 206 of this title, is amended to read as follows:

Ante, p. 1626.
20 USC 107e.

"Sec. 9. As used in the Act—

"(1) 'blind person' means a person whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better than 20/200, is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than twenty degrees. In determining whether an individual is blind, there shall be an examination by a physician skilled in diseases of the

eye, or by an optometrist, whichever the individual shall select;
 “(2) ‘Commissioner’ means the Commissioner of the Rehabilitation Services Administration;

“(3) ‘Federal property’ means any building, land, or other real property owned, leased, or occupied by any department, agency, or instrumentality of the United States (including the Department of Defense and the United States Postal Service), or any other instrumentality wholly owned by the United States, or by any department or agency of the District of Columbia or any territory or possession of the United States;

“(4) ‘Secretary’ means the Secretary of Health, Education, and Welfare;

“(5) ‘State’ means a State, territory, possession, Puerto Rico, or the District of Columbia;

“(6) ‘United States’ includes the several States, territories, and possessions of the United States, Puerto Rico, and the District of Columbia;

“(7) ‘vending facility’ means automatic vending machines, cafeterias, snack bars, cart services, shelters, counters, and such other appropriate auxiliary equipment as the Secretary may by regulation prescribe as being necessary for the sale of the articles or services described in section 2(a)(5) of this Act and which may be operated by blind licensees; and

“(8) ‘vending machine income’ means receipts (other than those of a blind licensee) from vending machine operations on Federal property, after cost of goods sold (including reasonable service and maintenance costs), where the machines are operated, serviced, or maintained by, or with the approval of, a department, agency, or instrumentality of the United States, or commissions paid (other than to a blind licensee) by a commercial vending concern which operates, services, and maintains vending machines on Federal property for, or with the approval of, a department, agency, or instrumentality of the United States.”.

Ante, p. 1624.

PERSONNEL

29 USC 702
note.

SEC. 208. (a) The Secretary of Health, Education, and Welfare is directed to assign to the Office for the Blind and Visually Handicapped of the Rehabilitation Services Administration of the Department of Health, Education, and Welfare ten additional full-time personnel (or their equivalent), five of whom shall be supportive personnel, to carry out duties related to the administration of the Randolph-Sheppard Act.

20 USC 107.

(b) Section 5108(c) of title 5, United States Code, is amended—

(1) by striking out “and” at the end of paragraph (10);

(2) by striking out the period at the end of paragraph (11) and inserting in lieu thereof “; and”; and

(3) by adding after paragraph (11) the following new paragraph:

“(12) the Secretary of Health, Education, and Welfare, subject to the standards and procedures prescribed by this chapter, may place one additional position in the Office for the Blind and Visually Handicapped of the Rehabilitation Services Administration in GS-16, GS-17, or GS-18.”.

5 USC 5332
note.
29 USC 702
note.

(c) In selecting personnel to fill any position under this section, the Secretary of Health, Education, and Welfare shall give preference to blind individuals.

Ante, p. 1626.

(d) Section 4(b) of the Randolph-Sheppard Act, as redesignated by section 206 of this title, is amended by striking out “, and at least 50 per centum of such additional personnel shall be blind persons”.

December 7, 1974

- 13 -

Pub. Law 93-516

88 STAT. 1630

ADDITIONAL STAFF RESPONSIBILITIES

SEC. 209. In addition to other requirements imposed in this title and in the Randolph-Sheppard Act upon State licensing agencies, such agencies shall—

20 USC 107b-1.
20 USC 107.

(1) provide to each blind licensee access to all relevant financial data, including quarterly and annual financial reports, on the operation of the State vending facility program;

(2) conduct the biennial election of a Committee of Blind Vendors who shall be fully representative of all blind licensees in the State program, and

(3) insure that such committee's responsibilities include (A) participation, with the State agency, in major administrative decisions and policy and program development, (B) receiving grievances of blind licensees and serving as advocates for such licensees, (C) participation, with the State agency, in the development and administration of a transfer and promotion system for blind licensees, (D) participation, with the State agency, in developing training and retraining programs, and (E) sponsorship, with the assistance of the State agency, of meetings and instructional conferences for blind licensees.

STANDARDS, STUDIES, AND REPORTS

SEC. 210. (a) The Secretary, through the Commissioner, after a period of study not to exceed six months following the date of enactment of this title, and after full consultation with, and full consideration of the views of, blind vendors and State licensing agencies, shall promulgate national standards for funds set aside pursuant to section 3(3) of the Randolph-Sheppard Act which include maximum and minimum amounts for such funds, and appropriate contributions, if any, to such funds by blind vendors.

National standards for set-aside funds.
20 USC 107b-2.

Ante, p. 1625.

(b)(1) The Secretary shall study the feasibility and desirability of establishing a nationally administered retirement, pension, and health insurance system for blind licensees, and such study shall include, but not be limited to, consideration of eligibility standards, amounts and sources of contributions, number of potential participants, total costs, and alternative forms of administration, including trust funds and revolving funds.

Nationally administered retirement, pension, and health insurance system study.

(2) The Secretary shall, within one year following the date of enactment of this title, complete the study required by paragraph (1) of this subsection and report his findings, together with any recommendations, to the President and the Congress.

Report to President and Congress.

(c) The Secretary shall, not later than September 30, 1975, complete an evaluation of the method of assigning vending machine income under section 7(b)(1) of the Randolph-Sheppard Act, including its effect on the growth of the program authorized by the Act, and on the operation of nonappropriated fund activities, and within thirty days thereafter he shall report his findings, together with any recommendations, to the appropriate committees of the Congress.

Ante, p. 1627.

Report to congressional committees.

(d) Each State licensing agency shall, within one year following the date of enactment of this title, submit to the Secretary a report, with appropriate supporting documentation, which shows the actions taken by such agency to meet the requirements of section 2(a)(1) of the Randolph-Sheppard Act.

Report to Secretary.

Ante, p. 1623.

AUDIT

SEC. 211. The Comptroller General is authorized to conduct regular and periodic audits of all nonappropriated fund activities which receive income from vending machines on Federal property, under

20 USC 107b-3.

88 STAT. 1631

such rules and regulations as he may prescribe. In the conduct of such audits he and his duly authorized representatives shall have access to any relevant books, documents, papers, accounts, and records of such activities as he deems necessary.

White House
Conference on
Handicapped
Individuals Act.

TITLE III—WHITE HOUSE CONFERENCE ON HANDICAPPED INDIVIDUALS

SHORT TITLE

29 USC 701
note.

SEC. 300. This title may be cited as the "White House Conference on Handicapped Individuals Act".

FINDINGS AND POLICY

29 USC 701
note.

SEC. 301. The Congress finds that—

(1) the United States has achieved great and satisfying success in making possible a better quality of life for a large and increasing percentage of our population;

(2) the benefits and fundamental rights of this society are often denied those individuals with mental and physical handicaps;

(3) there are seven million children and at least twenty-eight million adults with mental or physical handicaps;

(4) it is of critical importance to this Nation that equality of opportunity, equal access to all aspects of society and equal rights guaranteed by the Constitution of the United States be provided to all individuals with handicaps;

(5) the primary responsibility for meeting the challenge and problems of individuals with handicaps has often fallen on the individual or his family;

(6) it is essential that recommendations be made to assure that all individuals with handicaps are able to live their lives independently and with dignity, and that the complete integration of all individuals with handicaps into normal community living, working, and service patterns be held as the final objective; and

(7) all levels of Government must necessarily share responsibility for developing opportunities for individuals with handicaps;

and it is therefore the policy of the Congress that the Federal Government work jointly with the States and their citizens to develop recommendations and plans for action in solving the multifold problems facing individuals with handicaps.

AUTHORITY OF PRESIDENT, COUNCIL, AND SECRETARY

29 USC 701 note.

SEC. 302. (a) The President is authorized to call a White House Conference on Handicapped Individuals not later than two years after the date of enactment of this title in order to develop recommendations and stimulate a national assessment of problems, and solutions to such problems, facing individuals with handicaps. Such a conference shall be planned and conducted under the direction of the National Planning and Advisory Council, established pursuant to subsection (b) of this section, and the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") and each Federal department and agency shall provide such cooperation and assistance to the Council, including the assignment of personnel, as may reasonably be required by the Secretary.

(b) (1) There is established a National Planning and Advisory Council (in this title referred to as the "Council"), appointed by the

National Plan-
ning and Advi-
sory Council.
Establishment.

December 7, 1974

- 15 -

Pub. Law 93-516

88 STAT. 1632

Membership.

Secretary, composed of twenty-eight members of whom not less than ten shall be individuals with handicaps appointed to represent all individuals with handicaps, and five shall be parents of individuals with handicaps appointed to represent all such parents and individuals. The Council shall provide guidance and planning for the Conference.

(2) Any member of the Council who is otherwise employed by the Federal Government shall serve without compensation in addition to that received in his regular employment.

Compensation.

(3) Members of the Council, other than those referred to in paragraph (1), shall receive compensation at rates not to exceed the daily rate prescribed for GS-18 under section 5332, title 5, United States Code, for each day they are engaged in the performance of their duties (including traveltime); and, while so serving away from their homes or regular places of business, they shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703, title 5, United States Code, for persons in Government service employed intermittently.

5 USC 5332 note.

Travel expenses.

(4) Such Council shall cease to exist one-hundred and twenty days after the submission of the final report required by section 302(e).

Termination date.

(c) For the purpose of ascertaining facts and making recommendations concerning the utilization of skills, experience, and energies, and the improvement of the conditions of individuals with handicaps, the Conference shall bring together individuals with handicaps and members of their families and representatives of Federal, State, and local governments, professional experts, and members of the general public recognized by individuals with handicaps as being knowledgeable about problems affecting their lives.

(d) Participants in the White House Conference, and in conferences and other activities leading up to the White House Conference at the local and State level are authorized to consider all matters related to the purposes of the Conference set forth in subsection (a), but shall give special consideration to recommendations for:

Recommendations.

(1) providing education, health, and diagnostic services for all children early in life so that handicapping conditions may be discovered and treated;

(2) assuring that every individual with a handicap receives appropriately designed benefits of the educational system;

(3) assuring that individuals with handicaps have available to them all special services and assistance which will enable them to live their lives as fully and independently as possible;

(4) enabling individuals with handicaps to have access to usable communication services and devices at costs comparable to other members of the population;

(5) assuring that individuals with handicaps will have maximum mobility to participate in all aspects of society, including access to all publicly-assisted transportation services and, when necessary, alternative means of transportation at comparable cost;

(6) improving utilization and adaptation of modern engineering and other technology to ameliorate the impact of handicapping conditions on the lives of individuals and especially on their access to housing and other structures;

(7) assuring individuals with handicaps of equal opportunity with others to engage in gainful employment;

(8) enabling individuals with handicaps to have incomes sufficient for health and for participation in family and community life as self-respecting citizens;

88 STAT. 1633

(9) increasing research relating to all aspects of handicapping conditions, stressing the elimination of causes of handicapping conditions and the amelioration of the effects of such conditions;

(10) assuring close attention and assessment of all aspects of diagnosis and evaluation of individuals with handicaps;

(11) assuring review and evaluation of all governmental programs in areas affecting individuals with handicaps, and a close examination of the public role in order to plan for the future;

(12) resolving the special problems of veterans with handicaps;

(13) resolving the problems of public awareness and attitudes that restrict individuals with handicaps from participating in society to their fullest extent;

(14) resolving the special problems of individuals with handicaps who are homebound or institutionalized;

(15) resolving the special problems of individuals with handicaps who have limited English-speaking ability;

(16) allotting funds for basic vocational rehabilitation services under part B of title I of the Rehabilitation Act of 1973 in a fair and equitable manner in consideration of the factors set forth in section 407(a) of such Act; and

(17) promoting other related matters for individuals with handicaps.

29 USC 730.

29 USC 787.

Report to
President.Availability
to public.Recommendations,
transmittal to
President and
Congress.

(e) A final report of the White House Conference on Handicapped Individuals shall be submitted by the Council to the President not later than one hundred and twenty days following the date on which the conference is called, and the findings and recommendations included therein shall be immediately made available to the public. The Council and the Secretary shall, within ninety days after the submission of such final report, transmit to the President and the Congress their recommendations for administrative action and legislation necessary to implement the recommendations contained in such report.

RESPONSIBILITIES OF COUNCIL AND SECRETARY

29 USC 701 note.

SEC. 303. (a) In carrying out the provisions of this title, the Council and the Secretary shall—

(1) request the cooperation and assistance of such other Federal departments and agencies as may be appropriate, including Federal advisory bodies having responsibilities in areas affecting individuals with handicaps;

(2) render all reasonable assistance, including financial assistance, to the States in enabling them to organize and conduct conferences on handicapped individuals prior to the White House Conference on Handicapped Individuals;

(3) prepare and make available necessary background materials for the use of delegates to the White House Conference on Handicapped Individuals;

(4) prepare and distribute such interim reports of the White House Conference on Handicapped Individuals as may be appropriate; and

(5) engage such individuals with handicaps and additional personnel as may be necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive civil service, and without regard to chapter 57 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates of pay not to exceed the rate prescribed for GS-18 under section 5332 of such title.

(b) In carrying out the provisions of this title, the Secretary shall employ individuals with handicaps.

5 USC 101 et
seq.

5 USC 5701,

5331.

5 USC 5332

note.

December 7, 1974

- 17 -

Pub. Law 93-516

88 STAT. 1634

DEFINITION

SEC. 304. For the purpose of this title, the term "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands. 29 USC 701 note.

STATE PARTICIPATION

SEC. 305. (a) From the sums appropriated pursuant to section 306 the Secretary is authorized to make a grant to each State, upon application of the chief executive thereof, in order to assist in meeting the costs of that State's participation in the Conference program, including the conduct of at least one conference within each such State. 29 USC 701 note. Infra.

(b) Grants made pursuant to subsection (a) shall be made only with the approval of the Council.

(c) Funds appropriated for the purposes of this subsection shall be apportioned among the States by the Secretary in accordance with their respective needs for assistance under this subsection, except that no State shall be apportioned more than \$25,000 nor less than \$10,000. State apportionment.

AUTHORIZATION OF APPROPRIATIONS

SEC. 306. There are authorized to be appropriated, without fiscal year limitations, \$2,000,000 to carry out the provisions of this title and such additional sums as may be necessary to carry out section 305. Sums so appropriated shall remain available for expenditure until June 30, 1977. 29 USC 701 note. Supra.

Approved December 7, 1974.

LEGISLATIVE HISTORY:

SENATE REPORT No. 93-1297 accompanying S. 4194 (Comm. on Labor and Public Welfare).

CONGRESSIONAL RECORD, Vol. 120 (1974):

Nov. 26, considered and passed House and Senate.



Public Law 93-523
93rd Congress, S. 433
December 16, 1974

An Act

To amend the Public Health Service Act to assure that the public is provided with safe drinking water, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Safe Drinking
Water Act.

SHORT TITLE

SECTION 1. This Act may be cited as the "Safe Drinking Water Act". 42 USC 300f.
note.

PUBLIC WATER SYSTEMS

SEC. 2. (a) The Public Health Service Act is amended by inserting after title XIII the following new title: 42 USC 201
note.
88 STAT. 1660
88 STAT. 1661

"TITLE XIV—SAFETY OF PUBLIC WATER SYSTEMS

"PART A—DEFINITIONS

"DEFINITIONS

"SEC. 1401. For purposes of this title: 42 USC 300f.

"(1) The term 'primary drinking water regulation' means a regulation which—

"(A) applies to public water systems;

"(B) specifies contaminants which, in the judgment of the Administrator, may have any adverse effect on the health of persons;

"(C) specifies for each such contaminant either—

"(i) a maximum contaminant level, if, in the judgment of the Administrator, it is economically and technologically feasible to ascertain the level of such contaminant in water in public water systems, or

"(ii) if, in the judgment of the Administrator, it is not economically or technologically feasible to so ascertain the level of such contaminant, each treatment technique known to the Administrator which leads to a reduction in the level of such contaminant sufficient to satisfy the requirements of section 1412; and

"(D) contains criteria and procedures to assure a supply of drinking water which dependably complies with such maximum contaminant levels; including quality control and testing procedures to insure compliance with such levels and to insure proper operation and maintenance of the system, and requirements as to (i) the minimum quality of water which may be taken into the system and (ii) siting for new facilities for public water systems.

Post, p. 1662.

"(2) The term 'secondary drinking water regulation' means a regulation which applies to public water systems and which specifies the maximum contaminant levels which, in the judgment of the Administrator, are requisite to protect the public welfare. Such regulations may apply to any contaminant in drinking water (A) which may adversely affect the odor or appearance of such water and consequently may cause a substantial number of the persons served by the public water system providing such water to discontinue its use, or (B) which may otherwise adversely affect the public welfare. Such regulations may vary according to geographic and other circumstances.

"(3) The term 'maximum contaminant level' means the maximum permissible level of a contaminant in water which is delivered to any user of a public water system.

"(4) The term 'public water system' means a system for the provision to the public of piped water for human consumption, if such system has at least fifteen service connections or regularly serves at least twenty-five individuals. Such term includes (A) any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and (B) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

"(5) The term 'supplier of water' means any person who owns or operates a public water system.

"(6) The term 'contaminant' means any physical, chemical, biological, or radiological substance or matter in water.

"(7) The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(8) The term 'Agency' means the Environmental Protection Agency.

"(9) The term 'Council' means the National Drinking Water Advisory Council established under section 1446.

"(10) The term 'municipality' means a city, town, or other public body created by or pursuant to State law, or an Indian tribal organization authorized by law.

"(11) The term 'Federal agency' means any department, agency, or instrumentality of the United States.

"(12) The term 'person' means an individual, corporation, company, association, partnership, State, or municipality.

"PART B—PUBLIC WATER SYSTEMS

"COVERAGE

42 USC 300g.

"SEC. 1411. Subject to sections 1415 and 1416, national primary drinking water regulations under this part shall apply to each public water system in each State; except that such regulations shall not apply to a public water system—

"(1) which consists only of distribution and storage facilities (and does not have any collection and treatment facilities);

"(2) which obtains all of its water from, but is not owned or operated by, a public water system to which such regulations apply;

"(3) which does not sell water to any person; and

"(4) which is not a carrier which conveys passengers in interstate commerce.

"NATIONAL DRINKING WATER REGULATIONS

42 USC 300g-1.

"SEC. 1412. (a)(1) The Administrator shall publish proposed national interim primary drinking water regulations within 90 days after the date of enactment of this title. Within 180 days after such date of enactment, he shall promulgate such regulations with such modifications as he deems appropriate. Regulations under this paragraph may be amended from time to time.

December 16, 1974

- 3 -

Pub. Law 93-523

"(2) National interim primary drinking water regulations promulgated under paragraph (1) shall protect health to the extent feasible, using technology, treatment techniques, and other means, which the Administrator determines are generally available (taking costs into consideration) on the date of enactment of this title.

88 STAT. 1662

"(3) The interim primary regulations first promulgated under paragraph (1) shall take effect eighteen months after the date of their promulgation.

88 STAT. 1663

"(b)(1)(A) Within 10 days of the date the report on the study conducted pursuant to subsection (e) is submitted to Congress, the Administrator shall publish in the Federal Register, and provide opportunity for comment on, the—

Publication in
Federal Register.

"(i) proposals in the report for recommended maximum contaminant levels for national primary drinking water regulations, and

"(ii) list in the report of contaminants the levels of which in drinking water cannot be determined but which may have an adverse effect on the health of persons.

"(B) Within 90 days after the date the Administrator makes the publication required by subparagraph (A), he shall by rule establish recommended maximum contaminant levels for each contaminant which, in his judgment based on the report on the study conducted pursuant to subsection (e), may have any adverse effect on the health of persons. Each such recommended maximum contaminant level shall be set at a level at which, in the Administrator's judgment based on such report, no known or anticipated adverse effects on the health of persons occur and which allows an adequate margin of safety. In addition, he shall, on the basis of the report on the study conducted pursuant to subsection (e), list in the rules under this subparagraph any contaminant the level of which cannot be accurately enough measured in drinking water to establish a recommended maximum contaminant level and which may have any adverse effect on the health of persons. Based on information available to him, the Administrator may by rule change recommended levels established under this subparagraph or change such list.

Recommended maximum
contaminant
levels.

"(2) On the date the Administrator establishes pursuant to paragraph (1)(B) recommended maximum contaminant levels he shall publish in the Federal Register proposed revised national primary drinking water regulations (meeting the requirements of paragraph (3)). Within 180 days after the date of such proposed regulations, he shall promulgate such revised drinking water regulations with such modifications as he deems appropriate.

Publication in
Federal Register.

"(3) Revised national primary drinking water regulations promulgated under paragraph (2) of this subsection shall be primary drinking water regulations which specify a maximum contaminant level or require the use of treatment techniques for each contaminant for which a recommended maximum contaminant level is established or which is listed in a rule under paragraph (1)(B). The maximum contaminant level specified in a revised national primary drinking water regulation for a contaminant shall be as close to the recommended maximum contaminant level established under paragraph (1)(B) for such contaminant as is feasible. A required treatment technique for a contaminant for which a recommended maximum contaminant level has been established under paragraph (1)(B) shall reduce such contaminant to a level which is as close to the recommended maximum contaminant level for such contaminant as is feasible. A required treatment technique for a contaminant which is listed under paragraph (1)(B) shall

"Feasible."

require treatment necessary in the Administrator's judgment to prevent known or anticipated adverse effects on the health of persons to the extent feasible. For purposes of this paragraph, the term 'feasible' means feasible with the use of the best technology, treatment techniques, and other means, which the Administrator finds are generally available (taking cost into consideration).

"(4) Revised national primary drinking water regulations shall be amended whenever changes in technology, treatment techniques, and other means permit greater protection of the health of persons, but in any event such regulations shall be reviewed at least once every 3 years.

"(5) Revised national primary drinking water regulations promulgated under this subsection (and amendments thereto) shall take effect eighteen months after the date of their promulgation. Regulations under subsection (a) shall be superseded by regulations under this subsection to the extent provided by the regulations under this subsection.

"(6) No national primary drinking water regulation may require the addition of any substance for preventive health care purposes unrelated to contamination of drinking water.

Proposed national secondary drinking water regulations, publication.

"(c) The Administrator shall publish proposed national secondary drinking water regulations within 270 days after the date of enactment of this title. Within 90 days after publication of any such regulation, he shall promulgate such regulation with such modifications as he deems appropriate. Regulations under this subsection may be amended from time to time.

Hearing.

"(d) Regulations under this section shall be prescribed in accordance with section 553 of title 5, United States Code (relating to rule making), except that the Administrator shall provide opportunity for public hearing prior to promulgation of such regulations. In proposing and promulgating regulations under this section, the Administrator shall consult with the Secretary and the National Drinking Water Advisory Council.

Study.

"(e) (1) The Administrator shall enter into appropriate arrangements with the National Academy of Sciences (or with another independent scientific organization if appropriate arrangements cannot be made with such Academy) to conduct a study to determine (A) the maximum contaminant levels which should be recommended under subsection (b)(2) in order to protect the health of persons from any known or anticipated adverse effects, and (B) the existence of any contaminants the levels of which in drinking water cannot be determined but which may have an adverse effect on the health of persons.

Report to Congress.

"(2) The result of the study shall be reported to Congress no later than 2 years after the date of enactment of this title. The report shall contain (A) a summary and evaluation of relevant publications and unpublished studies; (B) a statement of methodologies and assumptions for estimating the levels at which adverse health effects may occur; (C) a statement of methodologies and assumptions for estimating the margin of safety which should be incorporated in the national primary drinking water regulations; (D) proposals for recommended maximum contaminant levels for national primary drinking water regulations, based on the methodologies, assumptions and studies referred to in clauses (A), (B), and (C) and in paragraph (4); (E) a list of contaminants the level of which in drinking water cannot be determined but which may have an adverse effect on the health of persons; and (F) recommended studies and test protocols for future research on the health effects of drinking water contaminants, including a list of the major research priorities and estimated costs necessary to conduct such priority research.

December 16, 1974

- 5 -

Pub. Law 93-523

88 STAT. 1665

"(3) In developing its proposals for recommended maximum contaminant levels under paragraph (2) (D) the National Academy of Sciences (or other organization preparing the report) shall evaluate and explain (separately and in composite) the impact of the following considerations:

"(A) The existence of groups or individuals in the population which are more susceptible to adverse effects than the normal healthy adult.

"(B) The exposure to contaminants in other media than drinking water (including exposures in food, in the ambient air, and in occupational settings) and the resulting body burden of contaminants.

"(C) Synergistic effects resulting from exposure to or interaction by two or more contaminants.

"(D) The contaminant exposure and body burden levels which alter physiological function or structure in a manner reasonably suspected of increasing the risk of illness.

"(4) In making the study under this subsection, the National Academy of Sciences (or other organization) shall collect and correlate (A) morbidity and mortality data and (B) monitored data on the quality of drinking water. Any conclusions based on such correlation shall be included in the report of the study.

"(5) Neither the report of the study under this subsection nor any draft of such report shall be submitted to the Office of Management and Budget or to any other Federal agency (other than the Environmental Protection Agency) prior to its submission to Congress.

Report, submitted to OMB.

"(6) Of the funds authorized to be appropriated to the Administrator by this title, such amounts as may be required shall be available to carry out the study and to make the report directed by paragraph (2) of this subsection.

Funds.

"STATE PRIMARY ENFORCEMENT RESPONSIBILITY

"SEC. 1413. (a) For purposes of this title, a State has primary enforcement responsibility for public water systems during any period for which the Administrator determines (pursuant to regulations prescribed under subsection (b)) that such State—

42 USC 300g-2.

"(1) has adopted drinking water regulations which (A) in the case of the period beginning on the date the national interim primary drinking water regulations are promulgated under section 1412 and ending on the date such regulations take effect are no less stringent than such regulations, and (B) in the case of the period after such effective date are no less stringent than the interim and revised national primary drinking water regulations in effect under such section;

"(2) has adopted and is implementing adequate procedures for the enforcement of such State regulations, including conducting such monitoring and making such inspections as the Administrator may require by regulation;

"(3) will keep such records and make such reports with respect to its activities under paragraphs (1) and (2) as the Administrator may require by regulation;

"(4) if it permits variances or exemptions, or both, from the requirements of its drinking water regulations which meet the requirements of paragraph (1), permits such variances and exemptions under conditions and in a manner which is not less stringent than the conditions under, and the manner in, which variances and exemptions may be granted under sections 1415 and 1416; and

“(5) has adopted and can implement an adequate plan for the provision of safe drinking water under emergency circumstances.

Regulations. “(b) (1) The Administrator shall, by regulation (proposed within 180 days of the date of the enactment of this title), prescribe the manner in which a State may apply to the Administrator for a determination that the requirements of paragraphs (1), (2), (3), and (4) of subsection (a) are satisfied with respect to the State, the manner in which the determination is made, the period for which the determination will be effective, and the manner in which the Administrator may determine that such requirements are no longer met. Such regulations shall require that before a determination of the Administrator that such requirements are met or are no longer met with respect to a State may become effective, the Administrator shall notify such State of the determination and the reasons therefor and shall provide an opportunity for public hearing on the determination. Such regulations shall be promulgated (with such modifications as the Administrator deems appropriate) within 90 days of the publication of the proposed regulations in the Federal Register. The Administrator shall promptly notify in writing the chief executive officer of each State of the promulgation of regulations under this paragraph. Such notice shall contain a copy of the regulations and shall specify a State's authority under this title when it is determined to have primary enforcement responsibility for public water systems.

Notice and
hearing.
Publication in
Federal Register.
Notice.

Applications.

“(2) When an application is submitted in accordance with the Administrator's regulations under paragraph (1), the Administrator shall within 90 days of the date on which such application is submitted (A) make the determination applied for, or (B) deny the application and notify the applicant in writing of the reasons for his denial.

“FAILURE BY STATE TO ASSURE ENFORCEMENT OF DRINKING WATER
REGULATIONS

42 USC 300g-3.

“SEC. 1414. (a) (1) (A) Whenever the Administrator finds during a period during which a State has primary enforcement responsibility for public water systems (within the meaning of section 1413(a)) that any public water system—

“(i) for which a variance under section 1415 or an exemption under section 1416 is not in effect, does not comply with any national primary drinking water regulation in effect under section 1412, or

“(ii) for which a variance under section 1415 or an exemption under section 1416 is in effect, does not comply with any schedule or other requirement imposed pursuant thereto,

Notice.

he shall so notify the State and provide such advice and technical assistance to such State and public water system as may be appropriate to bring the system into compliance with such regulation or requirement by the earliest feasible time.

Notice.

“(B) If the Administrator finds such failure to comply extends beyond the thirtieth day after the date of the notice given pursuant to subparagraph (A), he shall give public notice of such finding and request the State to report within fifteen days from the date of such public notice as to the steps being taken to bring the system into compliance (including reasons for anticipated steps to be taken to bring the system into compliance and for any failure to take steps to bring the system into compliance). If—

Civil action.

“(i) such failure to comply extends beyond the sixtieth day after the date of the notice given pursuant to subparagraph (A); and

December 16, 1974

- 7 -

Pub. Law 93-523

88 STAT. 1667

"(ii) (α) the State fails to submit the report requested by the Administrator within the time period prescribed by the preceding sentence; or

"(β) the State submits such report within such period but the Administrator, after considering the report, determines that the State abused its discretion in carrying out primary enforcement responsibility for public water systems by both—

"(I) failing to implement by such sixtieth day adequate procedures to bring the system into compliance by the earliest feasible time; and

"(II) failing to assure by such day the provision through alternative means of safe drinking water by the earliest feasible time;

the Administrator may commence a civil action under subsection (b).

"(2) Whenever, on the basis of information available to him, the Administrator finds during a period during which a State does not have primary enforcement responsibility for public water systems that a public water system in such State—

Civil action.

"(A) for which a variance under section 1415(a)(2) or an exemption under section 1416(f) is not in effect, does not comply with any national primary drinking water regulation in effect under section 1412, or

"(B) for which a variance under section 1415(a)(2) or an exemption under section 1416(f) is in effect, does not comply with any schedule or other requirement imposed pursuant thereto,

he may commence a civil action under subsection (b).

"(b) The Administrator may bring a civil action in the appropriate United States district court to require compliance with a national primary drinking water regulation or with any schedule or other requirement imposed pursuant to a variance or exemption granted under section 1415 or 1416 if—

"(1) authorized under paragraph (1) or (2) of subsection (a), or

"(2) if requested by (A) the chief executive officer of the State in which is located the public water system which is not in compliance with such regulation or requirement, or (B) the agency of such State which has jurisdiction over compliance by public water systems in the State with national primary drinking water regulations or State drinking water regulations.

The court may enter, in an action brought under this subsection, such judgment as protection of public health may require, taking into consideration the time necessary to comply and the availability of alternative water supplies; and, if the court determines that there has been a willful violation of the regulation or schedule or other requirement with respect to which the action was brought, the court may, taking into account the seriousness of the violation, the population at risk, and other appropriate factors, impose on the violator a civil penalty of not to exceed \$5,000 for each day in which such violation occurs.

Judicial determination.

Penalty.

"(c) Each owner or operator of a public water system shall give notice to the persons served by it—

Notice.

"(1) of any failure on the part of the public water system to—

"(A) comply with an applicable maximum contaminant level or treatment technique requirement of, or a testing procedure prescribed by, a national primary drinking water regulation, or

"(B) perform monitoring required by section 1415(a), and
 "(2) if the public water system is subject to a variance granted under section 1415(a)(1)(A) or 1415(a)(2) for an inability to meet a maximum contaminant level requirement or is subject to an exemption granted under section 1416, of—

"(A) the existence of such variance or exemption, and

"(B) any failure to comply with the requirements of any schedule prescribed pursuant to the variance or exemption.

Regulations.

The Administrator shall by regulation prescribe the form and manner for giving such notice. Such notice shall be given not less than once every 3 months, shall be given by publication in a newspaper of general circulation serving the area served by each such water system (as determined by the Administrator), shall be furnished to the other communications media serving such area, and shall be furnished to the communications media as soon as practicable after the discovery of the violation with respect to which the notice is required. If the water bills of a public water system are issued more often than once every 3 months, such notice shall be included in at least one water bill of the system every 3 months, and if a public water system issues its water bills less often than once every 3 months, such notice shall be included in each of the water bills issued by the system. Any person who willfully violates this subsection or regulations thereunder shall be fined not more than \$5,000.

Penalty.

"(d) Whenever, on the basis of information available to him, the Administrator finds that within a reasonable time after national secondary drinking water regulations have been promulgated, one or more public water systems in a State do not comply with such secondary regulations, and that such noncompliance appears to result from a failure of such State to take reasonable action to assure that public water systems throughout such State meet such secondary regulations, he shall so notify the State.

Notice.

"(e) Nothing in this title shall diminish any authority of a State or political subdivision to adopt or enforce any law or regulation respecting drinking water regulations or public water systems, but no such law or regulation shall relieve any person of any requirement otherwise applicable under this title.

"(f) If the Administrator makes a finding of noncompliance (described in subparagraph (A) or (B) of subsection (a)(1)) with respect to a public water system in a State which has primary enforcement responsibility, the Administrator may, for the purpose of assisting that State in carrying out such responsibility and upon the petition of such State or public water system or persons served by such system, hold, after appropriate notice, public hearings for the purpose of gathering information from technical or other experts, Federal, State, or other public officials, representatives of such public water system, persons served by such system, and other interested persons on—

"(1) the ways in which such system can within the earliest feasible time be brought into compliance with the regulation or requirement with respect to which such finding was made, and

"(2) the means for the maximum feasible protection of the public health during any period in which such system is not in compliance with a national primary drinking water regulation or requirement applicable to a variance or exemption.

On the basis of such hearings the Administrator shall issue recommendations which shall be sent to such State and public water system and shall be made available to the public and communications media.

Notice and
public hear-
ings.

"VARIANCES

"SEC. 1415. (a) Notwithstanding any other provision of this part, 42 USC 300g-4.
variances from national primary drinking water regulations may be
granted as follows:

"(1) (A) A State which has primary enforcement responsibility for public water systems may grant one or more variances from an applicable national primary drinking water regulation to one or more public water systems within its jurisdiction which, because of characteristics of the raw water sources which are reasonably available to the systems, cannot meet the requirements respecting the maximum contaminant levels of such drinking water regulation despite application of the best technology, treatment techniques, or other means, which the Administrator finds are generally available (taking costs into consideration). Before a State may grant a variance under this subparagraph, the State must find that the variance will not result in an unreasonable risk to health. If a State grants a public water system a variance under this subparagraph, the State shall prescribe within one year of the date the variance is granted, a schedule for—

"(i) compliance (including increments of progress) by the public water system with each contaminant level requirement with respect to which the variance was granted, and

"(ii) implementation by the public water system of such control measures as the State may require for each contaminant, subject to such contaminant level requirement, during the period ending on the date compliance with such requirement is required.

Before a schedule prescribed by a State pursuant to this subparagraph may take effect, the State shall provide notice and opportunity for a public hearing on the schedule. A notice given pursuant to the preceding sentence may cover the prescribing of more than one such schedule and a hearing held pursuant to such notice shall include each of the schedules covered by the notice. A schedule prescribed pursuant to this subparagraph for a public water system granted a variance shall require compliance by the system with each contaminant level requirement with respect to which the variance was granted as expeditiously as practicable (as the State may reasonably determine).

Notice and
hearing.

"(B) A State which has primary enforcement responsibility for public water systems may grant to one or more public water systems within its jurisdiction one or more variances from any provision of a national primary drinking water regulation which requires the use of a specified treatment technique with respect to a contaminant if the public water system applying for the variance demonstrates to the satisfaction of the State that such treatment technique is not necessary to protect the health of persons because of the nature of the raw water source of such system. A variance granted under this subparagraph shall be conditioned on such monitoring and other requirements as the Administrator may prescribe.

"(C) Before a variance proposed to be granted by a State under subparagraph (A) or (B) may take effect, such State shall provide notice and opportunity for public hearing on the proposed variance. A notice given pursuant to the preceding sentence may cover the granting of more than one variance and a hearing held pursuant to such notice shall include each of the variances covered by the notice. The State shall promptly notify the Administrator

Notice and
hearing.

Notice to Ad-
ministrator.

88 STAT. 1670

of all variances granted by it. Such notification shall contain the reason for the variance (and in the case of a variance under subparagraph (A), the basis for the finding required by that subparagraph before the granting of the variance) and documentation of the need for the variance.

Compliance;
enforcement.

"(D) Each public water system's variance granted by a State under subparagraph (A) shall be conditioned by the State upon compliance by the public water system with the schedule prescribed by the State pursuant to that subparagraph. The requirements of each schedule prescribed by a State pursuant to that subparagraph shall be enforceable by the State under its laws. Any requirement of a schedule on which a variance granted under that subparagraph is conditioned may be enforced under section 1414 as if such requirement was part of a national primary drinking water regulation.

"(E) Each schedule prescribed by a State pursuant to subparagraph (A) shall be deemed approved by the Administrator unless the variance for which it was prescribed is revoked by the Administrator under subparagraph (G) or the schedule is revised by the Administrator under such subparagraph.

Review of
variances and
schedules.

"(F) Not later than 18 months after the effective date of the interim national primary drinking water regulations the Administrator shall complete a comprehensive review of the variances granted under subparagraph (A) (and schedules prescribed pursuant thereto) and under subparagraph (B) by the States during the one-year period beginning on such effective date. The Administrator shall conduct such subsequent reviews of variances and schedules as he deems necessary to carry out the purposes of this title, but each subsequent review shall be completed within each 3-year period following the completion of the first review under this subparagraph. Before conducting any review under this subparagraph, the Administrator shall publish notice of the proposed review in the Federal Register. Such notice shall (i) provide information respecting the location of data and other information respecting the variances to be reviewed (including data and other information concerning new scientific matters bearing on such variances), and (ii) advise of the opportunity to submit comments on the variances reviewed and on the need for continuing them. Upon completion of any such review, the Administrator shall publish in the Federal Register the results of his review together with findings responsive to comments submitted in connection with such review.

Publication in
Federal Register.

Publication in
Federal Register.

"(G) (i) If the Administrator finds that a State has, in a substantial number of instances, abused its discretion in granting variances under subparagraph (A) or (B) or that in a substantial number of cases the State has failed to prescribe schedules in accordance with subparagraph (A), the Administrator shall notify the State of his findings. In determining if a State has abused its discretion in granting variances in a substantial number of instances, the Administrator shall consider the number of persons who are affected by the variances and if the requirements applicable to the granting of the variances were complied with. A notice under this clause shall—

Notice to
State.

"(I) identify each public water system with respect to which the finding was made,

"(II) specify the reasons for the finding, and

"(III) as appropriate, propose revocations of specific variances or propose revised schedules or other requirements for specific public water systems granted variances, or both.

"(ii) The Administrator shall provide reasonable notice and public hearing on the provisions of each notice given pursuant to clause (i) of this subparagraph. After a hearing on a notice pursuant to such clause, the Administrator shall (I) rescind the finding for which the notice was given and promptly notify the State of such rescission, or (II) promulgate (with such modifications as he deems appropriate) such variance revocations and revised schedules or other requirements proposed in such notice as he deems appropriate. Not later than 180 days after the date a notice is given pursuant to clause (i) of this subparagraph, the Administrator shall complete the hearing on the notice and take the action required by the preceding sentence.

Notice and
hearing.

"(iii) If a State is notified under clause (i) of this subparagraph of a finding of the Administrator made with respect to a variance granted a public water system within that State or to a schedule or other requirement for a variance and if, before a revocation of such variance or a revision of such schedule or other requirement promulgated by the Administrator takes effect, the State takes corrective action with respect to such variance or schedule or other requirement which the Administrator determines makes his finding inapplicable to such variance or schedule or other requirement, the Administrator shall rescind the application of his finding to that variance or schedule or other requirement. No variance revocation or revised schedule or other requirement may take effect before the expiration of 90 days following the date of the notice in which the revocation or revised schedule or other requirement was proposed.

"(2) If a State does not have primary enforcement responsibility for public water systems, the Administrator shall have the same authority to grant variances in such State as the State would have under paragraph (1) if it had primary enforcement responsibility.

"(3) The Administrator may grant a variance from any treatment technique requirement of a national primary drinking water regulation upon a showing by any person that an alternative treatment technique not included in such requirement is at least as efficient in lowering the level of the contaminant with respect to which such requirement was prescribed. A variance under this paragraph shall be conditioned on the use of the alternative treatment technique which is the basis of the variance.

"(b) Any schedule or other requirement on which a variance granted under paragraph (1)(B) or (2) of subsection (a) is conditioned may be enforced under section 1414 as if such schedule or other requirement was part of a national primary drinking water regulation.

"(c) If an application for a variance under subsection (a) is made, the State receiving the application or the Administrator, as the case may be, shall act upon such application within a reasonable period (as determined under regulations prescribed by the Administrator) after the date of its submission.

Applications for
variances.

Regulations.

"(d) For purposes of this section, the term 'treatment technique requirement' means a requirement in a national primary drinking water regulation which specifies for a contaminant (in accordance with section 1401(1)(C)(ii)) each treatment technique known to the Administrator which leads to a reduction in the level of such contaminant sufficient to satisfy the requirements of section 1412(b)(3).

"Treatment tech-
nique require-
ment."

"EXEMPTIONS

42 USC 300g-5.

"SEC. 1416. (a) A State which has primary enforcement responsibility may exempt any public water system within the State's jurisdiction from any requirement respecting a maximum contaminant level or any treatment technique requirement, or from both, of an applicable national primary drinking water regulation upon a finding that—

"(1) due to compelling factors (which may include economic factors), the public water system is unable to comply with such contaminant level or treatment technique requirement,

"(2) the public water system was in operation on the effective date of such contaminant level or treatment technique requirement, and

"(3) the granting of the exemption will not result in an unreasonable risk to health.

"(b) (1) If a State grants a public water system an exemption under subsection (a), the State shall prescribe, within one year of the date the exemption is granted, a schedule for—

"(A) compliance (including increments of progress) by the public water system with each containment level requirement and treatment technique requirement with respect to which the exemption was granted, and

"(B) implementation by the public water system of such control measures as the State may require for each containment, subject to such contaminant level requirement or treatment technique requirement, during the period ending on the date compliance with such requirement is required.

Notice and
hearing.

Before a schedule prescribed by a State pursuant to this subsection may take effect, the State shall provide notice and opportunity for a public hearing on the schedule. A notice given pursuant to the preceding sentence may cover the prescribing of more than one such schedule and a hearing held pursuant to such notice shall include each of the schedules covered by the notice.

"(2) (A) A schedule prescribed pursuant to this subsection for a public water system granted an exemption under subsection (a) shall require compliance by the system with each contaminant level and treatment technique requirement with respect to which the exemption was granted as expeditiously as practicable (as the State may reasonably determine) but (except as provided in subparagraph (B))—

"(i) in the case of an exemption granted with respect to a contaminant level or treatment technique requirement prescribed by the interim national primary drinking water regulations promulgated under section 1412(a), not later than January 1, 1981; and

"(ii) in the case of an exemption granted with respect to a contaminant level or treatment technique requirement prescribed by revised national primary drinking water regulations, not later than seven years after the date such requirement takes effect.

"(B) Notwithstanding clauses (i) and (ii) of subparagraph (A) of this paragraph, the final date for compliance prescribed in a schedule prescribed pursuant to this subsection for an exemption granted for a public water system which (as determined by the State granting the exemption) has entered into an enforceable agreement to become a part of a regional public water system shall—

"(i) in the case of a schedule prescribed for an exemption granted with respect to a contaminant level or treatment technique requirement prescribed by interim national primary drinking water regulations, be not later than January 1, 1983; and

"(ii) in the case of a schedule prescribed for an exemption granted with respect to a contaminant level or treatment technique requirement prescribed by revised national primary drinking water regulations, be not later than nine years after such requirement takes effect.

"(3) Each public water system's exemption granted by a State under subsection (a) shall be conditioned by the State upon compliance by the public water system with the schedule prescribed by the State pursuant to this subsection. The requirements of each schedule prescribed by a State pursuant to this subsection shall be enforceable by the State under its laws. Any requirement of a schedule on which an exemption granted under this section is conditioned may be enforced under section 1414 as if such requirement was part of a national primary drinking water regulation.

Compliance;
enforcement.

"(4) Each schedule prescribed by a State pursuant to this subsection shall be deemed approved by the Administrator unless the exemption for which it was prescribed is revoked by the Administrator under subsection (d) (2) or the schedule is revised by the Administrator under such subsection.

"(c) Each State which grants an exemption under subsection (a) shall promptly notify the Administrator of the granting of such exemption. Such notification shall contain the reasons for the exemption (including the basis for the finding required by subsection (a) (3) before the exemption may be granted) and document the need for the exemption.

Notice to Administrator.

"(d) (1) Not later than 18 months after the effective date of the interim national primary drinking water regulations the Administrator shall complete a comprehensive review of the exemptions granted (and schedules prescribed pursuant thereto) by the States during the one-year period beginning on such effective date. The Administrator shall conduct such subsequent reviews of exemptions and schedules as he deems necessary to carry out the purposes of this title, but each subsequent review shall be completed within each 3-year period following the completion of the first review under this subparagraph. Before conducting any review under this subparagraph, the Administrator shall publish notice of the proposed review in the Federal Register. Such notice shall (A) provide information respecting the location of data and other information respecting the exemptions to be reviewed (including data and other information concerning new scientific matters bearing on such exemptions), and (B) advise of the opportunity to submit comments on the exemptions reviewed and on the need for continuing them. Upon completion of any such review, the Administrator shall publish in the Federal Register the results of his review together with findings responsive to comments submitted in connection with such review.

Review of exemptions and schedules.

Publication in Federal Register.

Publication in Federal Register.

"(2) (A) If the Administrator finds that a State has, in a substantial number of instances, abused its discretion in granting exemptions under subsection (a) or failed to prescribe schedules in accordance with subsection (b), the Administrator shall notify the State of his finding. In determining if a State has abused its discretion in granting exemptions in a substantial number of instances, the Administrator shall consider the number of persons who are affected by the exemptions and if the requirements applicable to the granting of the exemptions were complied with. A notice under this subparagraph shall—

Notice to State.

"(i) identify each exempt public water system with respect to which the finding was made,

"(ii) specify the reasons for the finding, and

"(iii) as appropriate, propose revocations of specific exemptions or propose revised schedules for specific exempt public water systems, or both.

Notice and
hearing.

"(B) The Administrator shall provide reasonable notice and public hearing on the provisions of each notice given pursuant to subparagraph (A). After a hearing on a notice pursuant to subparagraph (A), the Administrator shall (i) rescind the finding for which the notice was given and promptly notify the State of such rescission, or (ii) promulgate (with such modifications as he deems appropriate) such exemption revocations and revised schedules proposed in such notice as he deems appropriate. Not later than 180 days after the date a notice is given pursuant to subparagraph (A), the Administrator shall complete the hearing on the notice and take the action required by the preceding sentence.

"(C) If a State is notified under subparagraph (A) of a finding of the Administrator made with respect to an exemption granted a public water system within that State or to a schedule prescribed pursuant to such an exemption and if before a revocation of such exemption or a revision of such schedule promulgated by the Administrator takes effect the State takes corrective action with respect to such exemption or schedule which the Administrator determines makes his finding inapplicable to such exemption or schedule, the Administrator shall rescind the application of his finding to that exemption or schedule. No exemption revocation or revised schedule may take effect before the expiration of 90 days following the date of the notice in which the revocation or revised schedule was proposed.

"Treatment
technique re-
quirement."

"(e) For purposes of this section, the term 'treatment technique requirement' means a requirement in a national primary drinking water regulation which specifies for a contaminant (in accordance with section 1401(1)(C)(ii)) each treatment technique known to the Administrator which leads to a reduction in the level of such contaminant sufficient to satisfy the requirements of section 1412(b)(3).

"(f) If a State does not have primary enforcement responsibility for public water systems, the Administrator shall have the same authority to exempt public water systems in such State from maximum contaminant level requirements and treatment technique requirements under the same conditions and in the same manner as the State would be authorized to grant exemptions under this section if it had primary enforcement responsibility.

Applications
for exemptions.

"(g) If an application for an exemption under this section is made, the State receiving the application or the Administrator, as the case may be, shall act upon such application within a reasonable period (as determined under regulations prescribed by the Administrator) after the date of its submission.

"PART C—PROTECTION OF UNDERGROUND SOURCES OF DRINKING WATER

"REGULATIONS FOR STATE PROGRAMS

42 USC 300h.

"SEC. 1421. (a) (1) The Administrator shall publish proposed regulations for State underground injection control programs within 180 days after the date of enactment of this title. Within 180 days after publication of such proposed regulations, he shall promulgate such regulations with such modifications as he deems appropriate. Any regulation under this subsection may be amended from time to time.

December 16, 1974

- 15 -

Pub. Law 93-523

88 STAT. 1675

"(2) Any regulation under this section shall be proposed and promulgated in accordance with section 553 of title 5, United States Code (relating to rulemaking), except that the Administrator shall provide opportunity for public hearing prior to promulgation of such regulations. In proposing and promulgating regulations under this section, the Administrator shall consult with the Secretary, the National Drinking Water Advisory Council, and other appropriate Federal entities and with interested State entities. Hearing.

"(b) (1) Regulations under subsection (a) for State underground injection programs shall contain minimum requirements for effective programs to prevent underground injection which endangers drinking water sources within the meaning of subsection (d) (2). Such regulations shall require that a State program, in order to be approved under section 1422—

"(A) shall prohibit, effective three years after the date of the enactment of this title, any underground injection in such State which is not authorized by a permit issued by the State (except that the regulations may permit a State to authorize underground injection by rule);

"(B) shall require (i) in the case of a program which provides for authorization of underground injection by permit, that the applicant for the permit to inject must satisfy the State that the underground injection will not endanger drinking water sources, and (ii) in the case of a program which provides for such an authorization by rule, that no rule may be promulgated which authorizes any underground injection which endangers drinking water sources;

"(C) shall include inspection, monitoring, recordkeeping, and reporting requirements; and

"(D) shall apply (i) as prescribed by section 1447(b), to underground injections by Federal agencies, and (ii) to underground injections by any other person whether or not occurring on property owned or leased by the United States.

"(2) Regulations of the Administrator under this section for State underground injection control programs may not prescribe requirements which interfere with or impede—

"(A) the underground injection of brine or other fluids which are brought to the surface in connection with oil or natural gas production, or

"(B) any underground injection for the secondary or tertiary recovery of oil or natural gas, unless such requirements are essential to assure that underground sources of drinking water will not be endangered by such injection.

"(c) (1) The Administrator may, upon application of the Governor of a State which authorizes underground injection by means of permits, authorize such State to issue (without regard to subsection (b) (1) (B) (i)) temporary permits for underground injection which may be effective until the expiration of four years after the date of enactment of this title, if— Temporary permits.

"(A) the Administrator finds that the State has demonstrated that it is unable and could not reasonably have been able to process all permit applications within the time available;

"(B) the Administrator determines the adverse effect on the environment of such temporary permits is not unwarranted;

"(C) such temporary permits will be issued only with respect to injection wells in operation on the date on which such State's permit program approved under this part first takes effect and for which there was inadequate time to process its permit application; and

"(D) the Administrator determines the temporary permits require the use of adequate safeguards established by rules adopted by him.

Notice and
hearing.

"(2) The Administrator may, upon application of the Governor of a State which authorizes underground injection by means of permits, authorize such State to issue (without regard to subsection (b) (1) (B) (i)), but after reasonable notice and hearing, one or more temporary permits each of which is applicable to a particular injection well and to the underground injection of a particular fluid and which may be effective until the expiration of four years after the date of enactment of this title, if the State finds, on the record of such hearing—

"(A) that technology (or other means) to permit safe injection of the fluid in accordance with the applicable underground injection control program is not generally available (taking costs into consideration);

"(B) that injection of the fluid would be less harmful to health than the use of other available means of disposing of waste or producing the desired product; and

"(C) that available technology or other means have been employed (and will be employed) to reduce the volume and toxicity of the fluid and to minimize the potentially adverse effect of the injection on the public health.

"Underground
injection."

"(d) For purposes of this part:

"(1) The term 'underground injection' means the subsurface emplacement of fluids by well injection.

"(2) Underground injection endangers drinking water sources if such injection may result in the presence in underground water which supplies or can reasonably be expected to supply any public water system of any contaminant, and if the presence of such contaminant may result in such system's not complying with any national primary drinking water regulation or may otherwise adversely affect the health of persons.

"STATE PRIMARY ENFORCEMENT RESPONSIBILITY

Publication in
Federal Register.
42 USC 300h-1.

"SEC. 1422. (a) Within 180 days after the date of enactment of this title, the Administrator shall list in the Federal Register each State for which in his judgment a State underground injection control program may be necessary to assure that underground injection will not endanger drinking water sources. Such list may be amended from time to time.

"(b) (1) (A) Each State listed under subsection (a) shall within 270 days after the date of promulgation of any regulation under section 1421 (or, if later, within 270 days after such State is first listed under subsection (a)) submit to the Administrator an application which contains a showing satisfactory to the Administrator that the State—

Recordkeeping.

"(i) has adopted after reasonable notice and public hearings, and will implement, an underground injection control program which meets the requirements of regulations in effect under section 1421; and

"(ii) will keep such records and make such reports with respect to its activities under its underground injection control program as the Administrator may require by regulation.

Notice to Administrator.

"(B) Within 270 days of any amendment of a regulation under section 1421 revising or adding any requirement respecting State underground injection control programs, each State listed under subsection (a) shall submit (in such form and manner as the Administra-

December 16, 1974

- 17 -

Pub. Law 93-523

88 STAT. 1677

tor may require) a notice to the Administrator containing a showing satisfactory to him that the State underground injection control program meets the revised or added requirement.

"(2) Within ninety days after the State's application under paragraph (1) (A) or notice under paragraph (1) (B) and after reasonable opportunity for presentation of views, the Administrator shall by rule either approve, disapprove, or approve in part and disapprove in part, the State's underground injection control program.

"(3) If the Administrator approves the State's program under paragraph (2), the State shall have primary enforcement responsibility for underground water sources until such time as the Administrator determines, by rule, that such State no longer meets the requirements of clause (i) or (ii) of paragraph (1) (A) of this subsection.

"(4) Before promulgating any rule under paragraph (2) or (3) of this subsection, the Administrator shall provide opportunity for public hearing respecting such rule.

Hearing.

"(c) If the Administrator disapproves a State's program (or part thereof) under subsection (b) (2), if the Administrator determines under subsection (b) (3) that a State no longer meets the requirements of clause (i) or (ii) of subsection (b) (1) (A), or if a State fails to submit an application or notice before the date of expiration of the period specified in subsection (b) (1), the Administrator shall by regulation within 90 days after the date of such disapproval, determination, or expiration (as the case may be) prescribe (and may from time to time by regulation revise) a program applicable to such State meeting the requirements of section 1421 (b). Such program may not include requirements which interfere with or impede—

Regulation.

"(1) the underground injection of brine or other fluids which are brought to the surface in connection with oil or natural gas production, or

"(2) any underground injection for the secondary or tertiary recovery of oil or natural gas,

unless such requirements are essential to assure that underground sources of drinking water will not be endangered by such injection. Such program shall apply in such State to the extent that a program adopted by such State which the Administrator determines meets such requirements is not in effect. Before promulgating any regulation under this section, the Administrator shall provide opportunity for public hearing respecting such regulation.

Hearing.

"(d) For purposes of this title, the term 'applicable underground injection control program' with respect to a State means the program (or most recent amendment thereof) (1) which has been adopted by the State and which has been approved under subsection (b), or (2) which has been prescribed by the Administrator under subsection (c).

"Applicable underground injection control program."

"FAILURE OF STATE TO ASSURE ENFORCEMENT OF PROGRAM

"SEC. 1423. (a) (1) Whenever the Administrator finds during a period during which a State has primary enforcement responsibility for underground water sources (within the meaning of section 1422 (b) (3)) that any person who is subject to a requirement of an applicable underground injection control program in such State is violating such requirement, he shall so notify the State and the person violating such requirement. If the Administrator finds such failure to comply extends beyond the thirtieth day after the date of such notice, he shall give public notice of such finding and request the State to report

42 USC 300h-2.

Notice to State and violator.

Public notice.

Civil action,
conditions.

within 15 days after the date of such public notice as to the steps being taken to bring such person into compliance with such requirement (including reasons for anticipated steps to be taken to bring such person into compliance with such requirement and for any failure to take steps to bring such person into compliance with such requirement). If—

“(A) such failure to comply extends beyond the sixtieth day after the date of the notice given pursuant to the first sentence of this paragraph, and

“(B) (i) the State fails to submit the report requested by the Administrator within the time period prescribed by the preceding sentence, or

“(ii) the State submits such report within such period but the Administrator, after considering the report, determines that by failing to take necessary steps to bring such person into compliance by such sixtieth day the State abused its discretion in carrying out primary enforcement responsibility for underground water sources,

the Administrator may commence a civil action under subsection (b) (1).

“(2) Whenever the Administrator finds during a period during which a State does not have primary enforcement responsibility for underground water sources that any person subject to any requirement of any applicable underground injection control program in such State is violating such requirement, he may commence a civil action under subsection (b) (1).

“(b) (1) When authorized by subsection (a), the Administrator may bring a civil action under this paragraph in the appropriate United States district court to require compliance with any requirement of an applicable underground injection control program. The court may enter such judgment as protection of public health may require, including, in the case of an action brought against a person who violates an applicable requirement of an underground injection control program and who is located in a State which has primary enforcement responsibility for underground water sources, the imposition of a civil penalty of not to exceed \$5,000 for each day such person violates such requirement after the expiration of 60 days after receiving notice under subsection (a) (1).

Penalty.

Penalty.

“(2) Any person who violates any requirement of an applicable underground injection control program to which he is subject during any period for which the State does not have primary enforcement responsibility for underground water sources (A) shall be subject to a civil penalty of not more than \$5,000 for each day of such violation, or (B) if such violation is willful, such person may, in lieu of the civil penalty authorized by clause (B), be fined not more than \$10,000 for each day of such violation.

“(c) Nothing in this title shall diminish any authority of a State or political subdivision to adopt or enforce any law or regulation respecting underground injection but no such law or regulation shall relieve any person of any requirement otherwise applicable under this title.

“INTERIM REGULATION OF UNDERGROUND INJECTIONS

42 USC 300h-3.

“SEC. 1424. (a) (1) Any person may petition the Administrator to have an area of a State (or States) designated as an area in which no new underground injection well may be operated during the period beginning on the date of the designation and ending on the date on which the applicable underground injection control program covering

December 16, 1974

- 19 -

Pub. Law 93-523

88 STAT. 1679

such area takes effect unless a permit for the operation of such well has been issued by the Administrator under subsection (b). The Administrator may so designate an area within a State if he finds that the area has one aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health.

"(2) Upon receipt of a petition under paragraph (1) of this subsection, the Administrator shall publish it in the Federal Register and shall provide an opportunity to interested persons to submit written data, views, or arguments thereon. Not later than the 30th day following the date of the publication of a petition under this paragraph in the Federal Register, the Administrator shall either make the designation for which the petition is submitted or deny the petition.

Publication in
Federal Register.

"(b) (1) During the period beginning on the date an area is designated under subsection (a) and ending on the date the applicable underground injection control program covering such area takes effect, no new underground injection well may be operated in such area unless the Administrator has issued a permit for such operation.

Well operation.
permit.

"(2) Any person may petition the Administrator for the issuance of a permit for the operation of such a well in such an area. A petition submitted under this paragraph shall be submitted in such manner and contain such information as the Administrator may require by regulation. Upon receipt of such a petition, the Administrator shall publish it in the Federal Register. The Administrator shall give notice of any proceeding on a petition and shall provide opportunity for agency hearing. The Administrator shall act upon such petition on the record of any hearing held pursuant to the preceding sentence respecting such petition. Within 120 days of the publication in the Federal Register of a petition submitted under this paragraph, the Administrator shall either issue the permit for which the petition was submitted or shall deny its issuance.

Publication in
Federal Register.

"(3) The Administrator may issue a permit for the operation of a new underground injection well in an area designated under subsection (a) only if he finds that the operation of such well will not cause contamination of the aquifer of such area so as to create a significant hazard to public health. The Administrator may condition the issuance of such a permit upon the use of such control measures in connection with the operation of such well, for which the permit is to be issued, as he deems necessary to assure that the operation of the well will not contaminate the aquifer of the designated area in which the well is located so as to create a significant hazard to public health.

Conditions for
issuance.

"(c) Any person who operates a new underground injection well in violation of subsection (b), (1) shall be subject to a civil penalty of not more than \$5,000 for each day in which such violation occurs, or (2) if such violation is willful, such person may, in lieu of the civil penalty authorized by clause (1), be fined not more than \$10,000 for each day in which such violation occurs. If the Administrator has reason to believe that any person is violating or will violate subsection (b), he may petition the United States district court to issue a temporary restraining order or injunction (including a mandatory injunction) to enforce such subsection.

Penalty.

Temporary re-
straining order
or injunction.

"(d) For purposes of this section, the term 'new underground injection well' means an underground injection well whose operation was not approved by appropriate State and Federal agencies before the date of the enactment of this title.

"New under-
ground injection
well."

"(e) If the Administrator determines, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would

Areas with one
aquifer.

Publication in
Federal Regis-
ter.

create a significant hazard to public health, he shall publish notice of that determination in the Federal Register. After the publication of any such notice, no commitment for Federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health, but a commitment for Federal financial assistance may, if authorized under another provision of law, be entered into to plan or design the project to assure that it will not so contaminate the aquifer.

"PART D—EMERGENCY POWERS

"EMERGENCY POWERS

42 USC 3001.

"SEC. 1431. (a) Notwithstanding any other provision of this title, the Administrator, upon receipt of information that a contaminant which is present in or is likely to enter a public water system may present an imminent and substantial endangerment to the health of persons, and that appropriate State and local authorities have not acted to protect the health of such persons, may take such actions as he may deem necessary in order to protect the health of such persons. To the extent he determines it to be practicable in light of such imminent endangerment, he shall consult with the State and local authorities in order to confirm the correctness of the information on which action proposed to be taken under this subsection is based and to ascertain the action which such authorities are or will be taking. The action which the Administrator may take may include (but shall not be limited to) (1) issuing such orders as may be necessary to protect the health of persons who are or may be users of such system (including travelers), and (2) commencing a civil action for appropriate relief, including a restraining order or permanent or temporary injunction.

Consultation
with State and
local authori-
ties.

Penalty.

"(b) Any person who willfully violates or fails or refuses to comply with any order issued by the Administrator under subsection (a) (1) may, in an action brought in the appropriate United States district court to enforce such order, be fined not more than \$5,000 for each day in which such violation occurs or failure to comply continues.

"PART E—GENERAL PROVISIONS

"ASSURANCE OF AVAILABILITY OF ADEQUATE SUPPLIES OF CHEMICALS NECESSARY FOR TREATMENT OF WATER

Certification
of need appli-
cation.
42 USC 300j.

"SEC. 1441. (a) If any person who uses chlorine, activated carbon, lime, ammonia, soda ash, potassium permanganate, caustic soda, or other chemical or substance for the purpose of treating water in any public water system or in any public treatment works determines that the amount of such chemical or substance necessary to effectively treat such water is not reasonably available to him or will not be so available to him when required for the effective treatment of such water, such person may apply to the Administrator for a certification (hereinafter in this section referred to as a 'certification of need') that the amount of such chemical or substance which such person requires to effectively treat such water is not reasonably available to him or will not be so available when required for the effective treatment of such water.

Application
requirements.

"(b) (1) An application for a certification of need shall be in such form and submitted in such manner as the Administrator may require

December 16, 1974

- 21 -

Pub. Law 93-523

88 STAT. 1681

and shall (A) specify the persons the applicant determines are able to provide the chemical or substance with respect to which the application is submitted, (B) specify the persons from whom the applicant has sought such chemical or substance, and (C) contain such other information as the Administrator may require.

"(2) Upon receipt of an application under this section, the Administrator shall (A) publish in the Federal Register a notice of the receipt of the application and a brief summary of it, (B) notify in writing each person whom the President or his delegate (after consultation with the Administrator) determines could be made subject to an order required to be issued upon the issuance of the certification of need applied for in such application, and (C) provide an opportunity for the submission of written comments on such application. The requirements of the preceding sentence of this paragraph shall not apply when the Administrator for good cause finds (and incorporates the finding with a brief statement of reasons therefor in the order issued) that waiver of such requirements is necessary in order to protect the public health.

Publication in
Federal Register.

Waiver.

"(3) Within 30 days after—

Certification,
issuance or
denial.

"(A) the date a notice is published under paragraph (2) in the Federal Register with respect to an application submitted under this section for the issuance of a certification of need, or

"(B) the date on which such application is received if as authorized by the second sentence of such paragraph no notice is published with respect to such application,

the Administrator shall take action either to issue or deny the issuance of a certification of need.

"(c) (1) If the Administrator finds that the amount of a chemical or substance necessary for an applicant under an application submitted under this section to effectively treat water in a public water system or in a public treatment works is not reasonably available to the applicant or will not be so available to him when required for the effective treatment of such water, the Administrator shall issue a certification of need. Not later than seven days following the issuance of such certification, the President or his delegate shall issue an order requiring the provision to such person of such amounts of such chemical or substance as the Administrator deems necessary in the certification of need issued for such person. Such order shall apply to such manufacturers, producers, processors, distributors, and repackagers of such chemical or substance as the President or his delegate deems necessary and appropriate, except that such order may not apply to any manufacturer, producer, or processor of such chemical or substance who manufactures, produces, or processes (as the case may be) such chemical or substance solely for its own use. Persons subject to an order issued under this section shall be given a reasonable opportunity to consult with the President or his delegate with respect to the implementation of the order.

"(2) Orders which are to be issued under paragraph (1) to manufacturers, producers, and processors of a chemical or substance shall be equitably apportioned, as far as practicable, among all manufacturers, producers, and processors of such chemical or substance; and orders which are to be issued under paragraph (1) to distributors and repackagers of a chemical or substance shall be equitably apportioned, as far as practicable, among all distributors and repackagers of such chemical or substance. In apportioning orders issued under paragraph (1) to manufacturers, producers, processors, distributors, and repackagers of chlorine, the President or his delegate shall, in carrying out the requirements of the preceding sentence, consider—

Apportionment.

88 STAT. 1682

"(A) the geographical relationships and established commercial relationships between such manufacturers, producers, processors, distributors, and repackagers and the persons for whom the orders are issued;

"(B) in the case of orders to be issued to producers of chlorine, the (i) amount of chlorine historically supplied by each such producer to treat water in public water systems and public treatment works, and (ii) share of each such producer of the total annual production of chlorine in the United States; and

"(C) such other factors as the President or his delegate may determine are relevant to the apportionment of orders in accordance with the requirements of the preceding sentence.

Application for
additional cer-
tifications.

"(3) Subject to subsection (f), any person for whom a certification of need has been issued under this subsection may upon the expiration of the order issued under paragraph (1) upon such certification apply under this section for additional certifications.

"(d) There shall be available as a defense to any action brought for breach of contract in a Federal or State court arising out of delay or failure to provide, sell, or offer for sale or exchange a chemical or substance subject to an order issued pursuant to subsection (c) (1), that such delay or failure was caused solely by compliance with such order.

Noncompliance,
penalties.

"(e) (1) Whoever knowingly fails to comply with any order issued pursuant to subsection (c) (1) shall be fined not more than \$5,000 for each such failure to comply.

"(2) Whoever fails to comply with any order issued pursuant to subsection (c) (1) shall be subject to a civil penalty of not more than \$2,500 for each such failure to comply.

Temporary re-
straining or-
der, prelim-
inary or per-
manent injunc-
tion.

"(3) Whenever the Administrator or the President or his delegate has reason to believe that any person is violating or will violate any order issued pursuant to subsection (c) (1), he may petition a United States district court to issue a temporary restraining order or preliminary or permanent injunction (including a mandatory injunction) to enforce the provision of such order.

Termination
dates.

"(f) No certification of need or order issued under this section may remain in effect—

"(1) for more than one year, or

"(2) after June 30, 1977,

whichever occurs first.

"RESEARCH, TECHNICAL ASSISTANCE, INFORMATION, TRAINING OF PERSONNEL

42 USC 300j-1.

"SEC. 1442. (a) (1) The Administrator may conduct research, studies, and demonstrations relating to the causes, diagnosis, treatment, control, and prevention of physical and mental diseases and other impairments of man resulting directly or indirectly from contaminants in water, or to the provision of a dependably safe supply of drinking water, including—

"(A) improved methods (i) to identify and measure the existence of contaminants in drinking water (including methods which may be used by State and local health and water officials), and (ii) to identify the source of such contaminants;

"(B) improved methods to identify and measure the health effects of contaminants in drinking water;

"(C) new methods of treating raw water to prepare it for drinking, so as to improve the efficiency of water treatment and to remove contaminants from water;

December 16, 1974

- 23 -

Pub. Law 93-523

88 STAT. 1683

"(D) improved methods for providing a dependably safe supply of drinking water, including improvements in water purification and distribution, and methods of assessing the health related hazards of drinking water; and

"(E) improved methods of protecting underground water sources of public water systems from contamination.

"(2) The Administrator shall, to the maximum extent feasible, provide technical assistance to the States and municipalities in the establishment and administration of public water system supervision programs (as defined in section 1443(c)(1)).

"(3) The Administrator shall conduct studies, and make periodic reports to Congress, on the costs of carrying out regulations prescribed under section 1412.

"(4) The Administrator shall conduct a survey and study of—

"(A) disposal of waste (including residential waste) which may endanger underground water which supplies, or can reasonably be expected to supply, any public water systems, and

"(B) means of control of such waste disposal.

Not later than one year after the date of enactment of this title, he shall transmit to the Congress the results of such survey and study, together with such recommendations as he deems appropriate.

"(5) The Administrator shall carry out a study of methods of underground injection which do not result in the degradation of underground drinking water sources.

"(6) The Administrator shall carry out a study of methods of preventing, detecting, and dealing with surface spills of contaminants which may degrade underground water sources for public water systems.

"(7) The Administrator shall carry out a study of virus contamination of drinking water sources and means of control of such contamination.

"(8) The Administrator shall carry out a study of the nature and extent of the impact on underground water which supplies or can reasonably be expected to supply public water systems of (A) abandoned injection or extraction wells; (B) intensive application of pesticides and fertilizers in underground water recharge areas; and (C) ponds, pools, lagoons, pits, or other surface disposal of contaminants in underground water recharge areas.

"(9) The Administrator shall conduct a comprehensive study of public water supplies and drinking water sources to determine the nature, extent, sources of and means of control of contamination by chemicals or other substances suspected of being carcinogenic. Not later than six months after the date of enactment of this title, he shall transmit to the Congress the initial results of such study, together with such recommendations for further review and corrective action as he deems appropriate.

"(b) In carrying out this title, the Administrator is authorized to—

"(1) collect and make available information pertaining to research, investigations, and demonstrations with respect to providing a dependably safe supply of drinking water together with appropriate recommendations in connection therewith;

"(2) make available research facilities of the Agency to appropriate public authorities, institutions, and individuals engaged in studies and research relating to the purposes of this title;

"(3) make grants to, and enter into contracts with, any public agency, educational institution, and any other organization, in accordance with procedures prescribed by the Administrator, under which he may pay all or a part of the costs (as may be

Technical assistance to States.

Post, p. 1684.

Studies; reports to Congress.

Ante, p. 1662.

Waste disposal, survey and study, transmittal to Congress.

Studies.

Transmittal to Congress.

determined by the Administrator) of any project or activity which is designed—

“(A) to develop, expand, or carry out a program (which may combine training education and employment) for training persons for occupations involving the public health aspects of providing safe drinking water;

“(B) to train inspectors and supervisory personnel to train or supervise persons in occupations involving the public health aspects of providing safe drinking water; or

“(C) to develop and expand the capability of programs of States and municipalities to carry out the purposes of this title (other than by carrying out State programs of public water system supervision or underground water source protection (as defined in section 1443(d))).

Appropriations. “(c) There are authorized to be appropriated to carry out the provisions of this section \$15,000,000 for the fiscal year ending June 30, 1975; \$25,000,000 for the fiscal year ending June 30, 1976; and \$35,000,000 for the fiscal year ending June 30, 1977.

“GRANTS FOR STATE PROGRAMS

Public water
system super-
vision pro-
grams.
42 USC 300j-2.

“SEC. 1443. (a) (1) From allotments made pursuant to paragraph (4), the Administrator may make grants to States to carry out public water system supervision programs.

“(2) No grant may be made under paragraph (1) unless an application therefor has been submitted to the Administrator in such form and manner as he may require. The Administrator may not approve an application of a State for its first grant under paragraph (1) unless he determines that the State—

“(A) has established or will establish within one year from the date of such grant a public water system supervision program, and

“(B) will, within that one year, assume primary enforcement responsibility for public water systems within the State. No grant may be made to a State under paragraph (1) for any period beginning more than one year after the date of the State's first grant unless the State has assumed and maintains primary enforcement responsibility for public water systems within the State.

“(3) A grant under paragraph (1) shall be made to cover not more than 75 per centum of the grant recipient's costs (as determined under regulations of the Administrator) in carrying out, during the one-year period beginning on the date the grant is made, a public water system supervision program.

Allotment of
sums.

“(4) In each fiscal year the Administrator shall, in accordance with regulations, allot the sums appropriated for such year under paragraph (3) among the States on the basis of population, geographical area, number of public water systems, and other relevant factors. No State shall receive less than 1 per centum of the annual appropriation for grants under paragraph (1): *Provided*, That the Administrator may, by regulation, reduce such percentage in accordance with the criteria specified in this paragraph: *And provided further*, That such percentage shall not apply to grants allotted to Guam, American Samoa, or the Virgin Islands.

Appropriations. “(5) For purposes of making grants under paragraph (1) there are authorized to be appropriated \$15,000,000 for the fiscal year ending June 30, 1976, and \$25,000,000 for the fiscal year ending June 30, 1977.

December 16, 1974

- 25 -

Pub. Law 93-523

88 STAT. 1685

"(b)(1) From allotments made pursuant to paragraph (4), the Administrator may make grants to States to carry out underground water source protection programs.

Underground
water source
protection
programs.

"(2) No grant may be made under paragraph (1) unless an application therefor has been submitted to the Administrator in such form and manner as he may require. The Administrator may not approve an application of a State for its first grant under paragraph (1) unless he determines that the State—

"(A) has established or will establish within two years from the date of such grant an underground water source protection, and

"(B) will, within such two years, assume primary enforcement responsibility for underground water sources within the State.

No grant may be made to a State under paragraph (1) for any period beginning more than two years after the date of the State's first grant unless the State has assumed and maintains primary enforcement responsibility for underground water sources within the State.

"(3) A grant under paragraph (1) shall be made to cover not more than 75 per centum of the grant recipient's costs (as determined under regulations of the Administrator) in carrying out, during the one-year period beginning on the date the grant is made, an underground water source protection program.

"(4) In each fiscal year the Administrator shall, in accordance with regulations, allot the sums appropriated for such year under paragraph (5) among the States on the basis of population, geographical area, and other relevant factors.

Allotment of
sums.

"(5) For purposes of making grants under paragraph (1) there are authorized to be appropriated \$5,000,000 for the fiscal year ending June 30, 1976, and \$7,500,000 for the fiscal year ending June 30, 1977.

Appropriations.

"(c) For purposes of this section:

Definitions.

"(1) The term 'public water system supervision program' means a program for the adoption and enforcement of drinking water regulations (with such variances and exemptions from such regulations under conditions and in a manner which is not less stringent than the conditions under, and the manner in, which variances and exemptions may be granted under sections 1415 and 1416) which are no less stringent than the national primary drinking water regulations under section 1412, and for keeping records and making reports required by section 1413(a)(3).

Ante, pp. 1669,
1672.

Ante, p. 1662.

Ante, p. 1665.

"(2) The term 'underground water source protection program' means a program for the adoption and enforcement of a program which meets the requirements of regulations under section 1421 and for keeping records and making reports required by section 1422(b)(1)(A)(ii).

Ante, p. 1674.

Ante, p. 1676.

"SPECIAL STUDY AND DEMONSTRATION PROJECT GRANTS; GUARANTEED LOANS

"SEC. 1444. (a) The Administrator may make grants to any person for the purposes of— 42 USC 300j-3.

"(1) assisting in the development and demonstration (including construction) of any project which will demonstrate a new or improved method, approach, or technology, for providing a dependably safe supply of drinking water to the public; and

"(2) assisting in the development and demonstration (including construction) of any project which will investigate and demonstrate health implications involved in the reclamation, recycling,

and reuse of waste waters for drinking and the processes and methods for the preparation of safe and acceptable drinking water.

Limitations.

"(b) Grants made by the Administrator under this section shall be subject to the following limitations:

"(1) Grants under this section shall not exceed 66 $\frac{2}{3}$ per centum of the total cost of construction of any facility and 75 per centum of any other costs, as determined by the Administrator.

"(2) Grants under this section shall not be made for any project involving the construction or modification of any facilities for any public water system in a State unless such project has been approved by the State agency charged with the responsibility for safety of drinking water (or if there is no such agency in a State, by the State health authority).

"(3) Grants under this section shall not be made for any project unless the Administrator determines, after consulting the National Drinking Water Advisory Council, that such project will serve a useful purpose relating to the development and demonstration of new or improved techniques, methods, or technologies for the provision of safe water to the public for drinking.

"(4) Priority for grants under this section shall be given where there are known or potential public health hazards which require advanced technology for the removal of particles which are too small to be removed by ordinary treatment technology.

Appropriations.

"(c) For the purposes of making grants under subsections (a) and (b) of this section there are authorized to be appropriated \$7,500,000 for the fiscal year ending June 30, 1975; and \$7,500,000 for the fiscal year ending June 30, 1976; and \$10,000,000 for the fiscal year ending June 30, 1977.

Loan guarantees
to public water
systems.

"(d) The Administrator during the fiscal years ending June 30, 1975, and June 30, 1976, shall carry out a program of guaranteeing loans made by private lenders to small public water systems for the purpose of enabling such systems to meet national primary drinking water regulations (including interim regulations) prescribed under section 1412. No such guarantee may be made with respect to a system unless (1) such system cannot reasonably obtain financial assistance necessary to comply with such regulations from any other source, and (2) the Administrator determines that any facilities constructed with a loan guaranteed under this subsection is not likely to be made obsolete by subsequent changes in primary regulations. The aggregate amount of indebtedness guaranteed with respect to any system may not exceed \$50,000. The aggregate amount of indebtedness guaranteed under this subsection may not exceed \$50,000,000. The Administrator shall prescribe regulations to carry out this subsection.

Conditions.

Ante, p. 1662.

Indebtness,
limitation.

Regulations.

"RECORDS AND INSPECTIONS

42 USC 300j-4.

"SEC. 1445. (a) Every person who is a supplier of water, who is or may be otherwise subject to a primary drinking water regulation prescribed under section 1412 or to an applicable underground injection control program (as defined in section 1422(c)), who is or may be subject to the permit requirement of section 1424 or to an order issued under section 1441, or who is a grantee, shall establish and maintain such records, make such reports, conduct such monitoring, and provide such information as the Administrator may reasonably require by regulation to assist him in establishing regulations under this title, in determining whether such person has acted or is acting in compliance with this title, or in administering any program of financial assistance under this title.

December 16, 1974

- 27 -

Pub. Law 93-523

88 STAT. 1687

"(b) (1) Except as provided in paragraph (2), the Administrator, or representatives of the Administrator duly designated by him, upon presenting appropriate credentials and a written notice to any supplier of water or other person subject to a national primary drinking water regulation prescribed under section 1412 or applicable underground injection control program (or person in charge of any of the property of such supplier or other person), is authorized to enter any establishment, facility, or other property of such supplier or other person in order to determine whether such supplier or other person has acted or is acting in compliance with this title, including for this purpose, inspection, at reasonable times, of records, files, papers, processes, controls, and facilities, or in order to test any feature of a public water system, including its raw water source. The Administrator or the Comptroller General (or any representative designated by either) shall have access for the purpose of audit and examination to any records, reports, or information of a grantee which are required to be maintained under subsection (a) or which are pertinent to any financial assistance under this title.

Ante, p. 1662.

Audit and examination of records.

"(2) No entry may be made under the first sentence of paragraph (1) in an establishment, facility, or other property of a supplier of water or other person subject to a national primary drinking water regulation if the establishment, facility, or other property is located in a State which has primary enforcement responsibility for public water systems unless, before written notice of such entry is made, the Administrator (or his representative) notifies the State agency charged with responsibility for safe drinking water of the reasons for such entry. The Administrator shall, upon a showing by the State agency that such an entry will be detrimental to the administration of the State's program of primary enforcement responsibility, take such showing into consideration in determining whether to make such entry. No State agency which receives notice under this paragraph of an entry proposed to be made under paragraph (1) may use the information contained in the notice to inform the person whose property is proposed to be entered of the proposed entry; and if a State agency so uses such information, notice to the agency under this paragraph is not required until such time as the Administrator determines the agency has provided him satisfactory assurances that it will no longer so use information contained in a notice under this paragraph.

Entry restrictions.

"(c) Whoever fails or refuses to comply with any requirement of subsection (a) or to allow the Administrator, the Comptroller General, or representatives of either, to enter and conduct any audit or inspection authorized by subsection (b) may be fined not more than \$5,000.

Penalty.

"(d) (1) Subject to paragraph (2), upon a showing satisfactory to the Administrator by any person that any information required under this section from such person, if made public, would divulge trade secrets or secret processes of such person, the Administrator shall consider such information confidential in accordance with the purposes of section 1905 of title 18 of the United States Code. If the applicant fails to make a showing satisfactory to the Administrator, the Administrator shall give such applicant thirty days' notice before releasing the information to which the application relates (unless the public health or safety requires an earlier release of such information).

Confidential information.

"(2) Any information required under this section (A) may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this title or to committees of the Congress, or when relevant in any proceeding under this title, and (B) shall be disclosed to the extent it deals with the level of contaminants in drinking water. For purposes of this subsection the

Information disclosure.

88 STAT. 1688

"Information required under this section." term 'information required under this section' means any papers, books, documents, or information, or any particular part thereof, reported to or otherwise obtained by the Administrator under this section.

"Grantee."

"(e) For purposes of this section, (1) the term 'grantee' means any person who applies for or receives financial assistance, by grant, contract, or loan guarantee under this title, and (2) the term 'person' includes a Federal agency.

"Person."

"NATIONAL DRINKING WATER ADVISORY COUNCIL

Establishment;
membership.
42 USC 300j-5.

"SEC. 1446. (a) There is established a National Drinking Water Advisory Council which shall consist of fifteen members appointed by the Administrator after consultation with the Secretary. Five members shall be appointed from the general public; five members shall be appointed from appropriate State and local agencies concerned with water hygiene and public water supply; and five members shall be appointed from representatives of private organizations or groups demonstrating an active interest in the field of water hygiene and public water supply. Each member of the Council shall hold office for a term of three years, except that—

Term of office,
exceptions.

"(1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and

"(2) the terms of the members first taking office shall expire as follows: Five shall expire three years after the date of enactment of this title, five shall expire two years after such date, and five shall expire one year after such date, as designated by the Administrator at the time of appointment.

Functions.

The members of the Council shall be eligible for reappointment.
"(b) The Council shall advise, consult with, and make recommendations to, the Administrator on matters relating to activities, functions, and policies of the Agency under this title.

Compensation.

"(c) Members of the Council appointed under this section shall, while attending meetings or conferences of the Council or otherwise engaged in business of the Council, receive compensation and allowances at a rate to be fixed by the Administrator, but not exceeding the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Council. While away from their homes or regular places of business in the performance of services for the Council, members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 (b) of title 5 of the United States Code.

5 USC 5332
note.

86 Stat. 776.

"(d) Section 14(a) of the Federal Advisory Committee Act (relating to termination) shall not apply to the Council.

"FEDERAL AGENCIES

42 USC 300j-6.

"SEC. 1447. (a) Each Federal agency having jurisdiction over any federally owned or maintained public water system shall comply with all national primary drinking water regulations in effect under section 1412, and each Federal agency shall comply with any applicable underground injection control program, and shall keep such records and submit such reports as may be required under such program.

Ante, p. 1662.
Recordkeeping;
reports.

Waiver.

"(b) The Administrator shall waive compliance with subsection (a) upon request of the Secretary of Defense and upon a determination

December 16, 1974

- 29 -

Pub. Law 93-523

88 STAT. 1689

by the President that the requested waiver is necessary in the interest of national security. The Administrator shall maintain a written record of the basis upon which such waiver was granted and make such record available for in camera examination when relevant in a judicial proceeding under this title. Upon the issuance of such a waiver, the Administrator shall publish in the Federal Register a notice that the waiver was granted for national security purposes, unless, upon the request of the Secretary of Defense, the Administrator determines to omit such publication because the publication itself would be contrary to the interests of national security, in which event the Administrator shall submit notice to the Armed Services Committee of the Senate and House of Representatives.

Records, availability.

Publication in Federal Register.

Notice to congressional committees.

"JUDICIAL REVIEW

"SEC. 1448. (a) A petition for review of—

42 USC 300j-7.

"(1) action of the Administrator in promulgating any national primary drinking water regulation under section 1412, any regulation under section 1413(b)(1), any regulation under section 1414(c), any regulation for State underground injection control programs under section 1421, or any general regulation for the administration of this title may be filed only in the United States Court of Appeals for the District of Columbia Circuit; and

"(2) action of the Administrator in promulgating any other regulation under this title, issuing any order under this title, or making any determination under this title may be filed only in the United States court of appeals for the appropriate circuit.

Any such petition shall be filed within the 45-day period beginning on the date of the promulgation of the regulation or issuance of the order with respect to which review is sought or on the date of the determination with respect to which review is sought, and may be filed after the expiration of such 45-day period if the petition is based solely on grounds arising after the expiration of such period. Action of the Administrator with respect to which review could have been obtained under this subsection shall not be subject to judicial review in any civil or criminal proceeding for enforcement or in any civil action to enjoin enforcement.

"(b) The United States district courts shall have jurisdiction of actions brought to review (1) the granting of, or the refusing to grant, a variance or exemption under section 1415 or 1416 or (2) the requirements of any schedule prescribed for a variance or exemption under such section or the failure to prescribe such a schedule. Such an action may only be brought upon a petition for review filed with the court within the 45-day period beginning on the date the action sought to be reviewed is taken or, in the case of a petition to review the refusal to grant a variance or exemption or the failure to prescribe a schedule, within the 45-day period beginning on the date action is required to be taken on the variance, exemption, or schedule, as the case may be. A petition for such review may be filed after the expiration of such period if the petition is based solely on grounds arising after the expiration of such period. Action with respect to which review could have been obtained under this subsection shall not be subject to judicial review in any civil or criminal proceeding for enforcement or in any civil action to enjoin enforcement.

Jurisdiction.

"(c) In any judicial proceeding in which review is sought of a determination under this title required to be made on the record after notice and opportunity for hearing, if any party applies to the court for leave to adduce additional evidence and shows to the satisfaction

of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, in such manner and upon such terms and conditions as the court may deem proper. The Administrator may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original determination, with the return of such additional evidence.

"CITIZEN'S CIVIL ACTION"

42 USC 300j-8.

"SEC. 1449. (a) Except as provided in subsection (b) of this section, any person may commence a civil action on his own behalf—

"(1) against any person (including (A) the United States, and (B) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of any requirement prescribed by or under this title, or

"(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this title which is not discretionary with the Administrator.

Jurisdiction.

No action may be brought under paragraph (1) against a public water system for a violation of a requirement prescribed by or under this title which occurred within the 27-month period beginning on the first day of the month in which this title is enacted. The United States district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce in an action brought under this subsection any requirement prescribed by or under this title or to order the Administrator to perform an act or duty described in paragraph (2), as the case may be.

"(b) No civil action may be commenced—

"(1) under subsection (a) (1) of this section respecting violation of a requirement prescribed by or under this title—

"(A) prior to sixty days after the plaintiff has given notice of such violation (i) to the Administrator, (ii) to any alleged violator of such requirement and (iii) to the State in which the violation occurs, or

"(B) if the Administrator, the Attorney General, or the State has commenced and is diligently prosecuting a civil action in a court of the United States to require compliance with such requirement, but in any such action in a court of the United States any person may intervene as a matter of right; or

"(2) under subsection (a) (2) of this section prior to sixty days after the plaintiff has given notice of such action to the Administrator.

Notice.

Notice required by this subsection shall be given in such manner as the Administrator shall prescribe by regulation. No person may commence a civil action under subsection (a) to require a State to prescribe a schedule under section 1415 or 1416 for a variance or exemption, unless such person shows to the satisfaction of the court that the State has in a substantial number of cases failed to prescribe such schedules.

Ante, pp.
1669, 1672.

"(c) In any action under this section, the Administrator or the Attorney General, if not a party, may intervene as a matter of right.

December 16, 1974

- 31 -

Pub. Law 93-523

88 STAT. 1691

"(d) The court, in issuing any final order in any action brought under subsection (a) of this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such an award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

Costs of litigation.

Filing of bond.

18 USC app.

"(e) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any requirement prescribed by or under this title or to seek any other relief.

"GENERAL PROVISIONS

"SEC. 1450. (a) (1) The Administrator is authorized to prescribe such regulations as are necessary or appropriate to carry out his functions under this title.

Regulations.
42 USC 300j-9.

"(2) The Administrator may delegate any of his functions under this title (other than prescribing regulations) to any officer or employee of the Agency.

"(b) The Administrator, with the consent of the head of any other agency of the United States, may utilize such officers and employees of such agency as he deems necessary to assist him in carrying out the purposes of this title.

"(c) Upon the request of a State or interstate agency, the Administrator may assign personnel of the Agency to such State or interstate agency for the purposes of carrying out the provisions of this title.

"(d) (1) The Administrator may make payments of grants under this title (after necessary adjustment on account of previously made underpayments or overpayments) in advance or by way of reimbursement, and in such installments and on such conditions as he may determine.

Payments of grants.

"(2) Financial assistance may be made available in the form of grants only to individuals and nonprofit agencies or institutions. For purposes of this paragraph, the term 'nonprofit agency or institution' means an agency or institution no part of the net earnings of which inure, or may lawfully inure, to the benefit of any private shareholder or individual.

"Nonprofit agency or institution."

"(e) The Administrator shall take such action as may be necessary to assure compliance with provisions of the Act of March 3, 1931 (known as the Davis-Bacon Act; 40 U.S.C. 276a-276a(5)). The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

40 USC 276a note.

5 USC app.

"(f) The Administrator shall request the Attorney General to appear and represent him in any civil action instituted under this title to which the Administrator is a party. Unless, within a reasonable time, the Attorney General notifies the Administrator that he will appear in such action, attorneys appointed by the Administrator shall appear and represent him.

"(g) The provisions of this title shall not be construed as affecting any authority of the Administrator under part G of title III of this Act.

42 USC 264.

"(h) Not later than April 1 of each year, the Administrator shall submit to the Committee on Commerce of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives a report respecting the activities of the Agency under this

Report to congressional committees.

OMB review,
submittal to
congressional
committees.

Discrimination,
prohibition.

Filing of
complaint.

Investigation.

title and containing such recommendations for legislation as he considers necessary. The report of the Administrator under this subsection which is due not later than April 1, 1975, and each subsequent report of the Administrator under this subsection shall include a statement on the actual and anticipated cost to public water systems in each State of compliance with the requirements of this title. The Office of Management and Budget may review any report required by this subsection before its submission to such committees of Congress, but the Office may not revise any such report, require any revision in any such report, or delay its submission beyond the day prescribed for its submission, and may submit to such committees of Congress its comments respecting any such report.

"(i) (1) No employer may discharge any employee or otherwise discriminate against any employee with respect to his compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee) has—

"(A) commenced, caused to be commenced, or is about to commence or cause to be commenced a proceeding under this title or a proceeding for the administration or enforcement of drinking water regulations or underground injection control programs of a State,

"(B) testified or is about to testify in any such proceeding, or

"(C) assisted or participated or is about to assist or participate in any manner in such a proceeding or in any other action to carry out the purposes of this title.

"(2) (A) Any employee who believes that he has been discharged or otherwise discriminated against by any person in violation of paragraph (1) may, within 30 days after such violation occurs, file (or have any person file on his behalf) a complaint with the Secretary of Labor (hereinafter in this subsection referred to as the 'Secretary') alleging such discharge or discrimination. Upon receipt of such a complaint, the Secretary shall notify the person named in the complaint of the filing of the complaint.

"(B) (i) Upon receipt of a complaint filed under subparagraph (A), the Secretary shall conduct an investigation of the violation alleged in the complaint. Within 30 days of the receipt of such complaint, the Secretary shall complete such investigation and shall notify in writing the complainant (and any person acting in his behalf) and the person alleged to have committed such violation of the results of the investigation conducted pursuant to this subparagraph. Within 90 days of the receipt of such complaint the Secretary shall, unless the proceeding on the complaint is terminated by the Secretary on the basis of a settlement entered into by the Secretary and the person alleged to have committed such violation, issue an order either providing the relief prescribed by clause (ii) or denying the complaint. An order of the Secretary shall be made on the record after notice and opportunity for agency hearing. The Secretary may not enter into a settlement terminating a proceeding on a complaint without the participation and consent of the complainant.

"(ii) If in response to a complaint filed under subparagraph (A) the Secretary determines that a violation of paragraph (1) has occurred, the Secretary shall order (I) the person who committed such violation to take affirmative action to abate the violation, (II) such person to reinstate the complainant to his former position together with the compensation (including back pay), terms, conditions, and privileges of his employment, (III) compensatory damages, and (IV) where appropriate, exemplary damages. If such an order is issued, the Secretary, at the request of the complainant, shall assess

December 16, 1974

- 33 -

Pub. Law 93-523

88 STAT. 1693

against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys' fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

"(3) (A) Any person adversely affected or aggrieved by an order issued under paragraph (2) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred. The petition for review must be filed within sixty days from the issuance of the Secretary's order. Review shall conform to chapter 7 of title 5 of the United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the Secretary's order.

Filing of
petition for
review.

5 USC 701.

"(B) An order of the Secretary with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

"(4) Whenever a person has failed to comply with an order issued under paragraph (2) (B), the Secretary shall file a civil action in the United States District Court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief, compensatory, and exemplary damages. Civil actions filed under this paragraph shall be heard and decided expeditiously.

Noncompliance,
civil action.

"(5) Any nondiscretionary duty imposed by this section is enforceable in mandamus proceeding brought under section 1361 of title 28 of the United States Code.

Mandamus pro-
ceeding.

"(6) Paragraph (1) shall not apply with respect to any employee who, acting without direction from his employer (or the employer's agent), deliberately causes a violation of any requirement of this title."

(b) Section 2(f) of the Public Health Service Act is amended by inserting "(1)" after "except that" and by inserting before the semicolon at the end thereof the following: ", and (2) as used in title XIV such term includes Guam, American Samoa, and the Trust Territory of the Pacific Islands".

42 USC 201.

Ante, p. 1661.

RURAL WATER SURVEY

SEC. 3. (a) The Administrator of the Environmental Protection Agency shall (after consultation with the Secretary of Agriculture and the several States) enter into arrangements with public or private entities as may be appropriate to conduct a survey of the quantity, quality, and availability of rural drinking water supplies. Such survey shall include, but not be limited to, the consideration of the number of residents in each rural area—

42 USC 300f
note.

(1) presently being inadequately served by a public or private drinking water supply system, or by an individual home drinking water supply system;

(2) presently having limited or otherwise inadequate access to drinking water;

(3) who, due to the absence or inadequacy of a drinking water supply system, are exposed to an increased health hazard; and

(4) who have experienced incidents of chronic or acute illness, which may be attributed to the absence or inadequacy of a drinking water supply system.

88 STAT. 1694

Report to
President and
Congress.

(b) Such survey shall be completed within eighteen months of the date of enactment of this Act and a final report thereon submitted, not later than six months after the completion of such survey, to the President for transmittal to the Congress. Such report shall include recommendations for improving rural water supplies.

Appropriations.

(c) There are authorized to be appropriated to carry out the provisions of this section \$1,000,000 for the fiscal year ending June 30, 1975; \$2,000,000 for the fiscal year ending June 30, 1976; and \$1,000,000 for the fiscal year ending June 30, 1977.

BOTTLED DRINKING WATER

21 USC 341,
348.

SEC. 4. Chapter IV of the Federal Food, Drug, and Cosmetic Act is amended by adding after section 409 the following new section:

"BOTTLED DRINKING WATER STANDARDS

21 USC 349.

"SEC. 410. Whenever the Administrator of the Environmental Protection Agency prescribes interim or revised national primary drinking water regulations under section 1412 of the Public Health Service Act, the Secretary shall consult with the Administrator and within 180 days after the promulgation of such drinking water regulations either promulgate amendments to regulations under this chapter applicable to bottled drinking water or publish in the Federal Register his reasons for not making such amendments."

Publication
in Federal
Register.

Approved December 16, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-1185 accompanying H.R. 13002 (Comm. on Interstate and Foreign Commerce).

SENATE REPORT No. 93-231 (Comm. on Commerce).

CONGRESSIONAL RECORD:

Vol. 119 (1973): June 22, considered and passed Senate.

Vol. 120 (1974): Nov. 19, considered and passed House, amended, in lieu of H.R. 13002.

Nov. 26, Senate agreed to House amendments with an amendment.

Dec. 3, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:

Vol. 10, No. 51 (1974): Dec. 17, Presidential statement.



Public Law 93-535
93rd Congress, H. R. 8352
December 22, 1974

An Act

88 STAT. 1732

To establish the Cascade Head Scenic-Research Area in the State of Oregon, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide present and future generations with the use and enjoyment of certain ocean headlands, rivers, streams, estuaries, and forested areas, to insure the protection and encourage the study of significant areas for research and scientific purposes, and to promote a more sensitive relationship between man and his adjacent environment, there is hereby established, subject to valid existing rights, the Cascade Head Scenic-Research Area (hereinafter referred to as "the Area") in the Siuslaw National Forest in the State of Oregon.

Sec. 2. The administration, protection, development, and regulation of use of the Area shall be by the Secretary of Agriculture (hereinafter referred to as the "Secretary") in accordance with the laws, rules, and regulations applicable to national forests, in such manner as in his judgment will best contribute to attainment of the purposes of this Act.

Sec. 3. (a) The boundaries of the Area, and the boundaries of the subareas included therein, shall be those shown on the map entitled "Proposed Cascade Head Scenic-Research Area", dated June 1974, which is on file and available for public inspection in the office of the Chief, Forest Service, United States Department of Agriculture: *Provided*, That, from time to time, the Secretary may, after public hearing or other appropriate means for public participation, make adjustments in the boundaries of subareas to reflect changing natural conditions or to provide for more effective management of the Area and each of the subareas in accordance with the purposes and provisions of this Act.

(b) As soon as practicable after the enactment of this Act, the Secretary shall, with provisions for appropriate public participation in the planning process, develop a comprehensive management plan for the Area. Said plan shall prescribe specific management objectives and management controls necessary for the protection, management, and development of the Area and each of the subareas established pursuant to subsection (c) hereof.

(c) Within the Area, the following subareas shall be established and shall be managed in accord with the following primary management objectives which shall be supplemental to the general management objectives applicable to the entire Area:

(1) Estuary and Associated Wetlands Subarea: An area managed to protect and perpetuate the fish and wildlife, scenic, and research-education values, while allowing dispersed recreation use, such as sport fishing, nonmotorized pleasure boating, waterfowl hunting, and other uses which the Secretary determines are compatible with the protection and perpetuation of the unique natural values of the subarea. After appropriate study, breaching of existing dikes may be permitted within the subarea.

(2) Lower Slope-Dispersed Residential Subarea: An area managed to maintain the scenic, soil and watershed, and fish and wildlife values, while allowing dispersed residential occupancy, selective recreation use, and agricultural use.

(3) Upper Timbered Slope and Headlands Subareas: Areas managed to protect the scenic, soil and watershed, and fish and wildlife values while allowing selective recreation and extensive

Cascade Head
Scenic-Re-
search Area,
Oreg.
Establishment.
16 USC 541.

Administration.
16 USC 541a.

Boundaries.
16 USC 541b.

Comprehensive
management
plan.

Subareas,
establishment.

88 STAT. 1733

research-educational activities. Timber harvesting activity may occur in these subareas only when the Secretary determines that such harvesting is to be conducted in connection with research activities or that the preservation of the timber resource is imminently threatened by fire, old age, infestation, or similar natural occurrences.

(4) Coastline and Sand Dune-Spit Subareas: Areas managed to protect and maintain the scenic and wildlife values while allowing selective recreation and extensive research-educational activities.

Siuslaw National Forest, boundary extension.
16 USC 541c.

SEC. 4. (a) The boundaries of the Siuslaw National Forest are hereby extended to include all of the lands lying within the Area as described in accordance with section 3 of this Act which are not within the national forest boundaries on the date of enactment of this Act.

(b) Notwithstanding any other provision of law, any Federal property located on the lands added to the Siuslaw National Forest by this section may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary. Any lands so transferred shall become part of the Siuslaw National Forest.

Lands and waters, acquisition.
16 USC 541d.

SEC. 5. (a) Subject to the provisions of subsection (b) of this subsection, the Secretary is authorized to acquire lands, waters, or interests therein within the Area by donation, purchase, exchange, or otherwise.

(b) Within all subareas of the Area except the estuary and associated wetlands subarea, the Secretary may not acquire any land or interest in land without the consent of the owner or owners so long as the owner or owners use such land for substantially the same purposes and in the same manner as it was used and maintained on June 1, 1974: *Provided, however*, That the Secretary may acquire any land or interest in land without the consent of the owner or owners when such land is in imminent danger of being used for different purposes or in a different manner from the use or uses existing on June 1, 1974. The Secretary shall publish, within one hundred and eighty days of the enactment of this Act, guidelines which shall be used by him to determine what constitutes a substantial change in land use or maintenance for the non-federally-owned lands within the Area. Within the estuary and associated wetlands subarea the Secretary may acquire any land or interest in land without the consent of the owner or owners at any time, after public hearing.

Guidelines, publication.

Hearing.

Notice of proposed change.

(c) At least thirty days prior to any substantial change in the use or maintenance of any non-federally-owned land within the Area, the owner or owners of such land shall provide notice of such proposed change to the Secretary or his designee, in accordance with such guidelines as the Secretary may establish.

Availability of funds.
16 USC 541e.
16 USC 4601-9.

SEC. 6. Notwithstanding the provisions of clause 7(a)(1) of the Act of September 3, 1964 (78 Stat. 903), as amended, moneys appropriated from the Land and Water Conservation Fund shall be available for the acquisition of any lands, waters, or interests therein within the area added to the Siuslaw National Forest by this Act.

16 USC 541f.

SEC. 7. The lands within the Area, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

Advisory council.
16 USC 541g.
5 USC app. I.

SEC. 8. (a) The Secretary, pursuant to the Federal Advisory Committee Act (86 Stat. 770), shall establish an advisory council for the Area, and shall consult on a periodic and regular basis with such coun-

December 22, 1974

- 3 -

Pub. Law 93-535

89 STAT. 1734

Membership.

cil with respect to matters relating to management of the Area. The members of the advisory council, who shall not exceed eleven in number, shall serve for the individual staggered terms of three years each and shall be appointed by the Secretary as follows—

(1) a member to represent each county in which a portion of the Area is located, each such appointee to be designated by the respective governing body of the county involved;

(2) a member appointed to represent the State of Oregon, who shall be designated by the Governor of Oregon; and

(3) not to exceed eight members appointed by the Secretary from among persons who, individually or through association with national or local organizations, have an interest in the administration of the Area.

(b) The Secretary shall designate one member to be chairman and shall fill vacancies in the same manner as the original appointment.

(c) The members shall not receive any compensation for their services as members of the advisory council, but they shall be reimbursed for travel expenses and shall be allowed, as appropriate, per diem or actual subsistence expenses.

Compensation.

(d) In addition to his consultation with the advisory council, the Secretary shall seek the views of other private groups, individuals, and the public, and shall seek the views and assistance of, and cooperate with, all other Federal, State, and local agencies with responsibilities for zoning, planning, migratory fish, waterfowl, and marine animals, water, and natural resources, and all nonprofit agencies and organizations which may contribute information or expertise about the resources, and the management, of the Area, in order that the knowledge, expertise and views of all agencies and groups may contribute affirmatively to the most sensitive present and future use of the Area and its various subareas for the benefit of the public.

SEC. 9. The Secretary shall cooperate with the State of Oregon and political subdivisions thereof in the administration of the Area and in the administration and protection of lands within and adjacent to the Area owned or controlled by the State or political subdivisions thereof. Nothing in this Act shall deprive the State of Oregon or any political subdivision thereof of its right to exercise civil and criminal jurisdiction within the Area consistent with the provisions of this Act, or of its right to tax persons, corporations, franchises or other non-Federal property, in or on the lands or waters within the Area.

State Jurisdiction.
16 USC 541h.

Approved December 22, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-1147 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 93-1089 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 120 (1974):

Aug. 5, considered and passed House.

Aug. 16, considered and passed Senate, amended.

Dec. 3, House concurred in Senate amendment with an amendment.

Dec. 5, Senate concurred in House amendment.



Public Law 93-538
93rd Congress, S. 2363
December 22, 1974

An Act

88 STAT. 1736

To amend chapter 39 of title 38, United States Code, relating to automobiles and adaptive equipment for certain disabled veterans and members of the Armed Forces.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Disabled Veterans' and Servicemen's Automobile and Adaptive Equipment Amendments of 1974".

SEC. 2. Section 1901 of title 38, United States Code, is amended as follows:

(1) by striking out in paragraph (1) all of that part of clause (A) beginning with "World War II," down through the end of such clause, and inserting in lieu thereof "World War II or thereafter:";

(2) by striking out in paragraph (1) all of that part of clause (B) beginning with "World War II," down through the end of such clause, and inserting in lieu thereof "World War II or thereafter.;" and

(3) by amending paragraph (2) to read as follows:

"(2) The term 'adaptive equipment' includes, but is not limited to, power steering, power brakes, power window lifts, power seats, and special equipment necessary to assist the eligible person into and out of the automobile or other conveyance. Such term also includes (A) air-conditioning equipment when such equipment is necessary to the health and safety of the veteran and to the safety of others, regardless of whether the automobile or other conveyance is to be operated by the eligible person or is to be operated for such person by another person; and (B) any modification of the size of the interior space of the automobile or other conveyance if needed because of the physical condition of such person in order for such person to enter or operate the vehicle."

SEC. 3. Section 1902 of such title is amended as follows:

(1) by inserting in subsection (a) "(including all State, local, and other taxes)" after "conveyance" the second time it appears;

(2) by striking out in subsection (a) "\$2,800," and inserting in lieu thereof "\$3,300.;" and

(3) by inserting in subsection (c) (2) "previously or" after "may".

SEC. 4. (a) Section 1903 of such title is amended by adding at the end thereof the following new subsection:

"(e) (1) The Administrator shall provide, directly or by contract, for the conduct of special driver training courses at every hospital and, where appropriate, at regional offices and other medical facilities, of the Veterans' Administration to instruct such eligible person to operate the type of automobile or other conveyance such person wishes to obtain with assistance under this chapter, and may make such courses available to any veteran or member of the Armed Forces, eligible for care under chapter 17 of this title, who is determined by the Administrator to need the special training provided in such courses even though such veteran or member is not eligible for the assistance provided under this chapter.

Disabled Veterans' and Servicemen's Automobile and Adaptive Equipment Amendments of 1974.
38 USC 1901 note.

"Adaptive equipment."

Special driver training courses.

38 USC 601.

88 STAT. 1737

Insurance.

"(2) The Administrator is authorized to obtain insurance on automobiles and other conveyances (not owned by the Government) used in conducting the special driver training courses provided under this subsection and to obtain, at Government expense, personal liability and property damage insurance for all persons taking such courses without regard to whether such persons are taking the course on an in-patient or out-patient basis."

(b) The catchline of such section is amended by adding at the end thereof a semicolon and "**special training courses**".

(c) The table of sections at the beginning of chapter 39 of such title is amended by striking out

"1903. Limitations on assistance."

and inserting in lieu thereof

"1903. Limitations on assistance; special training courses."

SEC. 5. (a) Chapter 39 of such title is further amended by adding at the end thereof the following new section:

38 USC 1904.

"§ 1904. Research and development; coordination with other Federal programs

"(a) In carrying out prosthetic and orthopedic appliance research under section 216 and medical research under section 4101 of this title, the Administrator, through the Chief Medical Director, shall provide for special emphasis on the research and development of adaptive equipment and adapted conveyances (including vans) meeting standards of safety and quality prescribed under subsection (d) of section 1903, including support for the production and distribution of devices and conveyances so developed.

"(b) In carrying out subsection (a) of this section, the Administrator, through the Chief Medical Director, shall consult and cooperate with the Secretary of Health, Education, and Welfare and the Commissioner of the Rehabilitation Services Administration, Department of Health, Education, and Welfare, in connection with programs carried out under section 3(b) of the Rehabilitation Act of 1973 (Public Law 93-112; 87 Stat. 357) (relating to the development and support, and the stimulation of the development and utilization, including production and distribution of new and existing devices, of innovative methods of applying advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems), section 202(b)(2) of such Act (relating to the establishment and support of Rehabilitation Engineering Research Centers), and section 405 of such Act (relating to the Secretarial responsibilities for planning, analysis, promoting utilization of scientific advances, and information clearinghouse activities)."

29 USC 702.

29 USC 762.

29 USC 785.

December 22, 1974

- 3 -

Pub. Law 93-538

88 STAT. 1737

(b) The table of sections at the beginning of such chapter 39 is amended by inserting at the end thereof:

"1904. Research and development; coordination with other Federal programs."

Sec. 6. The provisions of this Act shall become effective on the first day of the second calendar month following the date of enactment, except that clause (3) of section 3 shall take effect on January 11, 1971.

Approved December 22, 1974.

Effective
date.
38 USC 1901
note.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-1494 (Comm. on Veterans' Affairs).
SENATE REPORT No. 93-1276 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 120 (1974):

Oct. 11, considered and passed Senate.
Dec. 9, considered and passed House.



Public Law 93-573
93rd Congress, S. 3976
December 31, 1974

An Act

89 STAT. 1873

To amend title 17 of the United States Code to remove the expiration date for a limited copyright in sound recordings, to increase the criminal penalties for piracy and counterfeiting of sound recordings, to extend the duration of copyright protection in certain cases, to establish a National Commission on New Technological Uses of Copyrighted Works, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Copyrights.

TITLE I—AMEND TITLE 17 UNITED STATES CODE, AND FOR OTHER PURPOSES

SEC. 101. Section 3 of the Act of October 15, 1971 (85 Stat. 391), is amended by striking out "and before January 1, 1975".

17 USC 1
note.

SEC. 102. Section 104 of title 17, United States Code, is amended—

(1) by striking out "Any person" and inserting in lieu thereof "(a) Except as provided in subsection (b), any person"; and

(2) by adding at the end thereof the following new subsection:

"(b) Any person who willfully and for profit shall infringe any copyright provided by section 1(f) of this title, or who should knowingly and willfully aid or abet such infringement, shall be fined not more than \$25,000 or imprisoned not more than one year, or both, for the first offense and shall be fined not more than \$50,000 or imprisoned not more than two years, or both, for any subsequent offense."

Willful in-
fringement,
penalties.

SEC. 103. Section 2318 of title 18, United States Code, is amended by striking out all after "fined" and inserting in lieu thereof "not more than \$25,000 or imprisoned for not more than one year, or both, for the first offense and shall be fined not more than \$50,000 or imprisoned not more than two years, or both, for any subsequent offense."

SEC. 104. In any case in which the renewal term of copyright subsisting in any work on the date of approval of this bill, or the term thereof as extended by Public Law 87-668, by Public Law 89-142, by Public Law 90-141, by Public Law 90-416, by Public Law 91-147, by Public Law 91-555, by Public Law 92-170, or by Public Law 92-566 (or by all or certain of said laws), would expire prior to December 31, 1976, such term is hereby continued until December 31, 1976.

Renewal term,
continuation.
17 USC 24
note.

TITLE II—NATIONAL COMMISSION ON NEW TECHNOLOGICAL USES OF COPYRIGHTED WORKS

ESTABLISHMENT AND PURPOSE OF COMMISSION

SEC. 201. (a) There is hereby created in the Library of Congress a National Commission on New Technological Uses of Copyrighted Works (hereafter called the Commission).

17 USC 201
note.

(b) The purpose of the Commission is to study and compile data on:

(1) the reproduction and use of copyrighted works of authorship—

(A) in conjunction with automatic systems capable of storing, processing, retrieving, and transferring information, and

(B) by various forms of machine reproduction, not including reproduction by or at the request of instructors for use in face-to-face teaching activities; and

(2) the creation of new works by the application or intervention of such automatic systems or machine reproduction.

(c) The Commission shall make recommendations as to such changes

88 STAT. 1874

in copyright law or procedures that may be necessary to assure for such purposes access to copyrighted works, and to provide recognition of the rights of copyright owners.

MEMBERSHIP OF THE COMMISSION

17 USC 201
note.

SEC. 202. (a) The Commission shall be composed of thirteen voting members, appointed as follows:

(1) Four members, to be appointed by the President, selected from authors and other copyright owners;

(2) Four members, to be appointed by the President, selected from users of copyright works;

(3) Four nongovernmental members to be appointed by the President, selected from the public generally, with at least one member selected from among experts in consumer protection affairs;

(4) The Librarian of Congress.

(b) The President shall appoint a Chairman, and a Vice Chairman who shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office, from among the four members selected from the public generally, as provided by clause (3) of subsection (a). The Register of Copyrights shall serve ex officio as a nonvoting member of the Commission.

(c) Seven voting members of the Commission shall constitute a quorum.

(d) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner as the original appointment was made.

COMPENSATION OF MEMBERS OF COMMISSION

17 USC 201
note.

SEC. 203. (a) Members of the Commission, other than officers or employees of the Federal Government, shall receive compensation at the rate of \$100 per day while engaged in the actual performance of Commission duties, plus reimbursement for travel, subsistence, and other necessary expenses in connection with such duties.

(b) Any members of the Commission who are officers or employees of the Federal Government shall serve on the Commission without compensation, but such members shall be reimbursed for travel, subsistence, and other necessary expenses in connection with the performance of their duties.

STAFF

17 USC 201
note.

SEC. 204. (a) To assist in its studies, the Commission may appoint a staff which shall be an administrative part of the Library of Congress. The staff shall be headed by an Executive Director, who shall be responsible to the Commission for the Administration of the duties entrusted to the staff.

(b) The Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed \$100 per day.

EXPENSES OF THE COMMISSION

Appropriation.
17 USC 201
note.

SEC. 205. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title until June 30, 1976.

December 31, 1974

- 3 -

Pub. Law 93-573

89 STAT. 1875

REPORTS

SEC. 206. (a) Within one year after the first meeting of the Commission it shall submit to the President and the Congress a preliminary report on its activities.

Reports to
President
and Congress.
17 USC 201
note.

(b) Within three years after the enactment of this Act the Commission shall submit to the President and the Congress a final report on its study and investigation which shall include its recommendations and such proposals for legislation and administrative action as may be necessary to carry out its recommendations.

(c) In addition to the preliminary report and final report required by this section, the Commission may publish such interim reports as it may determine, including but not limited to consultant's reports, transcripts of testimony, seminar reports, and other Commission findings.

POWERS OF THE COMMISSION

SEC. 207. (a) The Commission or, with the authorization of the Commission, any three or more of its members, may, for the purpose of carrying out the provisions of this title, hold hearings, administer oaths, and require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of documentary material.

17 USC 201
note.

(b) With the consent of the Commission, any of its members may hold any meetings, seminars, or conferences considered appropriate to provide a forum for discussion of the problems with which it is dealing.

TERMINATION

SEC. 208. On the sixtieth day after the date of the submission of its final report, the Commission shall terminate and all offices and employment under it shall expire.

17 USC 201
note.

Approved December 31, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-1581 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 120 (1974):

Sept. 9, considered and passed Senate.

Dec. 19, considered and passed House, amended; Senate concurred in House amendments.



Public Law 93-577
93rd Congress, S. 1283
December 31, 1974

An Act

To establish a national program for research and development in nonnuclear energy sources.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Nonnuclear Energy Research and Development Act of 1974".

STATEMENT OF FINDINGS

SEC. 2. The Congress hereby finds that—

(a) The Nation is suffering from a shortage of environmentally acceptable forms of energy.

(b) Compounding this energy shortage is our past and present failure to formulate a comprehensive and aggressive research and development program designed to make available to American consumers our large domestic energy reserves including fossil fuels, nuclear fuels, geothermal resources, solar energy, and other forms of energy. This failure is partially because the unconventional energy technologies have not been judged to be economically competitive with traditional energy technologies.

(c) The urgency of the Nation's energy challenge will require commitments similar to those undertaken in the Manhattan and Apollo projects; it will require that the Nation undertake a research, development, and demonstration program in nonnuclear energy technologies with a total Federal investment which may reach or exceed \$20,000,000,000 over the next decade.

(d) In undertaking such program, full advantage must be taken of the existing technical and managerial expertise in the various energy fields within Federal agencies and particularly in the private sector.

(e) The Nation's future energy needs can be met if a national commitment is made now to dedicate the necessary financial resources, to enlist our scientific and technological capabilities, and to accord the proper priority to developing new nonnuclear energy options to serve national needs, conserve vital resources, and protect the environment.

STATEMENT OF POLICY

SEC. 3. (a) It is the policy of the Congress to develop on an urgent basis the technological capabilities to support the broadest range of energy policy options through conservation and use of domestic resources by socially and environmentally acceptable means.

(b) (1) The Congress declares the purpose of this Act to be to establish and vigorously conduct a comprehensive, national program of basic and applied research and development, including but not limited to demonstrations of practical applications, of all potentially beneficial energy sources and utilization technologies, within the Energy Research and Development Administration.

(2) In carrying out this program, the Administrator of the Energy Research and Development Administration (hereinafter in this Act referred to as the "Administrator") shall be governed by the terms of this Act and other applicable provisions of law with respect to all non-nuclear aspects of the research, development, and demonstration pro-

Federal Non-
nuclear Energy
Research and
Development
Act of 1974.
42 USC 5901
note.
88 STAT. 1878
88 STAT. 1879

42 USC 5901.

42 USC 5902.

Pub. Law 93-577

- 2 -

December 31, 1974

gram; and the policies and provisions of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), and other provisions of law shall continue to apply to the nuclear research, development, and demonstration program.

88 STAT. 1879

88 STAT. 1880

Ante, p. 1069.Ante, p. 1079.Ante, p. 1431.

(3) In implementing and conducting the research, development, and demonstration programs pursuant to this Act, the Administrator shall incorporate programs in specific nonnuclear technologies previously enacted into law, including those established by the Solar Heating and Cooling Act of 1974 (Public Law 93-409), the Geothermal Energy Research, Development, and Demonstration Act of 1974 (Public Law 93-410), and the Solar Energy Research, Development, and Demonstration Act of 1974 (Public Law 93-473).

DUTIES AND AUTHORITIES OF THE ADMINISTRATOR

42 USC 5903.

SEC. 4. The Administrator shall—

(a) review the current status of nonnuclear energy resources and current nonnuclear energy research and development activities, including research and development being conducted by Federal and non-Federal entities;

(b) formulate and carry out a comprehensive Federal nonnuclear energy research, development, and demonstration program which will expeditiously advance the policies established by this Act and other relevant legislation establishing programs in specific energy technologies;

(c) utilize the funds authorized pursuant to this Act to advance energy research and development by initiating and maintaining, through fund transfers, grants, or contracts, energy research, development and demonstration programs or activities utilizing the facilities, capabilities, expertise, and experience of Federal agencies, national laboratories, universities, nonprofit organizations, industrial entities, and other non-Federal entities which are appropriate to each type of research, development, and demonstration activity;

(d) establish procedures for periodic consultation with representatives of science, industry, environmental organizations, consumers, and other groups who have special expertise in the areas of energy research, development, and technology; and

(e) initiate programs to design, construct, and operate energy facilities of sufficient size to demonstrate the technical and economic feasibility of utilizing various forms of nonnuclear energy.

GOVERNING PRINCIPLES

42 USC 5904.

SEC. 5. (a) The Congress authorizes and directs that the comprehensive program in research, development, and demonstration required by this Act shall be designed and executed according to the following principles:

(1) Energy conservation shall be a primary consideration in the design and implementation of the Federal nonnuclear energy program. For the purposes of this Act, energy conservation means both improvement in efficiency of energy production and use, and reduction in energy waste.

(2) The environmental and social consequences of a proposed program shall be analyzed and considered in evaluating its potential.

(3) Any program for the development of a technology which may require significant consumptive use of water after the technology has reached the stage of commercial application shall

December 31, 1974

- 3 -

Pub. Law 93-577

88 STAT. 1881

include thorough consideration of the impacts of such technology and use on water resources pursuant to the provisions of section 13.

(4) Heavy emphasis shall be given to those technologies which utilize renewable or essentially inexhaustible energy sources.

(5) The potential for production of net energy by the proposed technology at the stage of commercial application shall be analyzed and considered in evaluating proposals.

(b) The Congress further directs that the execution of the comprehensive research, development, and demonstration program shall conform to the following principles:

(1) Research and development of nonnuclear energy sources shall be pursued in such a way as to facilitate the commercial availability of adequate supplies of energy to all regions of the United States.

(2) In determining the appropriateness of Federal involvement in any particular research and development undertaking, the Administrator shall give consideration to the extent to which the proposed undertaking satisfies criteria including, but not limited to, the following:

(A) The urgency of public need for the potential results of the research, development, or demonstration effort is high, and it is unlikely that similar results would be achieved in a timely manner in the absence of Federal assistance.

(B) The potential opportunities for non-Federal interests to recapture the investment in the undertaking through the normal commercial utilization of proprietary knowledge appear inadequate to encourage timely results.

(C) The extent of the problems treated and the objectives sought by the undertaking are national or widespread in their significance.

(D) There are limited opportunities to induce non-Federal support of the undertaking through regulatory actions, end use controls, tax and price incentives, public education, or other alternatives to direct Federal financial assistance.

(E) The degree of risk of loss of investment inherent in the research is high, and the availability of risk capital to the non-Federal entities which might otherwise engage in the field of the research is inadequate for the timely development of the technology.

(F) The magnitude of the investment appears to exceed the financial capabilities of potential non-Federal participants in the research to support effective efforts.

COMPREHENSIVE PLANNING AND PROGRAMMING

SEC. 6. (a) Pursuant to the authority and directions of this Act and the Energy Reorganization Act of 1974 (Public Law 93-438), the Administrator shall transmit to the Congress, on or before June 30, 1975, a comprehensive plan for energy research, development, and demonstration. This plan shall be appropriately revised annually as provided in section 15(a). Such plan shall be designed to achieve—

(1) solutions to immediate and short-term (to the early 1980's) energy supply system and associated environmental problems;

(2) solutions to middle-term (the early 1980's to 2000) energy supply system and associated environmental problems; and

(3) solutions to long-term (beyond 2000) energy supply system and associated environmental problems.

(b)(1) Based on the comprehensive energy research, development, and demonstration plan developed under subsection (a), the Adminis-

Plan, trans-
mittal to
Congress.
42 USC 5905.
Ante, p. 1233.

Program, trans-
mittal to
Congress.

trator shall develop and transmit to the Congress, on or before June 30, 1975, a comprehensive nonnuclear energy research, development, and demonstration program to implement the nonnuclear research, development, and demonstration aspects of the comprehensive plan.

(2) This program shall be designed to achieve solutions to the energy supply and associated environmental problems in the immediate and short-term (to the early 1980's), middle-term (the early 1980's to 2000), and long-term (beyond 2000) time intervals. In formulating the nonnuclear aspects of this program, the Administrator shall evaluate the economic, environmental, and technological merits of each aspect of the program.

(3) The Administrator shall assign program elements and activities in specific nonnuclear energy technologies to the short-term, middle-term, and long-term time intervals, and shall present full and complete justification for these assignments and the degree of emphasis for each. These program elements and activities shall include, but not be limited to, research, development, and demonstrations designed—

(A) to advance energy conservation technologies, including but not limited to—

(i) productive use of waste, including garbage, sewage, agricultural wastes, and industrial waste heat;

(ii) reuse and recycling of materials and consumer products;

(iii) improvements in automobile design for increased efficiency and lowered emissions, including investigation of the full range of alternatives to the internal combustion engine and systems of efficient public transportation; and

(iv) advanced urban and architectural design to promote efficient energy use in the residential and commercial sectors, improvements in home design and insulation technologies, small thermal storage units and increased efficiency in electrical appliances and lighting fixtures;

(B) to accelerate the commercial demonstration of technologies for producing low-sulfur fuels suitable for boiler use;

(C) to demonstrate improved methods for the generation, storage, and transmission of electrical energy through (i) advances in gas turbine technologies, combined power cycles, the use of low British thermal unit gas and, if practicable, magnetohydrodynamics; (ii) storage systems to allow more efficient load following, including the use of inertial energy storage systems; and (iii) improvement in cryogenic transmission methods;

(D) to accelerate the commercial demonstration of technologies for producing substitutes for natural gas, including coal gasification: *Provided*, That the Administrator shall invite and consider proposals from potential participants based upon Federal assistance and participation in the form of a joint Federal-industry corporation, and recommendations pursuant to this clause shall be accompanied by a report on the viability of using this form of Federal assistance or participation;

(E) to accelerate the commercial demonstration of technologies for producing syncrude and liquid petroleum products from coal: *Provided*, That the Administrator shall invite and consider proposals from potential participants based upon Federal assistance and participation through guaranteed prices or purchase of the products, and recommendations pursuant to this clause shall be accompanied by a report on the viability of using this form of Federal assistance or participation;

(F) in accordance with the program authorized by the Geothermal Energy Research, Development, and Demonstration Act

December 31, 1974

- 5 -

Pub. Law 93-577

88 STAT. 1883

of 1974 (Public Law 93-410), to accelerate the commercial demonstration of geothermal energy technologies;

Ante, p. 1079.

(G) to demonstrate the production of syncrude from oil shale by all promising technologies including in situ technologies;

(H) to demonstrate new and improved methods for the extraction of petroleum resources, including secondary and tertiary recovery of crude oil;

(I) to demonstrate the economics and commercial viability of solar energy for residential and commercial energy supply applications in accordance with the program authorized by the Solar Heating and Cooling Act of 1974 (Public Law 93-409);

Ante, p. 1069.

(J) to accelerate the commercial demonstration of environmental control systems for energy technologies developed pursuant to this Act;

(K) to investigate the technical and economic feasibility of tidal power for supplying electrical energy;

(L) to commercially demonstrate advanced solar energy technologies in accordance with the Solar Research, Development, and Demonstration Act of 1974 (Public Law 93-473);

Ante, p. 1431.

(M) to determine the economics and commercial viability of the production of synthetic fuels such as hydrogen and methanol;

(N) to commercially demonstrate the use of fuel cells for central station electric power generation;

(O) to determine the economics and commercial viability of in situ coal gasification;

(P) to improve techniques for the management of existing energy systems by means of quality control; application of systems analysis, communications, and computer techniques; and public information with the objective of improving the reliability and efficiency of energy supplies and encourage the conservation of energy resources; and

(Q) to improve methods for the prevention and cleanup of marine oil spills.

FORMS OF FEDERAL ASSISTANCE

SEC. 7. (a) In carrying out the objectives of this Act, the Administrator may utilize various forms of Federal assistance and participation which may include but are not limited to—

42 USC 5906.

(1) joint Federal-industry experimental, demonstration, or commercial corporations consistent with the provisions of subsection (b) of this section;

(2) contractual arrangements with non-Federal participants including corporations, consortia, universities, governmental entities and nonprofit institutions;

(3) contracts for the construction and operation of federally owned facilities;

(4) Federal purchases or guaranteed price of the products of demonstration plants or activities consistent with the provisions of subsection (c) of the section;

(5) Federal loans to non-Federal entities conducting demonstrations of new technologies; and

(6) incentives, including financial awards, to individual inventors, such incentives to be designed to encourage the participation of a large number of such inventors.

(b) Joint Federal-industry corporations proposed for congressional authorization pursuant to this Act shall be subject to the provisions of section 9 of this Act and shall conform to the following guidelines except as otherwise authorized by Congress:

Joint Federal-industry, corporations, guidelines.

(1) Each such corporation may design, construct, operate, and maintain one or more experimental, demonstration, or commercial-size facilities, or other operations which will ascertain the technical, environmental, and economic feasibility of a particular energy technology. In carrying out this function, the corporation shall be empowered, either directly or by contract, to utilize commercially available technologies, perform tests, or design, construct, and operate pilot plants, as may be necessary for the design of the full-scale facility.

(2) Each corporation shall have—

(A) a Board of nine directors consisting of individuals who are citizens of the United States, of whom one shall be elected annually by the Board to serve as Chairman. The Board shall be empowered to adopt and amend bylaws. Five members of the Board shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and four members of the Board shall be appointed by the President on the basis of recommendations received by him from any non-Federal entity or entities entering into contractual arrangements to participate in the corporation;

(B) a President and such other officers and employees as may be named and appointed by the Board (with the rates of compensation of all officers and employees being fixed by the Board); and

(C) the usual powers conferred upon corporations by the laws of the District of Columbia.

(3) An appropriate time interval, not to exceed 12 years, shall be established for the term of Federal participation in the corporation, at the expiration of which the Board of Directors shall take such action as may be necessary to dissolve the corporation or otherwise terminate Federal participation and financial interests. In carrying out such dissolution, the Board of Directors shall dispose of all physical facilities of the corporation in such manner and subject to such terms and conditions as the Board determines are in the public interest and consistent with existing law; and a share of the appraised value of the corporate assets proportional to the Federal participation in the corporation, including the proceeds from the disposition of such facilities, on the date of its dissolution, after satisfaction of all its legal obligations, shall be made available to the United States and deposited in the Treasury of the United States as miscellaneous receipts. All patent rights of the corporation shall, on such date of dissolution, be vested in the Administrator: *Provided*, That Federal participation may be terminated prior to the time established in the authorizing Act upon recommendation of the Board of Directors.

(4) Any commercially valuable product produced by demonstration facilities shall be disposed of in such manner and under such terms and conditions as the corporation shall prescribe. All revenues received by the corporation from the sale of such products shall be available to the corporation for use by it in defraying expenses incurred in connection with carrying out its functions to which this Act applies.

(5) The estimated Federal share of the construction, operation, and maintenance cost over the life of each corporation shall be determined in order to facilitate a single congressional authorization of the full amount at the time of establishment of the corporation.

(6) The Federal share of the cost of each such corporation shall reflect (A) the technical and economic risk of the venture, (B) the

probability of any financial return to the non-Federal participants arising from the venture, (C) the financial capability of the potential non-Federal participants, and (D) such other factors as the Administrator may set forth in proposing the corporation: *Provided*, That in no instance shall the Federal share exceed 90 per centum of the cost.

(7) (A) Prior to the establishment of any joint Federal-industry corporation pursuant to this Act, the Administrator shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate, and to the appropriate committees of the House of Representatives and the Senate a report setting forth in detail the consistency of the establishment of the corporation with the principles and directives set forth in section 5 and this section, and the proposed purpose and planned activities of the corporation.

Report to
Speaker of the
House, Presi-
dent pro tem-
pore, and
congressional
committees.

(B) No such corporation shall be established unless previously authorized by specific legislation enacted by the Congress.

(c) Competitive systems of price supports proposed for congressional authorization pursuant to this Act shall conform to the following guidelines:

Price support
systems,
guidelines.

(1) The Administrator shall determine the types and capacities of the desired full-scale, commercial-size facility or other operation which would demonstrate the technical, environmental, and economic feasibility of a particular nonnuclear energy technology.

(2) The Administrator may award planning grants for the purpose of financing a study of the full cycle economic and environmental costs associated with the demonstration facility selected pursuant to paragraph (1) of this subsection. Such planning grants may be awarded to Federal and non-Federal entities including, but not limited to, industrial entities, universities, and nonprofit organizations. Such planning grants may also be used by the grantee to prepare a detailed and comprehensive bid to construct the demonstration facility.

(3) Following the completion of the studies pursuant to the planning grants awarded under paragraph (2) of this subsection regarding each such potential price supported demonstration facility for which the Administrator intends to request congressional authorization, he shall invite bids from all interested parties to determine the minimum amount of Federal price support needed to construct the demonstration facility. The Administrator may designate one or more competing entities, each to construct one commercial demonstration facility. Such designation shall be made on the basis of those entities, (A) commitment to construct the demonstration facility at the minimum level of Federal price supports, (B) detailed plan of environmental protection, and (C) proposed design and operation of the demonstration facility.

(4) The construction plans and actual construction of the demonstration facility, together with all related facilities, shall be monitored by the Environmental Protection Agency. If additional environmental requirements are imposed by the Administrator after the designation of the successful bidders and if such additional environmental requirements result in additional costs, the Administrator is authorized to renegotiate the support price to cover such additional costs.

(5) The estimated amount of the Federal price support for a demonstration facility's product over the life of such facility shall

be determined by the Administrator to facilitate a single congressional authorization of the full amount of such support at the time of the designation of the successful bidders.

(6) No price support program shall be implemented unless previously authorized by specific legislation enacted by the Congress.

(d) Nothing in this section shall preclude Federal participation in, and support for, joint university-industry nonnuclear energy research efforts.

DEMONSTRATIONS

42 USC 5907.

SEC. 8. (a) The Administrator is authorized to—

(1) identify opportunities to accelerate the commercial applications of new energy technologies, and provide Federal assistance for or participation in demonstration projects (including pilot plants demonstrating technological advances and field demonstrations of new methods and procedures, and demonstrations of prototype commercial applications for the exploration, development, production, transportation, conversion, and utilization of energy resources); and

(2) enter into cooperative agreements with non-Federal entities to demonstrate the technical feasibility and economic potential of energy technologies on a prototype or full-scale basis.

(b) In reviewing potential projects, the Administrator shall consider criteria including but not limited to—

(1) the anticipated, research, development, and application objectives to be achieved by the activities or facilities proposed;

(2) the economic, environmental, and societal significance which a successful demonstration may have for the national fuels and energy system;

(3) the relationship of the proposal to the criteria of priority set forth in section 5(b)(2);

(4) the availability of non-Federal participants to construct and operate the facilities or perform the activities associated with the proposal and to contribute to the financing of the proposal;

(5) the total estimated cost including the Federal investment and the probable time schedule;

(6) the proposed participants and the proposed financial contributions of the Federal Government and of the non-Federal participants; and

(7) the proposed cooperative arrangement, agreements among the participants, and form of management of the activities.

(c)(1) A financial award under this section may be made only to the extent of the Federal share of the estimated total design and construction costs, plus operation and maintenance costs.

(2) For the purposes of this Act the non-Federal share may be in any form, including, but not limited to, lands or interests therein needed for the project or personal property or services, the value of which shall be determined by the Administrator.

Regulations.

(d)(1) The Administrator shall, within six months of enactment of this Act, promulgate regulations establishing procedures for submission of proposals to the Energy Research and Development Administration for the purposes of this Act. Such regulations shall establish a procedure for selection of proposals which—

(A) provides that projects will be carried out under such conditions and varying circumstances as will assist in solving energy extraction, transportation, conversion, conservation, and end-use problems of various areas and regions, under representative geological, geographic, and environmental conditions; and

(B) provides time schedules for submission of, and action on, proposal requests for the purposes of implementing the goals and objectives of this Act.

December 31, 1974

- 9 -

Pub. Law 93-577

88 STAT. 1887

(2) Such regulations also shall specify the types and form of the information, data, and support documentation that are to be contained in proposals for each form of Federal assistance or participation set forth in subsection 7(a) : *Provided*, That such proposals to the extent possible shall include, but not be limited to—

- (A) specification of the technology;
- (B) description of prior pilot plant operating experience with the technology;
- (C) preliminary design of the demonstration plant;
- (D) time tables containing proposed construction and operation plans;
- (E) budget-type estimates of construction and operating costs;
- (F) description and proof of title to land for proposed site, natural resources, electricity and water supply and logistical information related to access to raw materials to construct and operate the plant and to dispose of salable products produced from the plant;
- (G) analysis of the environmental impact of the proposed plant and plans for disposal of wastes resulting from the operation of the plant;
- (H) plans for commercial use of the technology if the demonstration is successful;
- (I) plans for continued use of the plant if the demonstration is successful; and
- (J) plans for dismantling of the plant if the demonstration is unsuccessful or otherwise abandoned.

(3) The Administrator shall from time to time review and, as appropriate, modify and repromulgate regulations issued pursuant to this section.

(e) If the estimate of the Federal investment with respect to construction costs of any demonstration project proposed to be established under this section exceeds \$50,000,000, no amount may be appropriated for such project except as specifically authorized by legislation hereafter enacted by the Congress.

(f) If the total estimated amount of the Federal contribution to the construction cost of a demonstration project does not exceed \$50,000,000, the Administrator is authorized to proceed with the negotiation of agreements and implementation of the proposal subject to the availability of funds under the authorization of appropriations pursuant to section 16: *Provided*, That if such Federal contribution to the construction cost is estimated to exceed \$25,000,000 the Administrator shall provide a full and comprehensive report on the proposed demonstration project to the appropriate committees of the Congress and no funds may be expended for any agreement under the authority granted by this section prior to the expiration of sixty calendar days (not including any day on which either House of Congress is not in session because of an adjournment of more than three calendar days to a day certain) from the date on which the Administrator's report on the proposed project is received by the Congress. Such reports shall contain an analysis of the extent to which the proposed demonstration satisfies the criteria specified in subsection (b) of this section.

Report to
congressional
committees.

PATENT POLICY

SEC. 9. (a) Whenever any invention is made or conceived in the course of or under any contract of the Administration, other than nuclear energy research, development, and demonstration pursuant to the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) and the Administrator determines that—

42 USC 5908.

- (1) the person who made the invention was employed or assigned to perform research, development, or demonstration

work and the invention is related to the work he was employed or assigned to perform, or that it was within the scope of his employment duties, whether or not it was made during working hours, or with a contribution by the Government of the use of Government facilities, equipment, materials, allocated funds, information proprietary to the Government, or services of Government employees during working hours; or

(2) the person who made the invention was not employed or assigned to perform research, development, or demonstration work, but the invention is nevertheless related to the contract or to the work or duties he was employed or assigned to perform, and was made during working hours, or with a contribution from the Government of the sort referred to in clause (1).

title to such invention shall vest in the United States, and if patents on such invention are issued they shall be issued to the United States, unless in particular circumstances the Administrator waives all or any part of the rights of the United States to such invention in conformity with the provisions of this section.

Report.

(b) Each contract entered into by the Administration with any person shall contain effective provisions under which such person shall furnish promptly to the Administration a written report containing full and complete technical information concerning any invention, discovery, improvement, or innovation which may be made in the course of or under such contract.

Waiver of rights.

(c) Under such regulations in conformity with the provisions of this section as the Administrator shall prescribe, the Administrator may waive all or any part of the rights of the United States under this section with respect to any invention or class of inventions made or which may be made by any person or class of persons in the course of or under any contract of the Administration if he determines that the interests of the United States and the general public will best be served by such waiver. The Administration shall maintain a publicly available, periodically updated record of waiver determinations. In making such determinations, the Administrator shall have the following objectives:

(1) Making the benefits of the energy research, development, and demonstration program widely available to the public in the shortest practicable time.

(2) Promoting the commercial utilization of such inventions.

(3) Encouraging participation by private persons in the Administration's energy research, development, and demonstration program.

(4) Fostering competition and preventing undue market concentration or the creation or maintenance of other situations inconsistent with the antitrust laws.

(d) In determining whether a waiver to the contractor at the time of contracting will best serve the interests of the United States and the general public, the Administrator shall specifically include as considerations—

(1) the extent to which the participation of the contractor will expedite the attainment of the purposes of the program;

(2) the extent to which a waiver of all or any part of such rights in any or all fields of technology is needed to secure the participation of the particular contractor;

(3) the extent to which the contractor's commercial position may expedite utilization of the research, development, and demonstration program results;

(4) the extent to which the Government has contributed to the field of technology to be funded under the contract;

(5) the purpose and nature of the contract, including the intended use of the results developed thereunder;

(6) the extent to which the contractor has made or will make substantial investment of financial resources or technology developed at the contractor's private expense which will directly benefit the work to be performed under the contract;

(7) the extent to which the field of technology to be funded under the contract has been developed at the contractor's private expense;

(8) the extent to which the Government intends to further develop to the point of commercial utilization the results of the contract effort;

(9) the extent to which the contract objectives are concerned with the public health, public safety, or public welfare;

(10) the likely effect of the waiver on competition and market concentration; and

(11) in the case of a nonprofit educational institution, the extent to which such institution has a technology transfer capability and program, approved by the Administrator as being consistent with the applicable policies of this section.

(c) In determining whether a waiver to the contractor or inventor of rights to an identified invention will best serve the interests of the United States and the general public, the Administrator shall specifically include as considerations paragraphs (4) through (11) of subsection (d) as applied to the invention and—

(1) the extent to which such waiver is a reasonable and necessary incentive to call forth private risk capital for the development and commercialization of the invention; and

(2) the extent to which the plans, intentions, and ability of the contractor or inventor will obtain expeditious commercialization of such invention.

(f) Whenever title to an invention is vested in the United States, there may be reserved to the contractor or inventor—

(1) a revocable or irrevocable nonexclusive, paid-up license for the practice of the invention throughout the world; and

(2) the rights to such invention in any foreign country where the United States has elected not to secure patent rights and the contractor elects to do so, subject to the rights set forth in paragraphs (2), (3), (6), and (7) of subsection (h): *Provided*, That when specifically requested by the Administration and three years after issuance of such a patent, the contractor shall submit the report specified in subsection (h) (1) of this section.

(g) (1) Subject to paragraph (2) of this subsection, the Administrator shall determine and promulgate regulations specifying the terms and conditions upon which licenses may be granted in any invention to which title is vested in the United States.

Licenses,
regulations.

(2) Pursuant to paragraph (1) of this subsection, the Administrator may grant exclusive or partially exclusive licenses in any invention only if, after notice and opportunity for hearing, it is determined that—

Hearing.

(A) the interests of the United States and the general public will best be served by the proposed license, in view of the applicant's intentions, plans, and ability to bring the invention to the point of practical or commercial applications;

(B) the desired practical or commercial applications have not been achieved, or are not likely expeditiously to be achieved, under any nonexclusive license which has been granted, or which may be granted, on the invention;

(C) exclusive or partially exclusive licensing is a reasonable and necessary incentive to call forth risk capital and expenses

to bring the invention to the point of practical or commercial applications; and

(D) the proposed terms and scope of exclusivity are not substantially greater than necessary to provide the incentive for bringing the invention to the point of practical or commercial applications and to permit the licensee to recoup its costs and a reasonable profit thereon:

Provided, That, the Administrator shall not grant such exclusive or partially exclusive license if he determines that the grant of such license will tend substantially to lessen competition or result in undue concentration in any section of the country in any line of commerce to which the technology to be licensed relates. The Administration shall maintain a publicly available, periodically updated record of determinations to grant such licenses.

(h) Each waiver of rights or grant of an exclusive or partially exclusive license shall contain such terms and conditions as the Administrator may determine to be appropriate for the protection of the interests of the United States and the general public, including provisions for the following:

(1) Periodic written reports at reasonable intervals, and when specifically requested by the Administration, on the commercial use that is being made or is intended to be made of the invention.

(2) At least an irrevocable, nonexclusive, paid-up license to make, use, and sell the invention throughout the world by or on behalf of the United States (including any Government agency) and States and domestic municipal governments, unless the Administrator determines that it would not be in the public interest to acquire the license for the States and domestic municipal governments.

(3) The right in the United States to sublicense any foreign government pursuant to any existing or future treaty or agreement if the Administrator determines it would be in the national interest to acquire this right.

(4) The reservation in the United States of the rights to the invention in any country in which the contractor does not file an application for patent within such time as the Administration shall determine.

(5) The right in the Administrator to require the granting of a nonexclusive, exclusive, or partially exclusive license to a responsible applicant or applicants, upon terms reasonable under the circumstances, (A) to the extent that the invention is required for public use by governmental regulations, or (B) as may be necessary to fulfill health, safety, or energy needs, or (C) for such other purposes as may be stipulated in the applicable agreement.

(6) The right in the Administrator to terminate such waiver or license in whole or in part unless the recipient of the waiver or license demonstrates to the satisfaction of the Administrator that he has taken effective steps, or within a reasonable time thereafter is expected to take such steps, necessary to accomplish substantial utilization of the invention.

(7) The right in the Administrator, commencing three years after the grant of a license and four years after a waiver is effective as to an invention, to require the granting of a nonexclusive or partially exclusive license to a responsible applicant or applicants, upon terms reasonable under the circumstances, and in appropriate circumstances to terminate the waiver or license in whole or in part, following a hearing upon notice thereof to the public, upon a petition by an interested person justifying such hearing—

Waiver,
terms and
conditions.

December 31, 1974

- 13 -

Pub. Law 93-577

88 STAT. 1891

(A) if the Administrator determines, upon review of such material as he deems relevant, and after the recipient of the waiver or license, or other interested person, has had the opportunity to provide such relevant and material information as the Administrator may require, that such waiver or license has tended substantially to lessen competition or to result in undue concentration in any section of the country in any line of commerce to which the technology relates; or

(B) unless the recipient of the waiver or license demonstrates to the satisfaction of the Administrator at such hearing that he has taken effective steps, or within a reasonable time thereafter is expected to take such steps, necessary to accomplish substantial utilization of the invention.

(i) The Administrator shall provide an annual periodic notice to the public in the Federal Register, or other appropriate publication, of the right to have a hearing as provided by subsection (h) (7) of this section, and of the availability of the records of determinations provided in this section. Publication in
Federal Register.

(j) The Administrator shall, in granting waivers or licenses, consider the small business status of the applicant.

(k) The Administrator is authorized to take all suitable and necessary steps to protect any invention or discovery to which the United States holds title, and to require that contractors or persons who acquire rights to inventions under this section protect such inventions.

(l) The Administration shall be considered a defense agency of the United States for the purpose of chapter 17 of title 35 of the United States Code. 35 USC 181.
Definitions.

(m) As used in this section—

(1) the term "person" means any individual, partnership, corporation, association, institution, or other entity;

(2) the term "contract" means any contract, grant, agreement, understanding, or other arrangement, which includes research, development, or demonstration work, and includes any assignment, substitution of parties, or subcontract executed or entered into thereunder;

(3) the term "made", when used in relation to any invention, means the conception or first actual reduction to practice of such invention;

(4) the term "invention" means inventions or discoveries, whether patented or unpatented; and

(5) the term "contractor" means any person having a contract with or on behalf of the Administration.

(n) Within twelve months after the date of the enactment of this Act, the Administrator with the participation of the Attorney General, the Secretary of Commerce, and other officials as the President may designate, shall submit to the President and the appropriate congressional committees a report concerning the applicability of existing patent policies affecting the programs under this Act, along with his recommendations for amendments or additions to the statutory patent policy, including his recommendations on mandatory licensing, which he deems advisable for carrying out the purposes of this Act. Report, sub-
mittal to
President
and con-
gressional
committees.

RELATIONSHIP TO ANTITRUST LAWS

SEC. 10. (a) Nothing in this Act shall be deemed to convey to any individual, corporation, or other business organization immunity from civil or criminal liability, or to create defenses to actions, under the antitrust laws.

42 USC 5909.

(b) As used in this section, the term "antitrust law" means—

"Antitrust law."

88 STAT. 1892

(1) the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890 (15 U.S.C. 1 et seq.), as amended;

(2) the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (15 U.S.C. 12 et seq.) as amended;

15 USC 58.

(3) the Federal Trade Commission Act (15 U.S.C. 41 et seq.), as amended;

(4) sections 73 and 74 of the Act entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes", approved August 27, 1894 (15 U.S.C. 8 and 9), as amended; and

(5) the Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a).

ENVIRONMENTAL EVALUATION

42 USC 5910.

SEC. 11. (a) The Council on Environmental Quality is authorized and directed to carry out a continuing analysis of the effect of application of nonnuclear energy technologies to evaluate—

(1) the adequacy of attention to energy conservation methods; and

(2) the adequacy of attention to environmental protection and the environmental consequences of the application of energy technologies.

(b) The Council on Environmental Quality, in carrying out the provisions of this section, may employ consultants or contractors and may by fund transfer employ the services of other Federal agencies for the conduct of studies and investigations.

Hearings.

(c) The Council on Environmental Quality shall hold annual public hearings on the conduct of energy research and development and the probable environmental consequences of trends in the development and application of energy technologies. The transcript of the hearings shall be published and made available to the public.

Transcript,
availability.Report to
President,
Administra-
tor, and
Congress.

(d) The Council on Environmental Quality shall make such reports to the President, the Administrator, and the Congress as it deems appropriate concerning the conduct of energy research and development. The President as a part of the annual Environmental Policy Report required by section 201 of the National Environmental Policy Act of 1969 (42 U.S.C. 4341) shall set forth the findings of the Council on Environmental Quality concerning the probable environmental consequences of trends in the development and application of energy technologies.

ACQUISITION OF ESSENTIAL MATERIALS

42 USC 5911.

SEC. 12. (a) The President may, by rule or order, require the allocation of, or the performance under contracts or orders (other than contracts of employment) relating to, supplies of materials and equipment if he finds that—

(1) such supplies are scarce, critical, and essential to carry out the purposes of this Act; and

(2) such supplies cannot reasonably be obtained without exercising the authority granted by this section.

(b) The President shall transmit any rule or order proposed under subsection (a) of this section (bearing an identification number) to each House of Congress on the date on which it is proposed. If such proposed rule or order is transmitted to the Congress such proposed

Proposed
rule or
order,
trans-
mittal to
Congress.

December 31, 1974

- 15 -

Pub. Law 93-577

88 STAT. 1893

rule or order shall take effect at the end of the first period of thirty calendar days of continuous session of Congress after the date on which such proposed rule or order is transmitted to it unless, between the date of transmittal and the end of the thirty day period, either House passes a resolution stating in substance that such House does not favor such a proposed rule or order.

WATER RESOURCE EVALUATION

Sec. 13. (a) At the request of the Administrator, the Water Resources Council shall undertake assessments of water resource requirements and water supply availability for any nonnuclear energy technology and any probable combinations of technologies which are the subject of Federal research and development efforts authorized by this Act, and the commercial development of which could have significant impacts on water resources. In the preparation of its assessment, the Council shall— 42 USC 5912.

(1) utilize to the maximum extent practicable data on water supply and demand available in the files of member agencies of the Council;

(2) collect and compile any additional data it deems necessary for complete and accurate assessments;

(3) give full consideration to the constraints upon availability imposed by treaty, compact, court decree, State water laws, and water rights granted pursuant to State and Federal law;

(4) assess the effects of development of such technology on water quality;

(5) include estimates of cost associated with production and management of the required water supply, and the cost of disposal of waste water generated by the proposed facility or process;

(6) assess the environmental, social, and economic impact of any change in use of currently utilized water resource that may be required by the proposed facility or process; and

(7) consult with the Council on Environmental Quality.

(b) For any proposed demonstration project which may involve a significant impact on water resources, the Administrator shall, as a precondition of Federal assistance to that project, prepare or have prepared an assessment of the availability of adequate water resources. A report on the assessment shall be published in the Federal Register for public review thirty days prior to the expenditure of Federal funds on the demonstration. Publication in Federal Register.

(c) For any proposed Federal assistance for commercial application of energy technologies pursuant to this Act, the Water Resource Council shall, as a precondition of such Federal assistance, provide to the Administrator an assessment of the availability of adequate water resources for such commercial application and an evaluation of the environmental, social, and economic impacts of the dedication of water to such uses.

(d) Reports of assessments and evaluations prepared by the Council pursuant to subsections (a) and (c) shall be published in the Federal Register and at least ninety days shall be provided for public review and comment. Comments received shall accompany the reports when they are submitted to the Administrator and shall be available to the public. Publication in Federal Register.

(e) The Council shall include a broad survey and analysis of regional and national water resource availability for energy development in the biennial assessment required by section 102(a) of the Water Resources Planning Act (42 U.S.C. 1962a-1(a)).

ENERGY-RELATED INVENTIONS

42 USC 5913.

Regulations.

SEC. 14. The National Bureau of Standards shall give particular attention to the evaluation of all promising energy-related inventions, particularly those submitted by individual inventors and small companies for the purpose of obtaining direct grants from the Administrator. The National Bureau of Standards is authorized to promulgate regulations in the furtherance of this section.

REPORTS TO CONGRESS

42 USC 5914.

SEC. 15. (a) Concurrent with the submission of the President's annual budget to the Congress, the Administrator shall submit to the Congress each year—

(1) a report detailing the activities carried out pursuant to this Act during the preceding fiscal year;

(2) a detailed description of the comprehensive plan for nuclear and nonnuclear energy research, development, and demonstration then in effect under section 6(a); and

(3) a detailed description of the comprehensive nonnuclear research, development, and demonstration program then in effect under section 6(b) including its program elements and activities, setting forth such modifications in the comprehensive plan referred to in clause (2) and the comprehensive program referred to in clause (3) as may be necessary to revise appropriately such plan and program in the light of the activities referred to in clause (1) and any changes in circumstances which may have occurred since the last previous report under this subsection.

(b) The description of the comprehensive nonnuclear research, development, and demonstration program submitted under subsection (a) (2) shall include a statement setting forth—

(1) the anticipated research, development, and application objectives to be achieved by the proposed program;

(2) the economic, environmental, and societal significance which the proposed program may have;

(3) the total estimated cost of individual program items;

(4) the estimated relative financial contributions of the Federal Government and non-Federal participants in the research and development program;

(5) the relationship of the proposed program to any Federal national energy or fuel policies; and

(6) the relationship of any short-term undertakings and expenditures to long-range goals.

(c) The reports required by subsections (a) and (b) of this section will satisfy the reporting requirements of section 307(a) of the Energy Reorganization Act of 1974 (Public Law 93-438) insofar as is concerned activities, goals, priorities, and plans of the Energy Research and Development Administration pertaining to nonnuclear energy.

Ante, p. 1251.

APPROPRIATION AUTHORIZATION

42 USC 5915.

SEC. 16. (a) There may be appropriated to the Administrator to carry out the purposes of this Act such sums as may be authorized in annual authorization Acts.

(b) Of the amounts appropriated pursuant to subsection (a) of this section—

(1) \$500,000 annually shall be made available by fund transfer to the Council on Environmental Quality for the purposes authorized by section 11; and

December 31, 1974 - 17 - Pub. Law 93-577

88 STAT. 1895

(2) not to exceed \$1,000,000 annually shall be made available by fund transfer to the Water Resources Council for the purposes authorized by section 13.

(c) There also may be appropriated to the Administrator by separate Acts such amounts as are required for demonstration projects for which the total Federal contribution to construction costs exceeds \$50,000,000.

Approved December 31, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-1157 accompanying H.R. 13565 (Comm. on Interior and Insular Affairs) and No. 93-1563 (Comm. of Conference).

SENATE REPORT No. 93-589 (Comm. on Interior and Insular Affairs).

CONGRESSIONAL RECORD:

Vol. 119 (1973): Dec. 5-7, considered and passed Senate.

Vol. 120 (1974): Aug. 22, Sept. 11, considered and passed House, amended, in lieu of H. R. 13565.

Dec. 16, House agreed to conference report.

Dec. 17, Senate agreed to conference report.



Public Law 93-633
93rd Congress, H. R. 15223
January 3, 1975

An Act

88 STAT. 2156

To regulate commerce by improving the protections afforded the public against risks connected with the transportation of hazardous materials, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Transportation Safety Act of 1974".

TITLE I—HAZARDOUS MATERIALS

SHORT TITLE

Sec. 101. This title may be cited as the "Hazardous Materials Transportation Act".

DECLARATION OF POLICY

Sec. 102. It is declared to be the policy of Congress in this title to improve the regulatory and enforcement authority of the Secretary of Transportation to protect the Nation adequately against the risks to life and property which are inherent in the transportation of hazardous materials in commerce.

DEFINITIONS

Sec. 103. As used in this title, the term—

(1) "commerce" means trade, traffic, commerce, or transportation, within the jurisdiction of the United States, (A) between a place in a State and any place outside of such State, or (B) which affects trade, traffic, commerce, or transportation described in clause (A);

(2) "hazardous material" means a substance or material in a quantity and form which may pose an unreasonable risk to health and safety or property when transported in commerce;

(3) "Secretary" means the Secretary of Transportation, or his delegate;

(4) "serious harm" means death, serious illness, or severe personal injury;

(5) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, or Guam;

(6) "transports" or "transportation" means any movement of property by any mode, and any loading, unloading, or storage incidental thereto; and

(7) "United States" means all of the States.

DESIGNATION OF HAZARDOUS MATERIALS

Sec. 104. Upon a finding by the Secretary, in his discretion, that the transportation of a particular quantity and form of material in commerce may pose an unreasonable risk to health and safety or property, he shall designate such quantity and form of material or group or class of such materials as a hazardous material. The materials so designated may include, but are not limited to, explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, and compressed gases.

Transportation
Safety Act of
1974.

49 USC 1801
note.

Hazardous
Materials
Transportation
Act.

49 USC 1801
note.

49 USC 1801.

49 USC 1802.

49 USC 1803.

REGULATIONS GOVERNING TRANSPORTATION OF HAZARDOUS MATERIALS

49 USC 1804.

SEC. 105. (a) GENERAL.—The Secretary may issue, in accordance with the provisions of section 553 of title 5, United States Code, including an opportunity for informal oral presentation, regulations for the safe transportation in commerce of hazardous materials. Such regulations shall be applicable to any person who transports, or causes to be transported or shipped, a hazardous material, or who manufactures, fabricates, marks, maintains, reconditions, repairs, or tests a package or container which is represented, marked, certified, or sold by such person for use in the transportation in commerce of certain hazardous materials. Such regulations may govern any safety aspect of the transportation of hazardous materials which the Secretary deems necessary or appropriate, including, but not limited to, the packing, repacking, handling, labeling, marking, placarding, and routing (other than with respect to pipelines) of hazardous materials, and the manufacture, fabrication, marking, maintenance, reconditioning, repairing, or testing of a package or container which is represented, marked, certified, or sold by such person for use in the transportation of certain hazardous materials.

(b) COOPERATION.—In addition to other applicable requirements, the Secretary shall consult and cooperate with representatives of the Interstate Commerce Commission and shall consider any relevant suggestions made by such Commission, before issuing any regulation with respect to the routing of hazardous materials. Such Commission shall, to the extent of its lawful authority, take such action as is necessary or appropriate to implement any such regulation.

(c) REPRESENTATION.—No person shall, by marking or otherwise, represent that a container or package for the transportation of hazardous materials is safe, certified, or in compliance with the requirements of this Act, unless it meets the requirements of all applicable regulations issued under this Act.

HANDLING OF HAZARDOUS MATERIALS

49 USC 1805.

SEC. 106. (a) CRITERIA.—The Secretary is authorized to establish criteria for handling hazardous materials. Such criteria may include, but need not be limited to, a minimum number of personnel; a minimum level of training and qualification for such personnel; type and frequency of inspection; equipment to be used for detection, warning, and control of risks posed by such materials; specifications regarding the use of equipment and facilities used in the handling and transportation of such materials; and a system of monitoring safety assurance procedures for the transportation of such materials. The Secretary may revise such criteria as required.

(b) REGISTRATION.—Each person who transports or causes to be transported or shipped in commerce hazardous materials or who manufactures, fabricates, marks, maintains, reconditions, repairs, or tests packages or containers which are represented, marked, certified, or sold by such person for use in the transportation in commerce of certain hazardous materials (designated by the Secretary) may be required by the Secretary to prepare and submit to the Secretary a registration statement not more often than once every 2 years. Such a registration statement shall include, but need not be limited to, such person's name; principal place of business; the location of each activity handling such hazardous materials; a complete list of all such hazardous materials handled; and an averment that such person is in compliance with all applicable criteria established under subsection (a) of this section.

January 3, 1975

- 3 -

Pub. Law 93-633

88 STAT. 2158

The Secretary shall by regulation prescribe the form of any such statement and the information required to be included. The Secretary shall make any registration statement filed pursuant to this subsection available for inspection by any person, without charge, except that nothing in this sentence shall be deemed to require the release of any information described by subsection (b) of section 552 of title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

(c) REQUIREMENT.—No person required to file a registration statement under subsection (b) of this section may transport or cause to be transported or shipped extremely hazardous materials, or manufacture, fabricate, mark, maintain, recondition, repair, or test packages or containers for use in the transportation of extremely hazardous materials, unless he has on file a registration statement.

EXEMPTIONS

SEC. 107. (a) GENERAL.—The Secretary, in accordance with procedures prescribed by regulation, is authorized to issue or renew, to any person subject to the requirements of this title, an exemption from the provisions of this title, and from regulations issued under section 105 of this title, if such person transports or causes to be transported or shipped hazardous materials in a manner so as to achieve a level of safety (1) which is equal to or exceeds that level of safety which would be required in the absence of such exemption, or (2) which would be consistent with the public interest and the policy of this title in the event there is no existing level of safety established. The maximum period of an exemption issued or renewed under this section shall not exceed 2 years, but any such exemption may be renewed upon application to the Secretary. Each person applying for such an exemption or renewal shall, upon application, provide a safety analysis as prescribed by the Secretary to justify the grant of such exemption. A notice of an application for issuance or renewal of such exemption shall be published in the Federal Register. The Secretary shall afford access to any such safety analysis and an opportunity for public comment on any such application, except that nothing in this sentence shall be deemed to require the release of any information described by subsection (b) of section 552 of title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

49 USC 1806.

Publication
in Federal
Register.

(b) VESSELS.—The Secretary shall exclude, in whole or in part, from any applicable provisions and regulations under this title, any vessel which is excepted from the application of section 201 of the Ports and Waterways Safety Act of 1972 by paragraph (2) of such section (46 U.S.C. 391a(2)), or any other vessel regulated under such Act, to the extent of such regulation.

Exclusion.

(c) FIREARMS AND AMMUNITION.—Nothing in this title, or in any regulation issued under this title, shall be construed to prohibit or regulate the transportation by any individual, for personal use, of any firearm (as defined in paragraph (4) of section 232 of title 18, United States Code) or any ammunition therefor, or to prohibit any transportation of firearms or ammunition in commerce.

(d) LIMITATION ON AUTHORITY.—Except when the Secretary determines that an emergency exists, exemptions or renewals granted pursuant to this section shall be the only means by which a person subject to the requirements of this title may be exempted from or relieved of the obligation to meet any requirements imposed under this title.

TRANSPORTATION OF RADIOACTIVE MATERIALS ON PASSENGER-CARRYING
AIRCRAFT

Regulations.
49 USC 1807.

SEC. 108. (a) GENERAL.—Within 120 days after the date of enactment of this section, the Secretary shall issue regulations, in accordance with this section and pursuant to section 105 of this title, with respect to the transportation of radioactive materials on any passenger-carrying aircraft in air commerce, as defined in section 101(4) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(4)). Such regulations shall prohibit any transportation of radioactive materials on any such aircraft unless the radioactive materials involved are intended for use in, or incident to, research, or medical diagnosis or treatment, so long as such materials as prepared for and during transportation do not pose an unreasonable hazard to health and safety. The Secretary shall further establish effective procedures for monitoring and enforcing the provisions of such regulations.

(b) DEFINITION.—As used in this section, “radioactive materials” means any materials or combination of materials which spontaneously emit ionizing radiation. The term does not include materials in which (1) the estimated specific activity is not greater than 0.002 microcuries per gram of material; and (2) the radiation is distributed in an essentially uniform manner.

POWERS AND DUTIES OF THE SECRETARY

49 USC 1808.

SEC. 109. (a) GENERAL.—The Secretary is authorized, to the extent necessary to carry out his responsibilities under this title, to conduct investigations, make reports, issue subpoenas, conduct hearings, require the production of relevant documents, records, and property, take depositions, and conduct, directly or indirectly, research, development, demonstration, and training activities. The Secretary is further authorized, after notice and an opportunity for a hearing, to issue orders directing compliance with this title or regulations issued under this title; the district courts of the United States shall have jurisdiction, upon petition by the Attorney General, to enforce such orders by appropriate means.

Notice,
hearing
opportunity.
Jurisdiction.

(b) RECORDS.—Each person subject to requirements under this title shall establish and maintain such records, make such reports, and provide such information as the Secretary shall by order or regulation prescribe, and shall submit such reports and shall make such records and information available as the Secretary may request.

(c) INSPECTION.—The Secretary may authorize any officer, employee, or agent to enter upon, inspect, and examine, at reasonable times and in a reasonable manner, the records and properties of persons to the extent such records and properties relate to—

(1) the manufacture, fabrication, marking, maintenance, reconditioning, repair, testing, or distribution of packages or containers for use by any person in the transportation of hazardous materials in commerce; or

(2) the transportation or shipment by any person of hazardous materials in commerce.

Any such officer, employee, or agent shall, upon request, display proper credentials.

(d) FACILITIES AND DUTIES.—The Secretary shall—

(1) establish and maintain facilities and technical staff sufficient to provide, within the Federal government, the capability of evaluating risks connected with the transportation of hazardous materials and materials alleged to be hazardous;

January 3, 1975

- 5 -

Pub. Law 93-633

85 STAT. 2160

(2) establish and maintain a central reporting system and data center so as to be able to provide the law-enforcement and firefighting personnel of communities, and other interested persons and government officers, with technical and other information and advice for meeting emergencies connected with the transportation of hazardous materials; and

(3) conduct a continuing review of all aspects of the transportation of hazardous materials in order to determine and to be able to recommend appropriate steps to assure the safe transportation of hazardous materials.

(e) **ANNUAL REPORT.**—The Secretary shall prepare and submit to the President for transmittal to the Congress on or before May 1 of each year a comprehensive report on the transportation of hazardous materials during the preceding calendar year. Such report shall include, but need not be limited to—

Report to
President,
transmittal
to Congress.
Contents.

(1) a thorough statistical compilation of any accidents and casualties involving the transportation of hazardous materials;

(2) a list and summary of applicable Federal regulations, criteria, orders, and exemptions in effect;

(3) a summary of the basis for any exemptions granted or maintained;

(4) an evaluation of the effectiveness of enforcement activities and the degree of voluntary compliance with applicable regulations;

(5) a summary of outstanding problems confronting the administration of this title, in order of priority; and

(6) such recommendations for additional legislation as are deemed necessary or appropriate.

PENALTIES

SEC. 110. (a) CIVIL.—(1) Any person (except an employee who acts without knowledge) who is determined by the Secretary, after notice and an opportunity for a hearing, to have knowingly committed an act which is a violation of a provision of this title or of a regulation issued under this title, shall be liable to the United States for a civil penalty. Whoever knowingly commits an act which is a violation of any regulation, applicable to any person who transports or causes to be transported or shipped hazardous materials, shall be subject to a civil penalty of not more than \$10,000 for each violation, and if any such violation is a continuing one, each day of violation constitutes a separate offense. Whoever knowingly commits an act which is a violation of any regulation applicable to any person who manufactures, fabricates, marks, maintains, reconditions, repairs, or tests a package or container which is represented, marked, certified, or sold by such person for use in the transportation in commerce of hazardous materials shall be subject to a civil penalty of not more than \$10,000 for each violation. The amount of any such penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the person found to have committed such violation, the degree of culpability, any history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.

49 USC 1809.

(2) Such civil penalty may be recovered in an action brought by the Attorney General on behalf of the United States in the appropriate district court of the United States or, prior to referral to the Attorney General, such civil penalty may be compromised by the Secretary.

The amount of such penalty, when finally determined (or agreed upon in compromise), may be deducted from any sums owed by the United States to the person charged. All penalties collected under this subsection shall be deposited in the Treasury of the United States as miscellaneous receipts.

(b) **CRIMINAL.**—A person is guilty of an offense if he willfully violates a provision of this title or a regulation issued under this title. Upon conviction, such person shall be subject, for each offense, to a fine of not more than \$25,000, imprisonment for a term not to exceed 5 years, or both.

SPECIFIC RELIEF

49 USC 1810.

SEC. 111. (a) GENERAL.—The Attorney General, at the request of the Secretary, may bring an action in an appropriate district court of the United States for equitable relief to redress a violation by any person of a provision of this title, or an order or regulation issued under this title. Such district courts shall have jurisdiction to determine such actions and may grant such relief as is necessary or appropriate, including mandatory or prohibitive injunctive relief, interim equitable relief, and punitive damages.

"Imminent hazard."

(b) **IMMINENT HAZARD.**—If the Secretary has reason to believe that an imminent hazard exists, he may petition an appropriate district court of the United States, or upon his request the Attorney General shall so petition, for an order suspending or restricting the transportation of the hazardous material responsible for such imminent hazard, or for such other order as is necessary to eliminate or ameliorate such imminent hazard. As used in this subsection, an "imminent hazard" exists if there is substantial likelihood that serious harm will occur prior to the completion of an administrative hearing or other formal proceeding initiated to abate the risk of such harm.

RELATIONSHIP TO OTHER LAWS

49 USC 1811.

SEC. 112. (a) GENERAL.—Except as provided in subsection (b) of this section, any requirement, of a State or political subdivision thereof, which is inconsistent with any requirement set forth in this title, or in a regulation issued under this title, is preempted.

(b) **STATE LAWS.**—Any requirement, of a State or political subdivision thereof, which is not consistent with any requirement set forth in this title, or in a regulation issued under this title, is not preempted if, upon the application of an appropriate State agency, the Secretary determines, in accordance with procedures to be prescribed by regulation, that such requirement (1) affords an equal or greater level of protection to the public than is afforded by the requirements of this title or of regulations issued under this title and (2) does not unreasonably burden commerce. Such requirement shall not be preempted to the extent specified in such determination by the Secretary for so long as such State or political subdivision thereof continues to administer and enforce effectively such requirement.

18 USC 831.

(c) **OTHER FEDERAL LAWS.**—The provisions of this title shall not apply to pipelines which are subject to regulation under the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1671 et seq.) or to pipelines which are subject to regulation under chapter 39 of title 18, United States Code.

CONFORMING AMENDMENTS

SEC. 113. (a) Section 4472 of title 52 of the Revised Statutes of the United States, as amended (46 U.S.C. 170) is amended—

January 3, 1975

- 7 -

Pub. Law 93-633

88 STAT. 2162

(1) by inserting, in the first sentence of paragraph (14) thereof, "criminal" before the word "penalty" and "or imprisoned not more than 5 years, or both" before the phrase "for each violation"; and

(2) by adding at the end thereof the following new paragraph:

"(17) (A) Any person (except an employee who acts without knowledge) who is determined by the Secretary, after notice and an opportunity for a hearing, to have knowingly committed an act which is a violation of any provision of this section, or of any regulation issued under this section, shall be liable to the United States for a civil penalty of not more than \$10,000 for each day of each violation. The amount of such civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the person found to have committed such violation, the degree of culpability, any history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice may require. Penalty.

"(B) Such civil penalty may be recovered in an action brought by the Attorney General on behalf of the United States, in the appropriate district court of the United States or, prior to referral to the Attorney General, such civil penalty may be compromised by the Secretary. The amount of such penalty, when finally determined (or agreed upon in compromise), may be deducted from any sums owed by the United States to the person charged. All penalties collected under this subsection shall be deposited in the Treasury of the United States as miscellaneous receipts."

(b) Section 901(a) (1) of the Federal Aviation Act of 1958 (49 U.S.C. 1471(a) (1)) is amended—

(1) by inserting immediately before the period at the end of the first sentence thereof and inserting in lieu thereof: ", except that the amount of such civil penalty shall not exceed \$10,000 for each such violation which relates to the transportation of hazardous materials."; and

(2) by deleting in the second sentence thereof: "*Provided, That this*" and inserting in lieu thereof the following: ". The amount of any such civil penalty which relates to the transportation of hazardous materials shall be assessed by the Secretary, or his delegate, upon written notice upon a finding of violation by the Secretary, after notice and an opportunity for a hearing. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the person found to have committed such violation, the degree of culpability, any history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice may require. This".

(c) Section 902(h) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472(h)) is amended to read as follows:

"HAZARDOUS MATERIALS

"(h) (1) In carrying out his responsibilities under this Act, the Secretary of Transportation may exercise the authority vested in him by section 105 of the Hazardous Materials Transportation Act to provide by regulation for the safe transportation of hazardous materials by air.

Ante, p. 2157.

"(2) A person is guilty of an offense if he willfully delivers or causes to be delivered to an air carrier or to the operator of a civil aircraft for transportation in air commerce, or if he recklessly causes the transportation in air commerce of, any shipment, baggage, or other

Penalty.

property which contains a hazardous material, in violation of any rule, regulation, or requirement with respect to the transportation of hazardous materials issued by the Secretary of Transportation under this Act. Upon conviction, such person shall be subject, for each offense, to a fine of not more than \$25,000, imprisonment for a term not to exceed 5 years, or both.

"(3) Nothing in this subsection shall be construed to prohibit or regulate the transportation by any individual, for personal use, of any firearm (as defined in paragraph (4) of section 232 of title 18, United States Code) or any ammunition therefor."

(d) Section 6(c)(1) of the Department of Transportation Act (49 U.S.C. 1655(c)(1)) is amended by inserting in the first sentence thereof after "aviation safety" and before "as set forth in" the following: (other than those relating to the transportation, packaging, marking, or description of hazardous materials)".

(e)(1) Section 6(f)(3)(A) of the Department of Transportation Act (49 U.S.C. 1655(f)(3)(A)) is amended by striking out the period at the end thereof and by inserting in lieu thereof "(other than subsection (e)(4)).".

(2) Section 6(f)(3)(B) of the Department of Transportation Act (49 U.S.C. 1655(f)(3)(B)) is amended by striking out the period at the end thereof and by inserting in lieu thereof "(other than subsection (e)(4)).".

(f) Subsection (6) of section 4472 of the Revised Statutes, as amended (46 U.S.C. 170(6)), is amended—

(1) in paragraph (a) thereof, by striking out "inflammable" each place it appears and inserting in lieu thereof at each such place "flammable"; by inserting before "liquids" the following: "or combustible"; and by deleting the colon and the proviso in its entirety and by inserting in lieu thereof a period and the following two new sentences: "The provisions of this subsection shall apply to the transportation, carriage, conveyance, storage, stowing, or use on board any passenger vessel of any barrel, drum, or other package containing any flammable or combustible liquid which has a lower flash point than that which is defined as safe pursuant to regulations establishing the defining flash-point criteria for flammable and combustible liquids. Such regulations shall be prescribed, and revised as necessary, by the Secretary of Transportation."

(2) in paragraph (b) thereof, by striking out in clause (iv) thereof "inflammable liquids" and inserting in lieu thereof "flammable or combustible liquids".

Repeal.

(g) The Hazardous Materials Transportation Control Act of 1970 (Pub. L. 91-458, title III; 49 U.S.C. 1761-1762) is repealed.

EFFECTIVE DATE

49 USC 1801
note.

SEC. 114. (a) Except as provided in this section, the provisions of this title shall take effect on the date of enactment.

(b)(1) Except as provided in section 108 of this title or paragraph (2) of this subsection, any order, determination, rule, regulation, permit, contract, certificate, license, or privilege issued, granted, or otherwise authorized or allowed, prior to the date of enactment of this title, pursuant to any provision of law amended or repealed by this title, shall continue in effect according to its terms or until repealed, terminated, withdrawn, amended, or modified by the Secretary or a court of competent jurisdiction.

January 3, 1975

- 9 -

Pub. Law 93-633

88 STAT. 2164

(2) The Secretary shall take all steps necessary to bring orders, determinations, rules, and regulations into conformity with the purposes and provisions of this title as soon as practicable, but in any event no permits, contracts, certificates, licenses, or privileges granted prior to the date of enactment of this title, or renewed or extended thereafter, shall be of any effect more than 2 years after the date of enactment of this title, unless there is full compliance with the purposes and provisions of this Act and regulations thereunder.

(c) Proceedings pending upon the date of enactment of this title shall not be affected by the provisions of this title and shall be completed as if this title had not been enacted, unless the Secretary makes a determination that the public health and safety otherwise require.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 115. There is authorized to be appropriated for the purposes of this title, not to exceed \$7,000,000 for the fiscal year ending June 30, 1975. 49 USC 1812.

TITLE II—RAIL SAFETY

Rail Safety
Improvement
Act of 1974.

SHORT TITLE

SEC. 201. This title may be cited as the "Rail Safety Improvement Act of 1974". 45 USC 440 note.

DECLARATION OF POLICY

SEC. 202. The Congress finds that more effective realization of the purposes of the Federal Railroad Safety Act of 1970 requires that Act to be amended to mandate comprehensive analysis and evaluation of the rail safety program, to increase the amount and percentage of available resources for inspection, investigation, and enforcement, and to increase the enforcement powers of the Secretary of Transportation. 45 USC 440 note.
45 USC 431 note.

COMPREHENSIVE RAILROAD SAFETY REPORT

SEC. 203. Section 211 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 440) is amended by adding at the end thereof the following new subsection:

"(c) SPECIAL REPORT.—The Secretary shall prepare and submit to the President and the Congress, not later than March 17, 1976, a comprehensive railroad safety report. Such report shall— Report to President and Congress. Contents.

"(1) contain a description of the areas of railroad safety with respect to which Federal safety standards issued under this Act are in effect (as of June 30, 1975);

"(2) identify any area of railroad safety with respect to which Federal safety standards have been proposed but have not been issued under this Act (as of June 30, 1975);

"(3) identify any area of railroad safety with respect to which Federal safety standards have not been issued under this Act (as of June 30, 1975);

"(4) identify alternative and more cost-effective methods for inspection and enforcement of Federal safety standards, including mechanical and electronic inspection, and contain an evaluation of problems involved in implementing such alternatives, with specific attention to the need for cooperation with the railroad industry;

"(5) identify the areas of railroad safety listed in accordance with paragraphs (1) through (3) of this subsection which involve, or which may involve, State participation under section 206 of this Act;

45 USC 435.

"(6) contain a description of the railroad safety program which is in effect or planned in each State (as of June 30, 1975), including—

"(A) State program development;

"(B) State plans to participate in program areas listed in accordance with paragraph (1) of this subsection, which are not covered by a State certification or agreement;

"(C) State interest in participating in each program area listed in accordance with paragraphs (2) and (3) of this subsection, following issuance of the applicable safety standards;

"(D) annual projections of each State agency's needs for personnel, equipment, and activities reasonably required to carry out its State program during each fiscal year from 1976 through 1980 together with estimates of the annual costs thereof separately stated as to projections under subparagraphs (B) and (C) of this paragraph;

"(E) the sources from which the State expects to draw the funds to finance such programs; and

"(F) the amount of State funds and of Federal financial assistance needed during each such fiscal year, by category;

"(7) contain a detailed analysis of (A) the number of safety inspectors needed (by industry and Government respectively) to maintain an adequate and reasonable railroad safety program and record; (B) the minimum training and other qualifications needed for each such inspector; (C) the present and projected availability of such personnel in comparison to the need therefor; (D) the salary levels of such personnel in relation to salary levels for comparable positions in industry, State governments, and the Federal Government;

"(8) evaluate alternative methods of allotting Federal funds among the States applying for Federal financial assistance, including recommendations, if needed, for a formula for such apportionment;

"(9) contain a discussion of other problems affecting cooperation among the States that relate to effective participation of State agencies in the nationwide railroad safety program; and

"(10) contain recommendations for any additional Federal and State legislation needed to further realization of the objectives of this Act.

Such report shall be prepared by the Secretary, directly or indirectly, after research, examination, study, and consultation with the national associations representing railroad employee unions, railroad management, cooperating State agencies, the national organization of State commissions, universities, and other persons having special expertise or experience with respect to railroad safety. Such report shall include, in an appendix, a statement of the views of the national associations representing railroad employee unions, of the carriers, and of the national organization of State commissions with respect to the content of such report in its final form."

ACCIDENT REPORTS

SEC. 204. (a) Section 209(b) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438(b)) is amended by inserting after "for violation thereof" and before "in such amount" the following: "or for violation of section 2 of the Act of May 6, 1910 (45 U.S.C. 39)".

January 3, 1975

- 11 -

Pub. Law 93-633

88 STAT. 2166

(b) Section 2 of the Act of May 6, 1910 (45 U.S.C. 39) is amended by adding at the end thereof the following new sentence: "In lieu of the foregoing, any such carrier may be required to pay a civil penalty pursuant to subsections (b) and (c) of section 209 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438(b)).".

AUTHORIZATION FOR APPROPRIATIONS

SEC. 205. Section 212 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 441) is amended to read as follows:

"(a) There are authorized to be appropriated to carry out the provisions of this Act not to exceed \$35,000,000 for the fiscal year ending June 30, 1975.

"(b) Subject to the provisions of subsection (c), amounts appropriated under subsection (a) of this section shall be available for expenditure as follows:

"(1) Not to exceed \$18,000,000 for the Office of Safety, including salaries and expenses for up to 350 safety inspectors and up to 80 clerical personnel.

"(2) Not to exceed \$3,500,000 to carry out the provisions of section 206(d) of this Act.

45 USC 435.

"(3) Not to exceed \$3,500,000 for the Federal Railroad Administration, for salaries and expenses not otherwise provided for.

"(4) Not to exceed \$10,000,000 for conducting research and development activities under this Act.

"(c) The aggregate of amounts obligated and expended in fiscal year 1975 for conducting research and development activities under this Act shall not exceed the aggregate of amounts expended in such fiscal year for the investigation and enforcement of railroad safety rules, regulations, orders, and standards prescribed or in effect under this Act."

ENFORCEMENT

SEC. 206. Section 208(a) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 437(a)) is amended by adding at the end thereof the following new sentence: "The Secretary is further authorized to issue orders directing compliance with this Act or with any railroad safety rule, regulation, order, or standard issued under this Act; the district courts of the United States shall have jurisdiction, upon petition by the Attorney General, to enforce such orders by appropriate means."

TITLE III—INDEPENDENT SAFETY BOARD

Independent
Safety Board
Act of 1974.

SHORT TITLE

SEC. 301. This title may be cited as the "Independent Safety Board Act of 1974".

49 USC 1901
note.

FINDINGS

SEC. 302. The Congress finds and declares:

49 USC 1901.

(1) The National Transportation Safety Board was established by statute in 1966 (Public Law 89-670; 80 Stat. 935) as an independent Government agency, located within the Department of Transportation, to promote transportation safety by conducting independent accident investigations and by formulating safety improvement recommendations.

49 USC 1654.

(2) Proper conduct of the responsibilities assigned to this Board requires vigorous investigation of accidents involving transportation modes regulated by other agencies of Government; demands

continual review, appraisal, and assessment of the operating practices and regulations of all such agencies; and calls for the making of conclusions and recommendations that may be critical or of adverse to any such agency or its officials. No Federal agency can properly perform such functions unless it is totally separate and independent from any other department, bureau, commission, or agency of the United States.

NATIONAL TRANSPORTATION SAFETY BOARD

49 USC 1902.

SEC. 303. (a) ESTABLISHMENT.—The National Transportation Safety Board (hereafter in this title referred to as the "Board"), previously established within the Department of Transportation, shall be an independent agency of the United States, in accordance with this section, on and after April 1, 1975.

Membership.

(b) ORGANIZATION.—(1) The Board shall consist of five members, including a Chairman. Members of the Board shall be appointed by the President, by and with the advice and consent of the Senate. No more than three members of the Board shall be of the same political party. At any given time, no less than two members of the Board shall be individuals who have been appointed in the field of accident reconstruction, safety engineering, or transportation safety.

Term.

(2) The terms of office of members of the Board shall be 5 years, except as otherwise provided in this paragraph. Any individual appointed to fill a vacancy occurring on the Board prior to the expiration of the term of office for which his predecessor was appointed shall be appointed for the remainder of that term. Upon the expiration of his term of office, a member shall continue to serve until his successor is appointed and shall have qualified. Individuals serving as members of the National Transportation Safety Board on the date of enactment of this title shall continue to serve as members of the Board until the expiration of their then current term of office. Any member of the Board may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(3) On or before January 1, 1976 (and thereafter as required), the President shall—

(A) designate, by and with the advice and consent of the Senate, an individual to serve as the Chairman of the Board (hereafter in this title referred to as the "Chairman"); and

(B) an individual to serve as Vice Chairman.

The Chairman and Vice Chairman each shall serve for a term of 2 years. The Chairman shall be the chief executive officer of the Board and shall exercise the executive and administrative functions of the Board with respect to the appointment and supervision of personnel employed by the Board; the distribution of business among such personnel and among any administrative units of the Board; and the use and expenditure of funds. The Vice Chairman shall act as Chairman in the event of the absence or incapacity of the Chairman or in case of a vacancy in the office of Chairman. The Chairman or Acting Chairman shall be governed by the general policies established by the Board, including any decisions, findings, determinations, rules, regulations, and formal resolutions.

(4) Three members of the Board shall constitute a quorum for the transaction of any function of the Board.

(5) The Board shall establish and maintain distinct and appropriately staffed bureaus, divisions, or offices to investigate and report on accidents involving each of the following modes of transportation:

January 3, 1975

- 13 -

Pub. Law 93-633

88 STAT. 2168

(A) aviation; (B) highway and motor vehicle; (C) railroad and tracked vehicle; and (D) pipeline. The Board shall, in addition, establish and maintain any other such office as is needed, including an office to investigate and report on the safe transportation of hazardous materials.

(c) GENERAL.—(1) The General Services Administration shall furnish the Board with such offices, equipment, supplies, and services as it is authorized to furnish to any other agency or instrumentality of the United States.

(2) The Board shall have a seal which shall be judicially recognized.

(3) Subject to the civil service and classification laws, the Board is authorized to select, appoint, employ, and fix the compensation of such officers and employees, including investigators, attorneys, and administrative law judges, as shall be necessary to carry out its powers and duties under this title.

GENERAL PROVISIONS

SEC. 304. (a) DUTIES OF BOARD.—The Board shall—

49 USC 1903.

(1) investigate or cause to be investigated (in such detail as it shall prescribe), and determine the facts, conditions, and circumstances and the cause or probable cause or causes of any—

(A) aircraft accident which is within the scope of the functions, powers, and duties transferred from the Civil Aeronautics Board under section 6(d) of the Department of Transportation Act (49 U.S.C. 4655(d)) pursuant to title VII of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1441);

49 USC 1555.

(B) highway accident, including any railroad grade crossing accident, that it selects in cooperation with the States;

(C) railroad accident in which there is a fatality, substantial property damage, or which involves a passenger train;

(D) pipeline accident in which there is a fatality or substantial property damage;

(E) major marine casualty, except one involving only public vessels, occurring on the navigable waters or territorial seas of the United States, or involving a vessel of the United States, in accordance with regulations to be prescribed jointly by the Board and the Secretary of the department in which the Coast Guard is operating. Nothing in this subparagraph shall be construed to eliminate or diminish any responsibility under any other Federal statute of the Secretary of the department in which the Coast Guard is operating: *Provided*, That any marine accident involving a public vessel and any other vessel shall be investigated and the facts, conditions, and circumstances, and the cause or probable cause determined and made available to the public by either the Board or the Secretary of the Department in which the Coast Guard is operating; and

(F) other accident which occurs in connection with the transportation of people or property which, in the judgment of the Board, is catastrophic, involves problems of a recurring character, or would otherwise carry out the policy of this title.

The Board may request the Secretary of Transportation (hereafter in this title referred to as the "Secretary") to make investigations with regard to such accidents and to report to the

Report.

88 STAT. 2169

Report;
publication
in Federal
Register.

Reports to
Congress,
Federal,
State, and
local agencies.

Board the facts, conditions, and circumstances thereof (except in accidents where misfeasance or nonfeasance by the Federal Government is alleged), and the Secretary or his designees are authorized to make such investigations. Thereafter, the Board, utilizing such reports, shall make its determination of cause or probable cause under this paragraph;

(2) report in writing on the facts, conditions, and circumstances of each accident investigated pursuant to paragraph (1) of this subsection and cause such reports to be made available to the public at reasonable cost and to cause notice of the issuance and availability of such reports to be published in the Federal Register;

(3) issue periodic reports to the Congress, Federal, State, and local agencies concerned with transportation safety, and other interested persons recommending and advocating meaningful responses to reduce the likelihood of recurrence of transportation accidents similar to those investigated by the Board and proposing corrective steps to make the transportation of persons as safe and free from risk of injury as is possible, including steps to minimize human injuries from transportation accidents;

(4) initiate and conduct special studies and special investigations on matters pertaining to safety in transportation including human injury avoidance;

(5) assess and reassess techniques and methods of accident investigation and prepare and publish from time to time recommended procedures for accident investigations;

(6) establish by regulation requirements binding on persons reporting accidents subject to the Board's investigatory jurisdiction under this subsection;

(7) evaluate, assess the effectiveness, and publish the findings of the Board with respect to the transportation safety consciousness and efficacy in preventing accidents of other Government agencies;

(8) evaluate the adequacy of safeguards and procedures concerning the transportation of hazardous materials and the performance of other Government agencies charged with assuring the safe transportation of such materials; and

(9) review on appeal (A) the suspension, amendment, modification, revocation, or denial of any operating certificate or license issued by the Secretary of Transportation under sections 602, 609, or 611(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1422, 1429, or 1431(c)); and (B) the decisions of the Commandant of the Coast Guard, on appeals from the orders of any administrative law judge revoking, suspending, or denying a license, certificate, document, or register in proceedings under section 4450 of the Revised Statutes of the United States (46 U.S.C. 239); the Act of July 15, 1954 (46 U.S.C. 239 (a) and (b)); or section 4 of the Great Lakes Pilotage Act (46 U.S.C. 216(b)).

(b) **POWERS OF BOARD.**—(1) The Board, or upon the authority of the Board, any member thereof, any administrative law judge employed by or assigned to the Board, or any officer or employee duly designated by the Chairman, may, for the purpose of carrying out this title, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpoena or otherwise the attendance and testimony of such witnesses and the production of such evidence as the Board or such officer or employee deems advisable. Subpoenas shall be issued under the signature of the Chairman, or his delegate, and may

46 USC 239a,
239b.

46 USC 216b.

January 3, 1975

- 15 -

Pub. Law 93-633

88 STAT. 2170

be served by any person designated by the Chairman. Witnesses summoned to appear before the Board shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. Such attendance of witnesses and production of evidence may be required from any place in the United States to any designated place of such hearing in the United States.

(2) Any employee of the Board, upon presenting appropriate credentials and a written notice of inspection authority, is authorized to enter any property wherein a transportation accident has occurred or wreckage from any such accident is located and do all things therein necessary for a proper investigation. The employee may inspect, at reasonable times, records, files, papers, processes, controls, and facilities relevant to the investigation of such accident. Each inspection shall be commenced and completed with reasonable promptness and the results of such inspection made available.

Inspections.

(3) In case of contumacy or refusal to obey a subpoena, an order, or an inspection notice of the Board, or of any duly designated employee thereof, by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, such district court shall, upon the request of the Board, have jurisdiction to issue to such person an order requiring such person to comply forthwith. Failure to obey such an order is punishable by such court as a contempt of court.

(4) The Board is authorized to enter into, without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5), such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of the functions and the duties of the Board under this title, with any government entity or any person.

Contract
authority.

(5) The Board is authorized to obtain, and shall be furnished, with or without reimbursement, a copy of the report of the autopsy performed by State or local officials on any person who dies as a result of having been involved in a transportation accident within the jurisdiction of the Board and, if necessary, the Board may order the autopsy or seek other tests of such persons as may be necessary to the investigation of the accident: *Provided*, That to the extent consistent with the need of the accident investigation, provisions of local law protecting religious beliefs with respect to autopsies shall be observed.

Autopsy
report.

(6) The Board is authorized to (A) use, on a reimbursable basis or otherwise, when appropriate, available services, equipment, personnel, and facilities of the Department of Transportation and of other civilian or military agencies and instrumentalities of the Federal Government; (B) confer with employees and use available services, records, and facilities of State, municipal, or local governments and agencies; (C) employ experts and consultants in accordance with section 3109 of title 5, United States Code; (D) appoint one or more advisory committees composed of qualified private citizens or officials of Federal, State, or local governments as it deems necessary or appropriate, in accordance with the Federal Advisory Committee Act (5 U.S.C. App. I); (E) accept voluntary and uncompensated services notwithstanding any other provision of law; (F) accept gifts or donations of money or property (real, personal, mixed, tangible, or intangible); and (G) enter into contracts with public or private nonprofit entities for the conduct of studies related to any of its functions.

(7) Whenever the Board submits or transmits any budget estimate, budget request, supplemental budget estimate, or other budget information, legislative recommendation, prepared testimony for congressional hearings, or comment on legislation to the President or to the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress. No officer or agency of the United States

Budget
estimates,
transmittal
to Congress.

shall have any authority to require the Board to submit its budget requests or estimates, legislative recommendations, prepared testimony for congressional hearings, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.

(8) The Board is empowered to designate representatives to serve or assist on such committees as the Chairman determines to be necessary or appropriate to maintain effective liaison with other Federal agencies, and with State and local government agencies, and with independent standard-setting bodies carrying out programs and activities related to transportation safety.

(9) The Board, or an employee of the Board duly designated by the Chairman, may conduct an inquiry to secure data with respect to any matter pertinent to transportation safety, upon publication of notice of such inquiry in the Federal Register; and may require, by special or general orders, Federal, State, and local government agencies and persons engaged in the transportation of people or property in commerce to submit written reports and answers to such requests and questions as are propounded with respect to any matter pertinent to any function of the Board. Such reports and answers shall be submitted to the Board or to such employee within such reasonable period of time and in such form as the Board may determine. Copies thereof shall be made available for inspection by the public.

(10) Establish such rules and regulations as may be necessary to the exercise of its functions.

(c) USE OF REPORTS AS EVIDENCE.—No part of any report of the Board, relating to any accident or the investigation thereof, shall be admitted as evidence or used in any suit or action for damages growing out of any matter mentioned in such report or reports.

(d) JUDICIAL REVIEW.—Any order, affirmative or negative, issued by the Board under this title shall be subject to review by the appropriate court of appeals of the United States or the United States Court of Appeals for the District of Columbia, upon petition filed within 60 days after the entry of such order, by any person disclosing a substantial interest in such order. Such review shall be conducted in accordance with the provisions of chapter 7 of title 5, United States Code.

ANNUAL REPORT

SEC. 305. The Board shall report to the Congress on July 1 of each year. Such report shall include, but need not be limited to—

(1) a statistical and analytical summary of the transportation accident investigations conducted and reviewed by the Board during the preceding calendar year;

(2) a survey and summary, in such detail as the Board deems advisable, of the recommendations made by the Board to reduce the likelihood of recurrence of such accidents together with the observed response to each such recommendation;

(3) an appraisal in detail of the accident investigation and accident prevention activities of other government agencies charged by Federal or State law with responsibility in this field; and

(4) a biennial appraisal and evaluation and review, and recommendations for legislative and administrative action and change, with respect to transportation safety.

Publication
in Federal
Register.

Rules and
regulations.
Prohibition.

5 USC 701.

49 USC 1904.

January 3, 1975

- 17 -

Pub. Law 93-633

88 STAT. 2172

PUBLIC ACCESS TO INFORMATION

SEC. 306. (a) GENERAL.—Copies of any communication, document, investigation, or other report, or information received or sent by the Board, or any member or employee of the Board, shall be made available to the public upon identifiable request, and at reasonable cost, unless such information may not be publicly released pursuant to subsection (b) of this section. Nothing contained in this section shall be deemed to require the release of any information described by subsection (b) of section 552 of title 5, United States Code, or which is otherwise protected by law from disclosure to the public. 49 USC 1905.

(b) EXCEPTION.—The Board shall not disclose information obtained under this title which concerns or relates to a trade secret referred to in section 1905 of title 18, United States Code, except that such information may be disclosed in a manner designed to preserve confidentiality— Information disclosure, prohibition.

(1) upon request, to other Federal Government departments and agencies for official use;

(2) upon request, to any committee of Congress having jurisdiction over the subject matter to which the information relates;

(3) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceedings; and

(4) to the public in order to protect health and safety, after notice to any interested person to whom the information pertains and an opportunity for such person to comment in writing, or orally in closed session, on such proposed disclosure (if the delay resulting from such notice and opportunity for comment would not be detrimental to health and safety).

RESPONSE TO BOARD RECOMMENDATIONS

SEC. 307. Whenever the Board submits a recommendation regarding transportation safety to the Secretary, he shall respond to each such recommendation formally and in writing not later than 90 days after receipt thereof. The response to the Board by the Secretary shall indicate his intention to— 49 USC 1906.

(1) initiate and conduct procedures for adopting such recommendation in full, pursuant to a proposed timetable, a copy of which shall be included;

(2) initiate and conduct procedures for adopting such recommendation in part, pursuant to a proposed timetable, a copy of which shall be included. Such response shall set forth in detail the reasons for the refusal to proceed as to the remainder of such recommendation; or

(3) refuse to initiate or conduct procedures for adopting such recommendation. Such response shall set forth in detail the reasons for such refusal.

The Board shall cause notice of the issuance of each such recommendation and of each receipt of a response thereto to be published in the Federal Register, and shall make copies thereof available to the public at reasonable cost. Publication in Federal Register.

CONFORMING AMENDMENTS

SEC. 308. The Department of Transportation Act is amended—

- (1) by deleting section 5 (49 U.S.C. 1654);
- (2) by amending section 4(c) thereof (49 U.S.C. 1653(c)) by deleting "or the National Transportation Safety Board" in the first sentence thereof; and by deleting in the second sentence thereof "the Administrators, or the National Transportation Safety Board." and by inserting in lieu thereof "or the Administrators."; and
- (3) by amending section 4(d) thereof (49 U.S.C. 1653(d)) by deleting "the Administrators, and the National Transportation Safety Board" and by inserting in lieu thereof "and the Administrators".

AUTHORIZATION OF APPROPRIATIONS

49 USC 1907.

SEC. 309. There are authorized to be appropriated for the purposes of this Act not to exceed \$12,000,000 for the fiscal year ending June 30, 1975; and \$12,000,000 for the fiscal year ending June 30, 1976, such sums to remain available until expended.

Approved January 3, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-1083 (Comm. on Interstate and Foreign Commerce) and No. 93-1589 (Comm. of Conference).

SENATE REPORTS: No. 93-1192 accompanying S. 4057 (Comm. on Commerce) and No. 93-1347 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 120 (1974):

June 24, considered and passed House.

Oct. 7, considered and passed Senate, amended, in lieu of S. 4057.

Dec. 18, Senate agreed to conference report.

Dec. 19, House agreed to conference report.



Public Law 93-640
93rd Congress, S. 2854
January 4, 1975

An Act

To amend the Public Health Service Act to expand the authority of the National Institute of Arthritis, Metabolism, and Digestive Diseases in order to advance a national attack on arthritis.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Arthritis Act of 1974.

SHORT TITLE

SECTION 1. This Act may be cited as the "National Arthritis Act of 1974".

42 USC 289c-1 note.

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. The Congress makes the following findings—

42 USC 289c-1 note.

(1) Arthritis and related musculoskeletal diseases constitute major health problems in the United States in that they afflict more than twenty million Americans and are the greatest single cause of chronic pain and disability.

(2) The complications of arthritis lead to many other serious health problems and other severe physical disabilities in persons of all ages with the disease, particularly children and adolescents.

88 STAT. 2217

88 STAT. 2218

(3) The annual cost of arthritis to the national economy in 1970, from medical care expenses and lost wages, was \$9,200,000,000, and number of workdays lost in that year totaled over 14,500,000.

(4) Uncontrolled arthritis significantly decreases the quality of life and has a major negative economic, social, and psychological impact on the families of its victims and society generally.

(5) Athletic and other types of joint injuries involving trauma can lead to arthritis.

(6) The development of advanced methods of diagnosis and treatment of arthritis and quality trained health professionals in arthritis deserves the highest national priority.

(7) There is a critical shortage of medical facilities and properly trained health professionals and allied health professionals in the United States for arthritis research, prevention, treatment, care, and rehabilitation programs.

(8) The citizens of the United States should have a full understanding of the nature of the human, social, and economic impact of arthritis and should be encouraged to seek early diagnosis and treatment to prevent or mitigate physical disability resulting from arthritis.

(9) There is great potential for making major advances against arthritis in the National Institute of Arthritis, Metabolism, and Digestive Diseases, in concert with other institutes of the National Institutes of Health.

NATIONAL COMMISSION ON ARTHRITIS; ARTHRITIS PLAN

SEC. 3. (a) The Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary"), after consulting with the Director of the National Institutes of Health, shall, within sixty days of the date of the enactment of this section, establish a

Establishment.
42 USC 289c-1 note.

Pub. Law 93-640

- 2 -

January 4, 1975

National Commission on Arthritis and Related Musculoskeletal Diseases (hereinafter in this section referred to as the "Commission").

Membership.

(b) The Commission shall be composed of eighteen members as follows:

(1) Six members appointed by the Secretary who are scientists, physicians, or other health professionals not in the employment of the Federal Government, who represent the various specialties and disciplines involving arthritis and related musculoskeletal diseases (hereinafter in this section collectively referred to as "arthritis"), and of whom at least two are practicing clinical rheumatologists, at least one is an orthopedic surgeon, and at least one is an allied health professional.

(2) Four members appointed by the Secretary from the general public, of whom at least two suffer from arthritis.

(3) One member appointed by the Secretary, from members of the National Arthritis, Metabolism, Digestive Disease Advisory Council, whose primary interest is in the field of rheumatology.

(4) The Director of the National Institutes of Health or his designee, the Director of the National Institute of Arthritis, Metabolism, and Digestive Diseases or his designee, the Directors, or their designees, of the National Institute of Allergy and Infectious Diseases and the National Institute of General Medical Science, the Associate Director for Arthritis and Related Musculoskeletal Diseases of such Institute, and the chief medical officer of the Veterans' Administration and the Secretary of Defense or their designees, each of whom shall serve as ex officio, nonvoting members.

88 STAT. 2218

88 STAT. 2219

Chairman.

(c) The members of the Commission shall select a chairman from among their own number. The Commission shall first meet on a date specified by the Secretary, not later than 30 days after the Commission is established, and thereafter shall meet at the call of the Chairman of the Commission (but not less often than three times).

Director, National Institute of Arthritis, Metabolism, and Digestive Diseases, duties.

(d) The Director of the National Institute of Arthritis, Metabolism, and Digestive Diseases shall—

(1) designate a member of the staff of such Institute to act as Executive Secretary of the Commission, and

(2) provide the Commission with such full-time professional and clerical staff, such information, and the services of such consultants as may be necessary to assist it in carrying out effectively its function under this section.

Compensation.

(e) Members of the Commission who are officers or employees of the Federal Government shall serve as members of the Commission without compensation in addition to that received in their regular public employment. Members of the Commission who are not officers or employees of the Federal Government shall each receive the daily equivalent of the rate in effect for grade GS-18 of the General Schedule for each day (including traveltime) they are engaged in the performance of their duties as members of the Commission. All members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsist-

5 USC 5332
note.

January 4, 1975

- 3 -

Pub. Law 93-640

ence, in the same manner as such expenses are authorized by section 5703, title 5, United States Code, for persons in the Government service employed intermittently.

(f) The Commission shall survey Federal, State, and local health programs and activities relating to arthritis and assess the adequacy, technical soundness, and coordination of such programs and activities. All Federal departments and agencies administering health programs and activities relating to arthritis shall provide such cooperation and assistance relating to such programs and activities as is reasonably necessary for the Commission to make such survey and assessment.

Federal, State,
and local
health pro-
grams, survey.

(g) The Commission shall formulate a long-range plan (hereinafter in this section referred to as the "Arthritis Plan") with specific recommendations for the use and organization of national resources to combat arthritis. The Arthritis Plan shall be based on a survey investigating the incidence and prevalence of arthritis and its economic and social consequences, and on an evaluation of scientific information respecting, and the national resources capable of dealing with arthritis. The Arthritis Plan shall include a comprehensive program for the National Institute of Arthritis, Metabolism, and Digestive Diseases (hereinafter in this section referred to as the "Institute") and plans for Federal, State, and local programs, which program and programs shall, as appropriate, provide for—

Long-range
plan.

(1) investigation into the epidemiology, etiology, and prevention and control of arthritis, including the social, environmental, behavioral, nutritional, and biological control of arthritis;

(2) studies and research into the basic biological processes and mechanisms involved with arthritis, including abnormalities of the immune, musculoskeletal, cardiovascular, gastrointestinal, urogenital, pulmonary, and nervous systems, the skin, and the eyes;

(3) research into the development, trial, and evaluation of techniques, orthopedic and other surgical procedures, and drugs (including drugs intended for use by children) used in the diagnosis, early detection, treatment, prevention, and control of arthritis;

(4) programs that will apply scientific and technological methodologies and processes involving biological, physical, and engineering sciences to deal with all facets of arthritis, including traumatic arthritis;

88 STAT. 2219
88 STAT. 2220

(5) programs for the conduct and direction of field studies large-scale testing, evaluation, and demonstration of preventive, diagnostic, therapeutic, rehabilitative, and control approaches to arthritis, including studies of the effectiveness and use of home care programs, mobile care units, community rehabilitation facilities, and other appropriate community public health and social services;

(6) studies of the feasibility of, and possible benefits accruing from, the organization and training of teams of health and allied health professionals in the treatment and rehabilitation of individuals who suffer from arthritis;

(7) programs to evaluate available resources for the rehabilitation of individuals who suffer from arthritis;

(8) programs to develop new and improved methods of screening and referral for arthritis, and particularly for the early detection of arthritis;

(9) programs to establish standards and criteria for measurement of the severity and rehabilitative potential of disabilities resulting from arthritis;

(10) programs to develop a uniform descriptive vocabulary for use in basic and clinical research and a standardized clinical patient data set for arthritis to standardize collection, storage, and retrieval of research and treatment data in order to facilitate collaborative and comparative studies of large patient populations;

(11) programs to establish a system for the collection, analysis, and dissemination of data useful in the screening, prevention, diagnosis, and treatment of arthritis, including the establishment of a national data storage bank to collect, catalog, and store, and facilitate retrieval and dissemination of information as to the practical application of research and other activities pertaining to arthritis;

(12) programs for the education (including continuing education programs and development of new techniques and curricula) of scientists, bioengineers, physicians engaged in general practice, the practice of family medicine, or other primary care specialties, surgeons, including orthopedic surgeons, and other health and allied health professionals and educators in the fields and specialties requisite to screening, early detection, diagnosis, treatment, and prevention of arthritis and rehabilitation of individuals who suffer from arthritis;

(13) programs for public education and counseling relating to arthritis, including public information campaigns on current developments in diagnostic and treatment procedures and programs to discourage the promotion and use of unapproved and ineffective diagnostic, preventive, treatment, and control methods and unapproved and ineffective drugs and devices;

(14) a program for the acceleration of international cooperation in and exchange of knowledge on research, screening, early detection, diagnosis, treatment, prevention, and control of arthritis; and

(15) coordination of the research programs relevant to arthritis of other Institutes of the National Institutes of Health, the Department of Health, Education, and Welfare, and other Federal and non-Federal entities.

(h) The Commission may hold such hearings, take such testimony, and sit at such time and places as it deems advisable.

(i) (1) The Commission shall prepare for each of the Institutes of the National Institutes of Health whose activities are to be affected by the Arthritis Plan estimates of necessary expenditures to carry out each such Institute's part of the comprehensive program included in the Plan. The estimates shall be prepared for the fiscal year ending June 30, 1976, and for each of the next two fiscal years.

(2) Within five days after the Budget is transmitted by the President to Congress for the fiscal year ending June 30, 1976, and for each of the next two fiscal years, the Secretary shall transmit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Labor and Public Welfare of the Senate, and the Committee on Commerce and Health of the United States House of Representatives an estimate of the amounts requested for arthritis research by each of the Institutes for which estimates were

Research programs, coordination.

Hearings.

Expenditure estimates.

88 STAT. 2220

88 STAT. 2221

Transmittal to congressional committees.

January 4, 1975

- 5 -

Pub. Law 93-640

prepared under paragraph (1) and a comparison of such amounts with such estimates.

(j) (1) The Commission shall publish and transmit directly to the Congress (without prior administrative approval or review by the Office of Management and Budget or any other Federal department or agency) the Arthritis Plan within two hundred and ten days after the date on which funds are first appropriated for the Commission.

(2) The Commission shall cease to exist on the thirtieth day following the date of the submission of the Arthritis Plan pursuant to paragraph (1) of this subsection.

(k) There are authorized to be appropriated, without fiscal year limitation, to carry out the purposes of this section \$2,000,000.

Arthritis Plan,
publication;
transmittal to
Congress.

Termination
date.

Appropriation.

ARTHRITIS COORDINATING COMMITTEE, DEMONSTRATION PROJECTS, AND COMPREHENSIVE ARTHRITIS CENTERS

SEC. 4. Part D of title IV of the Public Health Service Act is amended by adding at the end thereof the following new sections:

"ARTHRITIS COORDINATING COMMITTEE

"SEC. 437. (a) In order to improve coordination of all activities in the National Institutes of Health, in the Department of Health, Education, and Welfare, and in other departments and agencies of the Federal Government relating to Federal health programs and activities relating to arthritis, the Secretary shall establish an Arthritis Coordinating Committee to be composed of representatives of the Department of Health, Education, and Welfare (including the Food and Drug Administration) and of the Veterans' Administration, the Department of Defense, and other Federal departments and agencies involved in research, health services, or rehabilitation programs affecting arthritis. This committee shall include the Directors (or their designated representatives) of each of the Institutes of the National Institutes of Health involved in arthritis related research. The Committee shall be chaired by the Associate Director established pursuant to section 434(e) and shall prepare a report not later than sixty days after the end of each fiscal year as possible, for the Secretary detailing the work of the committee in seeking to improve coordination of departmental and interdepartmental activities relating to arthritis during the preceding fiscal year. Such report shall include—

Establishment.
42 USC 289c-4.

Membership.

Post, p. 2224.
Report.

Contents.

"(1) a description of the work of the committee in coordinating the research activities of the National Institutes of Health relating to arthritis during the preceding year, and

"(2) a description of the work of the committee in promoting the coordination of Federal health programs and activities relating to arthritis to assure the adequacy of such programs and to provide for the adequate coordination of such programs and activities.

"(b) The Committee shall meet at the call of the chairman, but not less often than four times a year.

88 STAT. 2221
88 STAT. 2222
Meetings.

"ARTHRITIS SCREENING, DETECTION, PREVENTION, AND REFERRAL DEMONSTRATION PROJECTS; AND DATA BANK

"SEC. 438. (a) The Secretary, acting through the Assistant Secretary for Health, may make grants to public and nonprofit entities to establish and support projects for the development and demonstration of methods for arthritis, screening, detection, prevention, and referral,

42 USC 289c-5.

Coordination
with Federal,
State, and other
agencies.

and for the dissemination of these methods to health and allied health professions. Activities under such projects shall be coordinated with (1) Federal, State, local, and regional health agencies, (2) centers assisted under section 439, and (3) the data bank under subsection (c).

"(b) Projects under this section shall include programs which—

"(1) emphasize the development and demonstration of new and improved methods of screening and early detection, referral, and diagnosis of individuals with a risk of developing arthritis, asymptomatic arthritis, or symptomatic arthritis;

"(2) emphasize the development and demonstration of new and improved methods for patient referral from local hospitals and physicians to appropriate centers for early diagnosis and treatment;

"(3) emphasize the development and demonstration of new and improved means of standardizing patient data and recordkeeping; and

"(4) emphasize the development and demonstration of new and improved methods of dissemination of knowledge about the projects and methods referred to in the preceding paragraphs of this subsection to health and allied health professionals.

Arthritis Screen-
ing and Detec-
tion Data Bank.
Establishment.

"(c) (1) As soon as practicable after the date of enactment of this section the Secretary, through the Assistant Secretary for Health, shall establish the Arthritis Screening and Detection Data Bank for the collection, storage, analysis, retrieval, and dissemination of data useful in screening, prevention, and early detection involving patient populations with asymptomatic and symptomatic types of arthritis, including where possible, data involving general populations for the purpose of detection of individuals with a risk of developing arthritis.

Patient data
standardization
and recordkeep-
ing.
Infra.

"(2) The Secretary shall provide for standardization of patient data and recordkeeping for the collection, storage, analysis, retrieval, and dissemination of such data in cooperation with projects under this section and centers assisted under section 439, and other persons engaged in arthritis programs.

Appropriations.

"(d) There are authorized to be appropriated to carry out this section \$2,000,000 for fiscal year ending June 30, 1975, \$3,000,000 for fiscal year ending June 30, 1976, and \$4,000,000 for fiscal year ending June 30, 1977.

"COMPREHENSIVE ARTHRITIS CENTERS

42 USC 289c-6.

"SEC. 439. (a) The Secretary, acting through the Assistant Secretary for Health may, after consultation with the National Advisory Council established under section 434(a) and consistent with the Arthritis Plan developed pursuant to the National Arthritis Act of 1974, provide for the development, modernization, and operation (including staffing and other operating costs such as the costs of patient care required for research) of centers for arthritis research, screening, detection, diagnosis, prevention, control, and treatment, for education related to arthritis, and for rehabilitation of individuals who suffer from arthritis. For purposes of this section, the term

42 USC 289c-1.

Ante, p. 2217.

"Modernization."
88 STAT. 2222
88 STAT. 2223

'modernization' means the alteration, remodeling, improvement, expansion, and repair of existing buildings and the provision of equipment for such buildings to the extent necessary to make them suitable for use as centers described in the preceding sentence.

"(b) Each center assisted under this section shall—

"(1) (A) use the facilities of a single institution or a consortium of cooperating institutions, and (B) meet such qualifications as may be prescribed by the Secretary; and

January 4, 1975

- 7 -

Pub. Law 93-640

"(2) conduct—

"(A) basic and clinical research into the cause, diagnosis, early detection, prevention, control, and treatment of, arthritis and complications resulting from arthritis, including research into implantable biomaterials and biomechanical and other orthopedic procedures and in the development of other diagnostic and treatment methods;

"(B) training programs for physicians and other health and allied professionals in current methods of diagnosis, screening and early detection, prevention, control, and treatment of arthritis;

"(C) information and continuing education programs for physicians and other health and allied health professionals who provide care for patients with arthritis; and

"(D) programs for the dissemination to the general public of information—

"(i) on the importance of early detection of arthritis, of seeking prompt treatment, and of following an appropriate regimen; and

"(ii) to discourage the promotion and use of unapproved and ineffective diagnostic, preventive, treatment, and control methods and unapproved and ineffective drugs and devices.

"(c) Each center assisted under this section may conduct programs to—

"(1) develop new and improved methods of screening and early detection, referral, and diagnosis of individuals with a risk of developing arthritis, asymptomatic arthritis, or symptomatic arthritis,

"(2) disseminate the results of research, screening, and other activities, and develop means of standardizing patient data and recordkeeping, and

"(3) develop community consultative services to facilitate the referral of patients to centers for treatment.

"(e) The Secretary shall, insofar as practicable, provide for an equitable geographical distribution of centers assisted under this section. The Secretary shall give appropriate consideration to the need for centers especially suited to meeting the needs of children affected by arthritis. Equitable geographical distribution of centers.

"(f) The Secretary shall evaluate on an annual basis the activities of centers receiving support under this section and shall report to the appropriate committees of Congress the results of his evaluations not later than four months after the end of each fiscal year. Report to congressional committees.

"(g) No center may receive more than three grants under this section. Grants, limitation.

"(h) For purposes of this section, there are authorized to be appropriated \$11,000,000 for fiscal year ending June 30, 1975, \$13,000,000 for fiscal year ending June 30, 1976, and \$15,000,000 for fiscal year ending June 30, 1977. Not less than 20 per centum of the funds appropriated for each fiscal year under this subsection shall be used for the purposes of establishing new centers." Appropriations. 88 STAT. 2223 88 STAT. 2224

ASSOCIATE DIRECTOR, ANNUAL REPORT, RESEARCH FUNDING,
ADVISORY COUNCIL

SEC. 5. (a) Section 434 of the Public Health Service Act is amended 42 USC 289c-1.
by adding at the end the following new subsections:

"(e) There is established within the Institute the position of Associate Director for Arthritis and Related Musculoskeletal Disease

(hereinafter in this part referred to as the 'Associate Director'), who shall report directly to the Director of such Institute and who, under the supervision of the Director of such Institute, shall be responsible for programs regarding arthritis and related musculoskeletal diseases hereinafter in this part collectively referred to as 'arthritis') within such Institute.

Report to Presi-
dent and Con-
gress.

"(f) The Director of the Institute shall, as soon as practicable, but not later than sixty days, after the end of each fiscal year, prepare, in consultation with the National Advisory Council, and submit to the President and to the Congress a report. Such report shall include (1) a proposal for the Institute's activities under the Arthritis Plan formulated under the National Arthritis Act of 1974 and activities under other provisions of law during the next five years, with an estimate for such additional staff positions and appropriations as may be required to pursue such activities, and (2) a program evaluation section, wherein the activities and accomplishments of the Institute during the preceding fiscal year shall be measured against the Director's proposal for that year for activities under the Arthritis Plan."

42 USC 289a.

(b) Section 431 of such Act is amended by adding at the end thereof the following new subsection:

Research proj-
ects, grant
applications,
review.

42 USC 289c-1.

"(c) Of the sums appropriated for any fiscal year under this Act for the National Institutes of Health, not less than \$500,000 shall be obligated for basic and clinical orthopedic research conducted within the National Institute of Arthritis, Metabolism, and Digestive Diseases which relates to the methods of preventing, controlling and treating arthritis and related musculoskeletal diseases, including research in implantable biomaterials and biomechanical and other orthopedic procedures and research in the development of new and improved orthopedic treatment methods."

(c) Section 434(b) of such Act is amended by adding at the end thereof the following: "The Advisory Council shall review applications made to the Director for grants for research projects related to arthritis and related musculoskeletal diseases and shall recommend to the Director for approval those applications and contracts which the Council determines will best carry out the purposes of this part. The Advisory Council shall also review and evaluate the arthritis programs under this part and shall recommend to the Director such changes in the administration of such programs as it determines are necessary."

Approved January 4, 1975.

LEGISLATIVE HISTORY:

SENATE REPORT No. 93-1251 (Comm. on Labor and Public Welfare).
CONGRESSIONAL RECORD, Vol. 120 (1974):

Oct. 11, considered and passed Senate.

Dec. 18, considered and passed House, amended.

Dec. 19, Senate concurred in House amendment.



Public Law 93-641
93rd Congress, S. 2994
January 4, 1975

An Act

86 STAT. 2225

To amend the Public Health Service Act to assure the development of a national health policy and of effective State and area health planning and resources development programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "National Health Planning and Resources Development Act of 1974".

TABLE OF CONTENTS

- Sec. 1. Short title; table of contents.
Sec. 2. Findings and purpose.
Sec. 3. Revision of health planning programs under the Public Health Service Act.

"TITLE XV—NATIONAL HEALTH PLANNING AND DEVELOPMENT

"PART A—NATIONAL GUIDELINES FOR HEALTH PLANNING

- "Sec. 1501. National guidelines for health planning.
"Sec. 1502. National health priorities.
"Sec. 1503. Assistance to National Council on Health Planning and Development.

"PART B—HEALTH SYSTEMS AGENCIES

- "Sec. 1511. Health service areas.
"Sec. 1512. Health systems agencies.
"Sec. 1513. Functions of health systems agencies.
"Sec. 1514. Assistance to entities desiring to be designated as health systems agencies.
"Sec. 1515. Designation of health systems agencies.
"Sec. 1516. Planning grants.

"PART C—STATE HEALTH PLANNING AND DEVELOPMENT

- "Sec. 1521. Designation of State health planning and development agencies.
"Sec. 1522. State administrative program.
"Sec. 1523. State health planning and development functions.
"Sec. 1524. Statewide Health Coordinating Council.
"Sec. 1525. Grants for State health planning and development.
"Sec. 1526. Grants for rate regulation.

"PART D—GENERAL PROVISIONS

- "Sec. 1531. Definitions.
"Sec. 1532. Procedures and criteria for reviews of proposed health system changes.
"Sec. 1533. Technical assistance for health systems agencies and State health planning and development agencies.
"Sec. 1534. Centers for health planning.
"Sec. 1535. Review by the Secretary.
"Sec. 1536. Special provisions for certain States and Territories."

Sec. 4. Revision of health resources development programs under the Public Health Service Act.

"TITLE XVI—HEALTH RESOURCES DEVELOPMENT

"PART A—PURPOSE, STATE PLAN, AND PROJECT APPROVAL

- "Sec. 1601. Purpose.
"Sec. 1602. General regulations.
"Sec. 1603. State medical facilities plan.
"Sec. 1604. Approval of projects.

National
Health
Planning and
Resources
Development
Act of 1974.
42 USC 300k
note.

TABLE OF CONTENTS—Continued

"TITLE XVI—HEALTH RESOURCES DEVELOPMENT—Continued

"PART B—ALLOTMENTS

- "Sec. 1610. Allotments.
- "Sec. 1611. Payments from allotments.
- "Sec. 1612. Withholding of payments and other compliance actions.
- "Sec. 1613. Authorization of appropriations.

"PART C—LOANS AND LOAN GUARANTEES

- "Sec. 1620. Authority for loans and loan guarantees.
- "Sec. 1621. Allocation among States.
- "Sec. 1622. General provisions relating to loan guarantees and loans.

"PART D—PROJECT GRANTS

- "Sec. 1625. Project grants.

"PART E—GENERAL PROVISIONS

- "Sec. 1630. Judicial review.
- "Sec. 1631. Recovery.
- "Sec. 1632. State control of operations.
- "Sec. 1633. Definitions.
- "Sec. 1634. Financial statements; records and audit.
- "Sec. 1635. Technical assistance.

"PART F—AREA HEALTH SERVICES DEVELOPMENT FUNDS

- "Sec. 1640. Area health services development funds."
- Sec. 5. Miscellaneous and transitional provisions.
- Sec. 6. Advisory committees.
- Sec. 7. Agency reports.
- Sec. 8. Technical amendment.

FINDINGS AND PURPOSE

42 USC 300k.

SEC. 2. (a) The Congress makes the following findings:

(1) The achievement of equal access to quality health care at a reasonable cost is a priority of the Federal Government.

(2) The massive infusion of Federal funds into the existing health care system has contributed to inflationary increases in the cost of health care and failed to produce an adequate supply or distribution of health resources, and consequently has not made possible equal access for everyone to such resources.

(3) The many and increasing responses to these problems by the public sector (Federal, State, and local) and the private sector have not resulted in a comprehensive, rational approach to the present—

(A) lack of uniformly effective methods of delivering health care;

(B) maldistribution of health care facilities and manpower; and

(C) increasing cost of health care.

(4) Increases in the cost of health care, particularly of hospital stays, have been uncontrollable and inflationary, and there are presently inadequate incentives for the use of appropriate alternative levels of health care, and for the substitution of ambulatory and intermediate care for inpatient hospital care.

(5) Since the health care provider is one of the most important participants in any health care delivery system, health policy must address the legitimate needs and concerns of the provider if it is to achieve meaningful results; and, thus, it is imperative

January 4, 1975

- 3 -

Pub. Law 93-641

66 STAT. 2227

that the provider be encouraged to play an active role in developing health policy at all levels.

(6) Large segments of the public are lacking in basic knowledge regarding proper personal health care and methods for effective use of available health services.

(b) In recognition of the magnitude of the problems described in subsection (a) and the urgency placed on their solution, it is the purpose of this Act to facilitate the development of recommendations for a national health planning policy, to augment areawide and State planning for health services, manpower, and facilities, and to authorize financial assistance for the development of resources to further that policy.

REVISION OF HEALTH PLANNING PROGRAMS UNDER THE PUBLIC HEALTH SERVICE ACT

SEC. 3. The Public Health Service Act is amended by adding at the end the following new title: 42 USC 201
note.

"TITLE XV—NATIONAL HEALTH PLANNING AND DEVELOPMENT

"PART A—NATIONAL GUIDELINES FOR HEALTH PLANNING

"NATIONAL GUIDELINES FOR HEALTH PLANNING

"SEC. 1501. (a) The Secretary shall, within eighteen months after the date of the enactment of this title, by regulation issue guidelines concerning national health planning policy and shall, as he deems appropriate, by regulation revise such guidelines. Regulations under this subsection shall be promulgated in accordance with section 553 of title 5, United States Code. 42 USC 300k-1.

"(b) The Secretary shall include in the guidelines issued under subsection (a) the following:

"(1) Standards respecting the appropriate supply, distribution, and organization of health resources.

"(2) A statement of national health planning goals developed after consideration of the priorities, set forth in section 1502, which goals, to the maximum extent practicable, shall be expressed in quantitative terms.

"(c) In issuing guidelines under subsection (a) the Secretary shall consult with and solicit recommendations and comments from the health systems agencies designated under part B, the State health planning and development agencies designated under part C, the Statewide Health Coordinating Councils established under part C, associations and specialty societies representing medical and other health care providers, and the National Council on Health Planning and Development established by section 1503. Post, p. 2229.
Post, p. 2242.

"NATIONAL HEALTH PRIORITIES

"SEC. 1502. The Congress finds that the following deserve priority consideration in the formulation of national health planning goals and in the development and operation of Federal, State, and area health planning and resources development programs: 42 USC 300k-2.

"(1) The provision of primary care services for medically underserved populations, especially those which are located in rural or economically depressed areas.

"(2) The development of multi-institutional systems for coordination or consolidation of institutional health services (including obstetric, pediatric, emergency medical, intensive and coronary care, and radiation therapy services).

"(3) The development of medical group practices (especially those whose services are appropriately coordinated or integrated with institutional health services), health maintenance organizations, and other organized systems for the provision of health care.

"(4) The training and increased utilization of physician assistants, especially nurse clinicians.

"(5) The development of multi-institutional arrangements for the sharing of support services necessary to all health service institutions.

"(6) The promotion of activities to achieve needed improvements in the quality of health services, including needs identified by the review activities of Professional Standards Review Organizations under part B of title XI of the Social Security Act.

42 USC 1320c.

"(7) The development by health service institutions of the capacity to provide various levels of care (including intensive care, acute general care, and extended care) on a geographically integrated basis.

"(8) The promotion of activities for the prevention of disease, including studies of nutritional and environmental factors affecting health and the provision of preventive health care services.

"(9) The adoption of uniform cost accounting, simplified reimbursement, and utilization reporting systems and improved management procedures for health service institutions.

"(10) The development of effective methods of educating the general public concerning proper personal (including preventive) health care and methods for effective use of available health services.

"NATIONAL COUNCIL ON HEALTH PLANNING AND DEVELOPMENT

Establishment.
42 USC 300k-3.

"SEC. 1503. (a) There is established in the Department of Health, Education, and Welfare an advisory council to be known as the National Council on Health Planning and Development (hereinafter in this section referred to as the 'Council'). The Council shall advise, consult with, and make recommendations to, the Secretary with respect to (1) the development of national guidelines under section 1501, (2) the implementation and administration of this title and title XVI, and (3) an evaluation of the implications of new medical technology for the organization, delivery, and equitable distribution of health care services.

Post, p. 2258.

Membership.

"(b) (1) The Council shall be composed of fifteen members. The Chief Medical Director of the Veterans' Administration, the Assistant Secretary for Health and Environment of the Department of Defense and the Assistant Secretary for Health of the Department of Health, Education, and Welfare shall be nonvoting ex officio members of the Council. The remaining members shall be appointed by the Secretary and shall be persons who, as a result of their training, experience, or attainments, are exceptionally well qualified to assist in carrying out the functions of the Council. Of the voting members, not less than five shall be persons who are not providers of health services, not more than three shall be officers or employees of the Federal Government, not less than three shall be members of governing bodies of

January 4, 1975

- 5 -

Pub. Law 93-641

88 STAT. 2229

health systems agencies designated under part B, and not less than three shall be members of Statewide Health Coordinating Councils under section 1524. The two major political parties shall have equal representation among the voting members on the Council.

"(2) The term of office of voting members of the Council shall be six years, except that—

"(A) of the members first appointed to the Council, four shall be appointed for terms of two years and four shall be appointed for terms of four years, as designated by the Secretary at the time of appointment; and

"(B) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

A member may serve after the expiration of his term until his successor has taken office.

"(3) The chairman of the Council shall be selected by the voting members from among their number. The term of office of the chairman of the Council shall be the lesser of three years or the period remaining in his term of office as a member of the Council.

"(c) (1) Except as provided in paragraph (2), the members of the Council shall each be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Council.

"(2) Members of the Council who are full-time officers or employees of the United States shall receive no additional pay on account of their service on the Council.

"(3) While away from their homes or regular places of business in the performance of services for the Council, members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

"(d) The Council may appoint, fix the pay of, and prescribe the functions of such personnel as are necessary to carry out its functions. In addition, the Council may procure the services of experts and consultants as authorized by section 3109 of title 5, United States Code, but without regard to the last sentence of such section.

"(e) The provisions of section 14(a) of the Federal Advisory Committee Act shall not apply with respect to the Council.

"PART B—HEALTH SYSTEMS AGENCIES

"HEALTH SERVICE AREAS

"Sec. 1511. (a) There shall be established, in accordance with this section, health service areas throughout the United States with respect to which health systems agencies shall be designated under section 1515. Each health service area shall meet the following requirements:

"(1) The area shall be a geographic region appropriate for the effective planning and development of health services, determined on the basis of factors including population and the availability of resources to provide all necessary health services for residents of the area.

"(2) To the extent practicable, the area shall include at least one center for the provision of highly specialized health services.

Post, p. 2247.

Terms of
office.

Compensation.

5 USC 5332
and note.

Travel
expenses.

Experts and
consultants.

5 USC app. I.

Establishment.
42 USC 3001.

Requirements.

"(3) The area, upon its establishment, shall have a population of not less than five hundred thousand or more than three million; except that—

"(A) the population of an area may be more than three million if the area includes a standard metropolitan statistical area (as determined by the Office of Management and Budget) with a population of more than three million, and

"(B) the population of an area may—

"(i) be less than five hundred thousand if the area comprises an entire State which has a population of less than five hundred thousand, or

"(ii) be less than—

"(I) five hundred thousand (but not less than two hundred thousand) in unusual circumstances (as determined by the Secretary), or

"(II) two hundred thousand in highly unusual circumstances (as determined by the Secretary).

if the Governor of each State in which the area is located determines, with the approval of the Secretary, that the area meets the other requirements of this subsection.

"(4) To the maximum extent feasible, the boundaries of the area shall be appropriately coordinated with the boundaries of areas designated under section 1152 of the Social Security Act for Professional Standards Review Organizations, existing regional planning areas, and State planning and administrative areas.

42 USC 1320c-1.

The boundaries of a health service area shall be established so that, in the planning and development of health services to be offered within the health service area, any economic or geographic barrier to the receipt of such services in nonmetropolitan areas is taken into account. The boundaries of health service areas shall be established so as to recognize the differences in health planning and health services development needs between nonmetropolitan and metropolitan areas. Each standard metropolitan statistical area shall be entirely within the boundaries of one health service area, except that if the Governor of each State in which a standard metropolitan statistical area is located determines, with the approval of the Secretary, that in order to meet the other requirements of this subsection a health service area should contain only part of the standard metropolitan statistical area, then such statistical area shall not be required to be entirely within the boundaries of such health service area.

"(b) (1) Within thirty days following the date of the enactment of this title, the Secretary shall simultaneously give to the Governor of each State written notice of the initiation of proceedings to establish health service areas throughout the United States. Each notice shall contain the following:

"(A) A statement of the requirement (in subsection (a)) of the establishment of health service areas throughout the United States.

"(B) A statement of the criteria prescribed by subsection (a) for health service areas and the procedures prescribed by this subsection for the designation of health service area boundaries.

"(C) A request that the Governor receiving the notice (i) designate the boundaries of health service areas within his State, and, where appropriate and in cooperation with the Governors of adjoining States, designate the boundaries within his State of health service areas located both in his State and in adjoining States, and (ii) submit (in such form and manner as the Secretary shall specify) to the Secretary, within one hundred and twenty

Notice to
Governors.

January 4, 1975

- 7 -

Pub. Law 93-641

88 STAT. 2231

days of the date of enactment of this title, such boundary designations together with comments, submitted by the entities referred to in paragraph (2), with respect to such designations.

At the time such notice is given under this paragraph to each Governor, the Secretary shall publish as a notice in the Federal Register a statement of the giving of his notice to the Governor and the criteria and procedures contained in such notice.

Publication
in Federal
Register.

"(2) Each State's Governor shall in the development of boundaries for health service areas consult with and solicit the views of the chief executive officer or agency of the political subdivisions within the State, the State agency which administers or supervises the administration of the State's health planning functions under a State plan approved under section 314(a), each entity within the State which has developed a comprehensive regional, metropolitan, or other local area plan or plans referred to in section 314(b), and each regional medical program established in the State under the title IX.

42 USC 246.

42 USC 299.

"(3)(A) Within two hundred and ten days after the date of enactment of this title, the Secretary shall publish as a notice in the Federal Register the health service area boundary designations. The boundaries for health service areas submitted by the Governors shall, except as otherwise provided in subparagraph (B), constitute upon their publication in the Federal Register the boundaries for such health service areas.

Publication
in Federal
Register.

"(B)(i) If the Secretary determines that a boundary submitted to him for a health service area does not meet the requirements of subsection (a), he shall, after consultation with the Governor who submitted such boundary, make such revision in the boundary for such area (and as necessary, in the boundaries for adjoining health service areas) as may be necessary to meet such requirements and publish such revised boundary (or boundaries); and the revised boundary (or boundaries) shall upon publication in the Federal Register constitute the boundary (or boundaries) for such health service area (or areas). The Secretary shall notify the Governor of each State in which is located a health service area whose boundary is revised under this clause of the boundary revision and the reasons for such revision.

Boundary
revision;
publication
in Federal
Register.

"(ii) In the case of areas of the United States not included within the boundaries for health service areas submitted to the Secretary as requested under the notice under paragraph (1), the Secretary shall establish and publish in the Federal Register health service area boundaries which include such areas. The Secretary shall notify the Governor of each State in which is located a health service area the boundary for which is established under this clause of the boundaries established. In carrying out the requirement of this clause, the Secretary may make such revisions in boundaries submitted under subparagraph (A) as he determines are necessary to meet the requirement of subsection (a) for the establishment of health service areas throughout the United States.

Other health
service areas;
publication
in Federal
Register.

"(4) The Secretary shall review on a continuing basis and at the request of any Governor or designated health systems agency the appropriateness of the boundaries of the health service areas established under paragraph (3) and, if he determines that a boundary for a health service area no longer meets the requirements of subsection (a), he may revise the boundaries in accordance with the procedures prescribed by paragraph (3)(B)(ii) for the establishment of boundaries of health service areas which include areas not included in boundaries submitted by the Governors. If the Secretary acts on his

Review.

68 STAT. 2232

Ante, p. 2229.Post, p. 2242.Post, p. 2256.

42 USC 246.

42 USC 3001-1.

Standards
and criteria.

own initiative to revise the boundaries of any health service area, he shall consult with the Governor of the appropriate State or States, the entities referred to in paragraph (2), the appropriate health systems agency or agencies designated under part B and the appropriate Statewide Health Coordinating Council established under part C. A request for boundary revision shall be made only after consultation with the Governor of the appropriate State or States, the entities referred to in paragraph (2), the appropriate designated health systems agencies, and the appropriate established Statewide Health Coordinating Council and shall include the comments concerning the revision made by the entities consulted in requesting the revision.

"(5) Within one year after the date of the enactment of this title the Secretary shall complete the procedures for the initial establishment of the boundaries of health service areas which (except as provided in section 1535) include the geographic area of all the States.

"(c) Notwithstanding any other requirement of this section, an area—

"(1) for which has been developed a comprehensive regional, metropolitan area, or other local area plan referred to in section 314(b), and

"(2) which otherwise meets the requirements of subsection (a), shall be designated by the Secretary as a health service area unless the Governor of any State in which such area is located, upon a finding that another area is a more appropriate region for the effective planning and development of health resources, waives such requirement.

"HEALTH SYSTEMS AGENCIES

"SEC. 1512. (a) DEFINITION.—For purposes of this title, the term 'health systems agency' means an entity which is organized and operated in the manner described in subsection (b) and which is capable, as determined by the Secretary, of performing each of the functions described in section 1513. The Secretary shall by regulation establish standards and criteria for the requirements of subsection (b) and section 1513.

"(b) (1) LEGAL STRUCTURE.—A health systems agency for a health service area shall be—

"(A) a nonprofit private corporation (or similar legal mechanism such as a public benefit corporation) which is incorporated in the State in which the largest part of the population of the health service area resides, which is not a subsidiary of, or otherwise controlled by, any other private or public corporation or other legal entity, and which only engages in health planning and development functions;

"(B) a public regional planning body if (i) it has a governing board composed of a majority of elected officials of units of general local government or it is authorized by State law (in effect before the date of enactment of this subsection) to carry out health planning and review functions such as those described in section 1513, and (ii) its planning area is identical to the health service area; or

"(C) a single unit of general local government if the area of the jurisdiction of that unit is identical to the health service area.

A health systems agency may not be an educational institution or operate such an institution.

"(2) STAFF.—

"(A) EXPERTISE.—A health systems agency shall have a staff which provides the agency with expertise in at least the following:

(i) Administration, (ii) the gathering and analysis of data, (iii) health planning, and (iv) development and use of health resources. The functions of planning and of development of health resources shall be conducted by staffs with skills appropriate to each function.

“(B) SIZE AND EMPLOYMENT.—The size of the professional staff of any health systems agency shall be not less than five, except that if the quotient of the population (rounded to the next highest one hundred thousand) of the health service area which the agency serves divided by one hundred thousand is greater than five, the minimum size of the professional staff shall be the lesser of (i) such quotient, or (ii) twenty-five. The members of the staff shall be selected, paid, promoted, and discharged in accordance with such system as the agency may establish, except that the rate of pay for any position shall not be less than the rate of pay prevailing in the health service area for similar positions in other public or private health service entities. If necessary for the performance of its functions, a health systems agency may employ consultants and may contract with individuals and entities for the provision of services. Compensation for consultants and for contracted services shall be established in accordance with standards established by regulation by the Secretary.

Consultants
and contracted
services.

“(3) GOVERNING BODY.—

“(A) IN GENERAL.—A health systems agency which is a public regional planning body or unit of general local government shall, in addition to any other governing body, have a governing body for health planning, which is established in accordance with subparagraph (C), which shall have the responsibilities prescribed by subparagraph (B), and which has exclusive authority to perform for the agency the functions described in section 1513. Any other health systems agency shall have a governing body composed, in accordance with subparagraph (C), of not less than ten members and of not more than thirty members, except that the number of members may exceed thirty if the governing body has established another unit (referred to in this paragraph as an ‘executive committee’) composed, in accordance with subparagraph (C), of not more than twenty-five members of the governing body and has delegated to that unit the authority to take such action (other than the establishment and revision of the plans referred to in subparagraph (B)(ii)) as the governing body is authorized to take.

“(B) RESPONSIBILITIES.—The governing body—

“(i) shall be responsible for the internal affairs of the health systems agency, including matters relating to the staff of the agency, the agency’s budget, and procedures and criteria (developed and published pursuant to section 1532) applicable to its functions under subsections (e), (f), and (g) of section 1513;

Post, p. 2251.

“(ii) shall be responsible for the establishment of the health systems plan and annual implementation plan required by section 1513(b);

“(iii) shall be responsible for the approval of grants and contracts made and entered into under section 1513(c)(3);

Grants and
contracts,
approval.

“(iv) shall be responsible for the approval of all actions taken pursuant to subsections (e), (f), (g), and (h), of section 1513;

“(v) shall (I) issue an annual report concerning the activities of the agency, (II) include in that report the health

Report.

systems plan and annual implementation plan developed by the agency, and a listing of the agency's income, expenditures, assets, and liabilities, and (III) make the report readily available to the residents of the health service area and the various communications media serving such area;

"(vi) shall reimburse its members for their reasonable costs incurred in attending meetings of the governing body;

"(vii) shall meet at least once in each calendar quarter of a year and shall meet at least two additional times in a year unless its executive committee meets at least twice in that year; and

"(viii) shall (I) conduct its business meetings in public, (II) give adequate notice to the public of such meetings, and (III) make its records and data available, upon request, to the public.

The governing body (and executive committee (if any)) of a health systems agency shall act only by vote of a majority of its members present and voting at a meeting called upon adequate notice to all of its members and at which a quorum is in attendance. A quorum for a governing body and executive committee shall be not less than one-half of its members.

"(C) COMPOSITION.—The membership of the governing body and the executive committee (if any) of an agency shall meet the following requirements:

"(i) A majority (but not more than 60 per centum of the members) shall be residents of the health service area served by the entity who are consumers of health care and who are not (nor within the twelve months preceding appointment been) providers of health care and who are broadly representative of the social, economic, linguistic and racial populations, geographic areas of the health service area, and major purchasers of health care.

"(ii) The remainder of the members shall be residents of the health service area served by the agency who are providers of health care and who represent (I) physicians (particularly practicing physicians), dentists, nurses, and other health professionals, (II) health care institutions (particularly hospitals, long-term care facilities, and health maintenance organizations), (III) health care insurers, (IV) health professional schools, and (V) the allied health professions. Not less than one-third of the providers of health care who are members of the governing body or executive committee of a health systems agency shall be direct providers of health care (as described in section 1531(3)).

"(iii) The membership shall—

"(I) include (either through consumer or provider members) public elected officials and other representatives of governmental authorities in the agency's health service area and representatives of public and private agencies in the area concerned with health,

"(II) include a percentage of individuals who reside in nonmetropolitan areas within the health service area which percentage is equal to the percentage of residents of the area who reside in nonmetropolitan areas, and

"(III) if the health systems agency serves an area in which there is located one or more hospitals or other health care facilities of the Veterans' Administration, include, as an ex officio member, an individual whom the Chief Medical Director of the Veterans' Administration.

January 4, 1975

- 11 -

Pub. Law 93-641

88 STAT. 2235

shall have designated for such purpose, and if the agency serves an area in which there is located one or more qualified health maintenance organizations (within the meaning of section 1310), include at least one member who is representative of such organizations.

42 USC 300e-9.

"(iv) If, in the exercise of its functions, a governing body or executive committee appoints a subcommittee of its members or an advisory group, it shall, to the extent practicable, make its appointments to any such subcommittee or group in such a manner as to provide the representation on such subcommittee or group described in this subparagraph.

"(4) **INDIVIDUAL LIABILITY.**—No individual who, as a member or employee of a health systems agency, shall, by reason of his performance of any duty, function, or activity required of, or authorized to be undertaken by, the agency under this title, be liable for the payment of damages under any law of the United States or any State (or political subdivision thereof) if he has acted within the scope of such duty, function, or activity, has exercised due care, and has acted, with respect to that performance, without malice toward any person affected by it.

"(5) **PRIVATE CONTRIBUTIONS.**—No health systems agency may accept any funds or contributions of services or facilities from any individual or private entity which has a financial, fiduciary, or other direct interest in the development, expansion, or support of health resources unless, in the case of an entity, it is an organization described in section 509(a) of the Internal Revenue Code of 1954 and is not directly engaged in the provision of health care in the health service area of the agency. For purposes of this paragraph, an entity shall not be considered to have such an interest solely on the basis of its providing (directly or indirectly) health care for its employees.

26 USC 509.

"(6) **OTHER REQUIREMENTS.**—Each health system agency shall—

"(A) make such reports, in such form and containing such information, concerning its structure, operations, performance of functions, and other matters as the Secretary may from time to time require, and keep such records and afford such access thereto as the Secretary may find necessary to verify such reports;

Reports;
record-
keeping.

"(B) provide for such fiscal control and fund accounting procedures as the Secretary may require to assure proper disbursement of, and accounting for, amounts received from the Secretary under this title and section 1640; and

Post, p. 2273.

"(C) permit the Secretary and the Comptroller General of the United States, or their representatives, to have access for the purpose of audit and examination to any books, documents, papers, and records pertinent to the disposition of amounts received from the Secretary under this title and section 1640.

"(c) **SUBAREA COUNCILS.**—A health systems agency may establish subarea advisory councils representing parts of the agencies' health service area to advise the governing body of the agency on the performance of its functions. The composition of a subarea advisory council shall conform to the requirements of subsection (b)(3)(C).

Establishment.

"FUNCTIONS OF HEALTH SYSTEMS AGENCIES

"SEC. 1513. (a) For the purpose of—

42 USC 3001-2.

"(1) improving the health of residents of a health service area,

"(2) increasing the accessibility (including overcoming geographic, architectural, and transportation barriers), acceptability, continuity, and quality of the health services provided them,

"(3) restraining increases in the cost of providing them health services, and

"(4) preventing unnecessary duplication of health resources, each health systems agency shall have as its primary responsibility the the provision of effective health planning for its health service area and the promotion of the development within the area of health services, manpower, and facilities which meet identified needs, reduce documented inefficiencies, and implement the health plans of the agency. To meet its primary responsibility, a health systems agency shall carry out the functions described in subsections (b) through (g) of this section.

"(b) In providing health planning and resources development for its health service area, a health systems agency shall perform the following functions:

"(1) The agency shall assemble and analyze data concerning—

"(A) the status (and its determinants) of the health of the residents of its health service area,

"(B) the status of the health care delivery system in the area and the use of that system by the residents of the area,

"(C) the effect the area's health care delivery system has on the health of the residents of the area,

"(D) the number, type, and location of the area's health resources, including health services, manpower, and facilities,

"(E) the patterns of utilization of the area's health resources, and

"(F) the environmental and occupational exposure factors affecting immediate and long-term health conditions.

In carrying out this paragraph, the agency shall to the maximum extent practicable use existing data (including data developed under Federal health programs) and coordinate its activities with the cooperative system provided for under section 306(e).

"(2) The agency shall, after appropriate consideration of the recommended national guidelines for health planning policy issued by the Secretary under section 1501, the priorities set forth in section 1502, and the data developed pursuant to paragraph (1), establish, annually review, and amend as necessary a health systems plan (hereinafter in this title referred to as the 'HSP') which shall be a detailed statement of goals (A) describing a healthful environment and health systems in the area which, when developed, will assure that quality health services will be available and accessible in a manner which assures continuity of care, at reasonable cost, for all residents of the area; (B) which are responsive to the unique needs and resources of the area; and (C) which take into account and is consistent with the national guidelines for health planning policy issued by the Secretary under section 1501 respecting supply, distribution, and organization of health resources and services. Before establishing an HSP, a health systems agency shall conduct a public hearing on the proposed HSP and shall give interested persons an opportunity to submit their views orally and in writing. Not less than thirty days prior to such hearing, the agency shall publish in at least two newspapers of general circulation throughout its health service area a notice of its consideration of the proposed HSP, the time and place of the hearing, the place at which interested persons may consult the HSP in advance of the hearing, and the place and period during which to submit written comments to the agency on the HSP.

"(3) The agency shall establish, annually review, and amend as necessary an annual implementation plan (hereinafter in this title referred to as the 'AIP') which describes objectives which

Coordination
with cooper-
ative system.
42 USC 242d.

Health systems
plan.
Establishment.

Hearing.

Notice.

Annual imple-
mentation plan.
Establishment.

January 4, 1975

- 13 -

Pub. Law 93-641

88 STAT. 2237

will achieve the goals of the HSP and priorities among the objectives. In establishing the AIP, the agency shall give priority to those objectives which will maximally improve the health of the residents of the area, as determined on the basis of the relation of the cost of attaining such objectives to their benefits, and which are fitted to the special needs of the area.

"(4) The agency shall develop and publish specific plans and projects for achieving the objectives established in the AIP.

"(c) A health systems agency shall implement its HSP and AIP, and in implementing the plans it shall perform at least the following functions:

"(1) The agency shall seek, to the extent practicable, to implement its HSP and AIP with the assistance of individuals and public and private entities in its health service area.

"(2) The agency may provide, in accordance with the priorities established in the AIP, technical assistance to individuals and public and private entities for the development of projects and programs which the agency determines are necessary to achieve the health systems described in the HSP, including assistance in meeting the requirements of the agency prescribed under section 1532(b).

"(3) The agency shall, in accordance with the priorities established in the AIP, make grants to public and nonprofit private entities and enter into contracts with individuals and public and nonprofit private entities to assist them in planning and developing projects and programs which the agency determines are necessary for the achievement of the health systems described in the HSP. Such grants and contracts shall be made from the Area Health Services Development Fund of the agency established with funds provided under grants made under section 1640. No grants or contract under this subsection may be used (A) to pay the costs incurred by an entity or individual in the delivery of health services (as defined in regulations of the Secretary), or (B) for the cost of construction or modernization of medical facilities. No single grant or contract made or entered into under this paragraph shall be available for obligation beyond the one year period beginning on the date the grant or contract was made or entered into. If an individual or entity receives a grant or contract under this paragraph for a project or program, such individual or entity may receive only one more such grant or contract for such project or program.

"(d) Each health systems agency shall coordinate its activities with—

"(1) each Professional Standards Review Organization (designated under section 1152 of the Social Security Act),

"(2) entities referred to in paragraphs (1) and (2) of section 204(a) of the Demonstration Cities and Metropolitan Development Act of 1966 and regional and local entities the views of which are required to be considered under regulations prescribed under section 403 of the Intergovernmental Cooperation Act of 1968 to carry out section 401(b) of such Act,

"(3) other appropriate general or special purpose regional planning or administrative agencies, and

"(4) any other appropriate entity, in the health system agency's health service area. The agency shall, as appropriate, secure data from them for use in the agency's planning and development activities, enter into agreements with them which will assure that actions taken by such entities which alter the area's

Grants and
contracts.

Post, p. 2273.

Limitation.

Coordination.

42 USC 1320e-1.

42 USC 3334.

42 USC 4233,
4231.

88 STAT. 2238

health system will be taken in a manner which is consistent with the HSP and the AIP in effect for the area, and, to the extent practicable, provide technical assistance to such entities.

Use of Federal funds,
approval.

"(e) (1) (A) Except as provided in subparagraph (B), each health systems agency shall review and approve or disapprove each proposed use within its health service area of Federal funds—

42 USC 2681
note.

42 USC 4571.

"(i) appropriated under this Act, the Community Mental Health Centers Act, or the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 for grants, contracts, loans, or loan guarantees for the development, expansion, or support of health resources; or

"(ii) made available by the State in which the health service area is located (from an allotment to the State under an Act referred to in clause (i)) for grants or contracts for the development, expansion, or support of health resources.

42 USC 281,
292, 296.

"(B) A health systems agency shall not review and approve or disapprove the proposed use within its health service area of Federal funds appropriated for grants or contracts under title IV, VII, or VIII of this Act unless the grants or contracts are to be made, entered into, or used to support the development of health resources intended for use in the health service area or the delivery of health services. In the case of a proposed use within the health service area of a health systems agency of Federal funds described in subparagraph (A) by an Indian tribe or inter-tribal Indian organization for any program or project which will be located within or will specifically serve—

"(i) a federally-recognized Indian reservation,

"(ii) any land area in Oklahoma which is held in trust by the United States for Indians or which is a restricted Indian-owned land area, or

43 USC 1602.

"(iii) a Native village in Alaska (as defined in section 3(c) of the Alaska Native Claims Settlement Act),

a health systems agency shall only review and comment on such proposed use.

"(2) Notwithstanding any other provision of this Act or any other Act referred to in paragraph (1), the Secretary shall allow a health systems agency sixty days to make the review required by such paragraph. If an agency disapproves a proposed use in its health service area of Federal funds described in paragraph (1), the Secretary may not make such Federal funds available for such use until he has made, upon request of the entity making such proposal, a review of the agency decision. In making any such review of any agency decision, the Secretary shall give the appropriate State health planning and development agency an opportunity to consider the decision of the health systems agency and to submit to the Secretary its comments on the decision. The Secretary, after taking into consideration such State agency's comments (if any), may make such Federal funds available for such use, notwithstanding the disapproval of the health systems agency. Each such decision by the Secretary to make funds available shall be submitted to the appropriate health systems agency and State health planning and development agency and shall contain a detailed statement of the reasons for the decision.

Information
to Indian
tribes or
organizations.

"(3) Each health systems agency shall provide each Indian tribe or inter-tribal Indian organization which is located within the agency's health service area information respecting the availability of the Federal funds described in the first sentence of this subsection.

"(f) To assist State health planning and development agencies in carrying out their functions under paragraphs (4) and (5) of section 1523(a) each health systems agency shall review and make recommen-

January 4, 1975

- 15 -

Pub. Law 93-641

86 STAT. 2239

dations to the appropriate State health planning and development agency respecting the need for new institutional health services proposed to be offered or developed in the health service area of such health systems agency.

"(g) (1) Except as provided in paragraph (2), each health systems agency shall review on a periodic basis (but at least every five years) all institutional health services offered in the health service area of the agency and shall make recommendations to the State health planning and development agency designated under section 1521 for each State in which the health systems agency's health service area is located respecting the appropriateness in the area of such services.

Institutional
health serv-
ices, review.

"(2) A health systems agency shall complete its initial review of existing institutional health services within three years after the date of the agency's designation under section 1515(c).

"(h) Each health systems agency shall annually recommend to the State health planning and development agency designated for each State in which the health systems agency's health service area is located (1) projects for the modernization, construction, and conversion of medical facilities in the agency's health service area which projects will achieve the HSP and AIP of the health systems agency, and (2) priorities among such projects.

"ASSISTANCE TO ENTITIES DESIRING TO BE DESIGNATED AS HEALTH SYSTEMS AGENCIES

"SEC. 1514. The Secretary may provide all necessary technical and other nonfinancial assistance (including the preparation of prototype plans of organization and operation) to nonprofit private entities (including entities presently receiving financial assistance under section 314(b) or title IX or as experimental health service delivery systems under section 304) which—

Technical and
nonfinancial
assistance.
42 USC 3001-3.
42 USC 246,
299, 242b.

"(1) express a desire to be designated as health systems agencies, and

"(2) the Secretary determines have a potential to meet the requirements of a health systems agency specified in sections 1512 and 1513.

to assist such entities in developing applications to be submitted to the Secretary under section 1515 and otherwise in preparing to meet the requirements of this part for designation as a health systems agency.

"DESIGNATION OF HEALTH SYSTEMS AGENCIES

"SEC. 1515. (a) At the earliest practicable date after the establishment under section 1511 of health service areas (but not later than eighteen months after the date of enactment of this title) the Secretary shall enter into agreements in accordance with this section for the designation of health systems agencies for such areas.

Agreements.
42 USC 3001-4.

"(b) (1) The Secretary may enter into agreements with entities under which the entities would be designated as the health systems agencies for health service areas on a conditional basis with a view to determining their ability to meet the requirements of section 1512 (b), and their capacity to perform the functions prescribed by section 1513.

"(2) During any period of conditional designation (which may not exceed 24 months), the Secretary may require that the entity conditionally designated meet only such of the requirements of section 1512(b) and perform only such of the functions prescribed by section 1513 as he determines such entity to be capable of meeting and performing. The number and type of such requirements and functions

88 STAT. 2240

shall, during the period of conditional designation, be progressively increased as the entity conditionally designated becomes capable of added responsibility so that, by the end of such period, the agency may be considered for designation under subsection (c).

Termination.

"(3) Any agreement under which any entity is conditionally designated as a health systems agency may be terminated by such entity upon ninety days notice to the Secretary or by the Secretary upon ninety days notice to such entity.

Conditional designation.

"(4) The Secretary may not enter into an agreement with any entity under paragraph (1) for conditional designation as a health systems agency for a health service area until—

"(A) the entity has submitted an application for such designation which contains assurances satisfactory to the Secretary that upon completion of the period of conditional designation the applicant will be organized and operated in the manner described in section 1512(b) and will be qualified to perform the functions prescribed by section 1513;

"(B) a plan for the orderly assumption and implementation of the functions of a health systems agency has been received from the applicant and approved by the Secretary; and

"(C) the Secretary has consulted with the Governor of each State in which such health service area is located and with such other State and local officials as he may deem appropriate, with respect to such designation.

42 USC 246.

In considering such applications, the Secretary shall give priority to an application which has been recommended for approval by each entity which has developed a plan referred to in section 314(b) for all or part of the health service area with respect to which the application was submitted, and each regional medical program established in such area under title IX.

42 USC 299.

"(c) (1) The Secretary shall enter into an agreement with an entity for its designation as a health systems agency if, on the basis of an application under paragraph (2) (and, in the case of an entity conditionally designated, on the basis of its performance during a period of conditional designation under subsection (b) as a health systems agency for a health service area), the Secretary determines that such entity is capable of fulfilling, in a satisfactory manner, the requirements and functions of a health systems agency. Any such agreement under this subsection with an entity may be renewed in accordance with paragraph (3), shall contain such provisions respecting the requirements of sections 1512(b) and 1513 and such conditions designed to carry out the purpose of this title, as the Secretary may prescribe, and shall be for a term of not to exceed twelve months; except that, prior to the expiration of such term, such agreement may be terminated—

Renewal.

"(A) by the entity at such time and upon such notice to the Secretary as he may by regulation prescribe, or

"(B) by the Secretary, at such time and upon such notice to the entity as the Secretary may by regulation prescribe, if the Secretary determines that the entity is not complying with or effectively carrying out the provisions of such agreement.

Termination conditions.

Application.

"(2) The Secretary may not enter into an agreement with any entity under paragraph (1) for designation as a health systems agency for a health service area unless the entity has submitted an application to the Secretary for designation as a health systems agency, and the Governor of each State in which the area is located has been consulted respecting such designation of such entity. Such an application shall contain assurances satisfactory to the Secretary that the applicant meets the requirements of section 1512(b) and is qualified to perform

January 4, 1975

- 17 -

Pub. Law 93-641

88 STAT. 2241

or is performing the functions prescribed by section 1513. In considering such applications, the Secretary shall give priority to an application which has been recommended for approval by (A) each entity which has developed a plan referred to in section 314(b) for all or part of the health service area with respect to which the application was submitted, and (B) each regional medical program established in such area under title IX.

"(3) An agreement under this subsection for the designation of a health systems agency may be renewed by the Secretary for a period not to exceed twelve months if upon review (as provided in section 1535) of the agency's operation and performance of its functions, he determines that it has fulfilled, in a satisfactory manner, the functions of a health systems agency prescribed by section 1513 and continues to meet the requirements of section 1512(b).

"(d) If a designation under subsection (b) or (c) of a health systems agency for a health services area is terminated before the date prescribed for its expiration, the Secretary shall, upon application and in accordance with subsection (b) or (c) (as the Secretary determines appropriate), enter into a designation agreement with another entity to be the health systems agency for such area.

"PLANNING GRANTS"

"SEC. 1516. (a) The Secretary shall make in each fiscal year a grant to each health systems agency with which there is in effect a designation agreement under subsection (b) or (c) of section 1515. A grant under this subsection shall be made on such conditions as the Secretary determines is appropriate, shall be used by a health systems agency for compensation of agency personnel, collection of data, planning, and the performance of the functions of the agency, and shall be available for obligation for a period not to exceed the period for which its designation agreement is entered into or renewed (as the case may be). A health systems agency may use funds under a grant under this subsection to make payments under contracts with other entities to assist the health systems agency in the performance of its functions; but it shall not use funds under such a grant to make payments under a grant or contract with another entity for the development or delivery of health services or resources.

"(b) (1) The amount of any grant under subsection (a) to a health systems agency designated under section 1515(b) shall be determined by the Secretary. The amount of any grant under subsection (a) to any health systems agency designated under section 1515(c) shall be the lesser of—

"(A) the product of \$0.50 and the population of the health service area for which the agency is designated, or

"(B) \$3,750,000, unless the agency would receive a greater amount under paragraph (2) or (3).

"(2) (A) If the application of a health systems agency for such a grant contains assurances satisfactory to the Secretary that the agency will expend or obligate in the period in which such grant will be available for obligation non-Federal funds meeting the requirements of subparagraph (B) for the purposes for which such grant may be made, the amount of such grant shall be the sum of—

"(i) the amount determined under paragraph (1), and

"(ii) the lesser of (I) the amount of such non-Federal funds with respect to which the assurances were made, or (II) the product of \$0.25 and the population of the health service area for which the agency is designated.

Priority.

42 USC 246.

42 USC 299.

Renewal.

Post, p. 2259.

42 USC 3001-5.

Use of funds,
restriction.Obligation of
non-Federal
funds.

"(B) The non-Federal funds which an agency may use for the purpose of obtaining a grant under subsection (a) which is computed on the basis of the formula prescribed by subparagraph (A) shall—

"(i) not include any funds contributed to the agency by any individual or private entity which has a financial, fiduciary, or other direct interest in the development, expansion, or support of health resources, and

"(ii) be funds which are not paid to the agency for the performance of particular services by it and which are otherwise contributed to the agency without conditions as to their use other than the condition that the funds shall be used for the purposes for which a grant made under this section may be used.

"(3) The amount of a grant under subsection (a) to a health systems agency designated under section 1515(c) may not be less than \$175,000.

Appropriations.

"(c) (1) For the purpose of making payments pursuant to grants made under subsection (a), there are authorized to be appropriated \$60,000,000 for the fiscal year ending June 30, 1975, \$90,000,000 for the fiscal year ending June 30, 1976, and \$125,000,000 for the fiscal year ending June 30, 1977.

"(2) Notwithstanding subsection (b), if the total of the grants to be made under this section to health systems agencies for any fiscal year exceeds the total of the amounts appropriated under paragraph (1) for that fiscal year, the amount of the grant for that fiscal year to each health systems agency shall be an amount which bears the same ratio to the amount determined for that agency for that fiscal year under subsection (b) as the total of the amounts appropriated under paragraph (1) for that fiscal year bears to the total amount required to make grants to all health systems agencies in accordance with the applicable provision of subsection (b); except that the amount of any grant to a health systems agency for any fiscal year shall not be less than \$175,000, unless the amount appropriated for that fiscal year under paragraph (1) is less than the amount required to make such a grant to each health systems agency.

"PART C—STATE HEALTH PLANNING AND DEVELOPMENT

"DESIGNATION OF STATE HEALTH PLANNING AND DEVELOPMENT AGENCIES

Designation
agreements.
42 USC 300m.

"Sec. 1521. (a) For the purpose of the performance within each State of the health planning and development functions prescribed by section 1523, the Secretary shall enter into and renew agreements (described in subsection (b)) for the designation of a State health planning and development agency for each State other than a State for which the Secretary may not under subsection (d) enter into, continue in effect, or renew such an agreement.

Conditions.

"(b) (1) A designation agreement under subsection (a) is an agreement with the Governor of a State for the designation of an agency (selected by the Governor) of the government of that State as the State health planning and development agency (hereinafter in this part referred to as the 'State Agency') to administer the State administrative program prescribed by section 1522 and to carry out the State's health planning and development functions prescribed by section 1523. The Secretary may not enter into such an agreement with the Governor of a State unless—

"(A) there has been submitted by the State a State administrative program which has been approved by the Secretary,

"(B) an application has been made to the Secretary for such an agreement and the application contains assurances satisfactory

January 4, 1975

- 19 -

Pub. Law 93-641

88 STAT. 2243

to the Secretary that the agency selected by the Governor for designation as the State Agency has the authority and resources to administer the State administrative program of the State and to carry out the health planning and development functions prescribed by section 1523, and

"(C) in the case of an agreement entered into under paragraph (3), there has been established for the State a Statewide Health Coordinating Council meeting the requirements of section 1524.

"(2) (A) The agreement entered into with a Governor of a State under subsection (a) may provide for the designation of a State Agency on a conditional basis with a view to determining the capacity of the designated State Agency to administer the State administrative program of the State and to carry out the health planning and development functions prescribed by section 1523. The Secretary shall require as a condition to the entering into of such an agreement that the Governor submit on behalf of the agency to be designated a plan for the agency's orderly assumption and implementation of such functions.

Plan.

"(B) The period of an agreement described in subparagraph (A) may not exceed twenty-four months. During such period the Secretary may require that the designated State Agency perform only such of the functions of a State Agency prescribed by section 1523 as he determines it is capable of performing. The number and type of such functions shall, during such period, be progressively increased as the designated State Agency becomes capable of added responsibility, so that by the end of such period the designated State Agency may be considered for designation under paragraph (3).

Period of agreement.

"(C) Any agreement with a Governor of a State entered into under subparagraph (A) may be terminated by the Governor upon ninety days' notice to the Secretary or by the Secretary upon ninety days' notice to the Governor.

Termination.

"(3) If, on the basis of an application for designation as a State Agency (and, in the case of an agency conditionally designated under paragraph (2), on the basis of its performance under an agreement with a Governor of a State entered into under such paragraph), the Secretary determines that the agency is capable of fulfilling, in a satisfactory manner, the responsibilities of a State Agency, he shall enter into an agreement with the Governor of the State designating the agency as the State Agency for the State. No such agreement may be made unless an application therefor is submitted to, and approved by, the Secretary. Any such agreement shall be for a term of not to exceed twelve months, except that, prior to the expiration of such term, such agreement may be terminated—

State Agency, designation.

"(A) by the Governor at such time and upon such notice to the Secretary as he may by regulation prescribe, or

"(B) by the Secretary, at such time and upon such notice to the Governor as the Secretary may by regulation prescribe, if the Secretary determines that the designated State Agency is not complying with or effectively carrying out the provisions of such agreement.

Application, submittal to Secretary.

Termination.

An agreement under this paragraph shall contain such provisions as the Secretary may require to assure that the requirements of this part respecting State Agencies are complied with.

"(4) An agreement entered into under paragraph (3) for the designation of a State Agency may be renewed by the Secretary for a period not to exceed twelve months if he determines that it has fulfilled, in a satisfactory manner, the responsibilities of a State Agency during the period of the agreement to be renewed and if the

Renewal.

applicable State administrative program continues to meet the requirements of section 1522.

"(c) If a designation agreement with the Governor of a State entered into under subsection (b) (2) or (b) (3) is terminated before the date prescribed for its expiration, the Secretary shall, upon application and in accordance with subsection (b) (2), or (b) (3) (as the Secretary determines appropriate), enter into another agreement with the Governor for the designation of a State Agency.

"(d) If, upon the expiration of the fourth fiscal year which begins after the calendar year in which the National Health Policy, Planning, and Resources Development Act of 1974 is enacted, an agreement under this section for the designation of a State Agency for a State is not in effect, the Secretary may not make any allotment, grant, loan, or loan guarantee, or enter into any contract, under this Act, the Community Mental Health Centers Act, or the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 for the development, expansion, or support of health resources in such State until such time as such an agreement is in effect.

"STATE ADMINISTRATIVE PROGRAM

42 USC 2681

note.

42 USC 4571.

42 USC 300m-1.

Conditions.

"SEC. 1522. (a) A State administrative program (hereinafter in this section referred to as the 'State Program') is a program for the performance within the State by its State Agency of the functions prescribed by section 1523. The Secretary may not approve a State Program for a State unless it—

"(1) meets the requirements of subsection (b) ;

"(2) has been submitted to the Secretary by the Governor of the State at such time and in such detail, and contains or is accompanied by such information, as the Secretary deems necessary; and

"(3) has been submitted to the Secretary only after the Governor of the State has afforded to the general public of the State a reasonable opportunity for a presentation of views on the State Program.

Functions.

"(b) The State Program of a State must—

"(1) provide for the performance within the State (after the designation of a State Agency and in accordance with the designation agreement) of the functions prescribed by section 1523 and specify the State Agency of the State as the sole agency for the performance of such functions (except as provided in subsection (b) of such section) and for the administration of the State Program;

"(2) contain or be supported by satisfactory evidence that the State Agency has under State law the authority to carry out such functions and the State Program in accordance with this part and contain a current budget for the operation of the State Agency;

"(3) provide for adequate consultation with, and authority for, the Statewide Health Coordinating Council (prescribed by section 1524), in carrying out such functions and the State Program;

"(4) (A) set forth in such detail as the Secretary may prescribe the qualifications for personnel having responsibilities in the performance of such functions and the State Program, and require the State Agency to have a professional staff for planning and a professional staff for development, which staffs shall be of such size and meet such qualifications as the Secretary may prescribe;

January 4, 1975

- 21 -

Pub. Law 93-641

88 STAT. 2245

"(B) provide for such methods of administration as are found by the Secretary to be necessary for the proper and efficient administration of such functions and the State Program, including methods relating to the establishment and maintenance of personnel standards on a merit basis consistent with such standards as are or may be established by the Civil Service Commission under section 208(a) of the Intergovernmental Personnel Act of 1970 (Public Law 91-648), but the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with the methods relating to personnel standards on a merit basis established and maintained in conformity with this paragraph;

42 USC 472b.

"(5) require the State Agency to perform its functions in accordance with procedures and criteria established and published by it, which procedures and criteria shall conform to the requirements of section 1532;

"(6) require the State Agency to (A) conduct its business meetings in public, (B) give adequate notice to the public of such meetings, and (C) make its records and data available, upon request, to the public;

"(7) (A) provide for the coordination (in accordance with regulations of the Secretary) with the cooperative system provided for under section 306(e) of the activities of the State Agency for the collection, retrieval, analysis, reporting, and publication of statistical and other information related to health and health care, and (B) require providers of health care doing business in the State to make statistical and other reports of such information to the State Agency;

Coordination
of information.
42 USC 242d.

Reports.

"(8) provide, in accordance with methods and procedures prescribed or approved by the Secretary, for the evaluation, at least annually, of the performance by the State Agency of its functions and of their economic effectiveness;

Performance
evaluation.

"(9) provide that the State Agency will from time to time, and in any event not less often than annually, review the State Program and submit to the Secretary required modifications;

Review of
State
program.

"(10) require the State Agency to make such reports, in such form and containing such information, concerning its structure, operations, performance of functions, and other matters as the Secretary may from time to time require, and keep such records and afford such access thereto as the Secretary may find necessary to verify such reports;

Reports;
record-
keeping.

"(11) require the State Agency to provide for such fiscal control and fund accounting procedures as the Secretary may require to assure proper disbursement of, and accounting for, amounts received from the Secretary under this title;

"(12) permit the Secretary and the Comptroller General of the United States, or their representatives, to have access for the purpose of audit and examination to any books, documents, papers, and records of the State Agency pertinent to the disposition of amounts received from the Secretary under this title; and

Audit.

"(13) provide that if the State Agency makes a decision in the performance of a function under paragraph (3), (4), (5), or (6) of section 1523(a) or under title XVI which is inconsistent with a recommendation made under subsection (f), (g), or (h) of section 1513 by a health systems agency within the State—

"(A) such decision (and the record upon which it was made) shall, upon request of the health systems agency, be reviewed, under an appeals mechanism consistent with State

88 STAT. 2246

law governing the practices and procedures of administrative agencies, by an agency of the State (other than the State health planning and development agency) designated by the Governor, and

Post, p. 2258.

"(B) the decision of the reviewing agency shall for purposes of this title and title XVI be considered the decision of the State health planning and development agency.

State Program,
approval and
review.

"(c) The Secretary shall approve any State Program and any modification thereof which complies with subsections (a) and (b). The Secretary shall review for compliance with the requirements of this part the specifications of and operations under each State Program approved by him. Such review shall be conducted not less often than once each year.

"STATE HEALTH PLANNING AND DEVELOPMENT FUNCTIONS

42 USC 300m-2.

"SEC. 1523. (a) Each State Agency of a State designated under section 1521(b)(3) shall, except as authorized under subsection (b), perform within the State the following functions:

Preliminary
State health
plan.

"(1) Conduct the health planning activities of the State and implement those parts of the State health plan (under section 1524(c)(2)) and the plans of the health systems agencies within the State which relate to the government of the State.

"(2) Prepare and review and revise as necessary (but at least annually) a preliminary State health plan which shall be made up of the HSP's of the health systems agencies within the State. Such preliminary plan may, as found necessary by the State Agency, contain such revisions of such HSP's to achieve their appropriate coordination or to deal more effectively with statewide health needs. Such preliminary plan shall be submitted to the Statewide Health Coordinating Council of the State for approval or disapproval and for use in developing the State health plan referred to in section 1524(c).

Submittal to
Statewide
Health Coordinating
Council.
State medical
facilities
plan, review.
Post, p. 2259.

"(3) Assist the Statewide Health Coordinating Council of the State in the review of the State medical facilities plan required under section 1603, and in the performance of its functions generally.

42 USC 1320a-1.

"(4) (A) Serve as the designated planning agency of the State for the purposes of section 1122 of the Social Security Act if the State has made an agreement pursuant to such section, and (B) administer a State certificate of need program which applies to new institutional health services proposed to be offered or developed within the State and which is satisfactory to the Secretary. Such program shall provide for review and determination of need prior to the time such services, facilities, and organizations are offered or developed or substantial expenditures are undertaken in preparation for such offering or development, and provide that only those services, facilities, and organizations found to be needed shall be offered or developed in the State. In performing its functions under this paragraph the State Agency shall consider recommendations made by health systems agencies under section 1513(f).

"(5) After consideration of recommendations submitted by health systems agencies under section 1413(f) respecting new institutional health services proposed to be offered within the State, make findings as to the need for such services.

"(6) Review on a periodic basis (but not less often than every five years) all institutional health services being offered in the

January 4, 1975

- 23 -

Pub. Law 93-641

88 STAT. 2247

State and, after consideration of recommendations submitted by health systems agencies under section 1513(g) respecting the appropriateness of such services, make public its findings.

"(b)(1) Any function described in subsection (a) may be performed by another agency of the State government upon request of the Governor under an agreement with the State Agency satisfactory to the Secretary.

"(2) The requirement of paragraph (4)(B) of subsection (a) shall not apply to a State Agency of a State until the expiration of the first regular session of the legislature of such State which begins after the date of enactment of this title.

"(3) A State Agency shall complete its findings with respect to the appropriateness of any existing institutional health service within one year after the date a health systems agency has made its recommendation under section 1513(g) with respect to the appropriateness of the service.

"(c) If a State Agency makes a decision in carrying out a function described in paragraph (4), (5), (6), or (7) of subsection (a) which is not consistent with the goals of the applicable HSP or the priorities of the applicable AIP, the State Agency shall submit to the appropriate health systems agency a detailed statement of the reasons for the inconsistency.

Statement to
health sys-
tems agency.

"STATEWIDE HEALTH COORDINATING COUNCIL

"SEC. 1524. (a) A State health planning and development agency designated under section 1521 shall be advised by a Statewide Health Coordinating Council (hereinafter in this section referred to as the 'SHCC') which (1) is organized in the manner described by subsection (b), and (2) performs the functions listed in subsection (c).

42 USC 300m-3.

"(b)(1) A SHCC of a State shall be composed in the following manner:

Membership.

"(A)(i) A SHCC shall have no fewer than sixteen representatives appointed by the Governor of the State from lists of at least five nominees submitted to the Governor by each of the health systems agencies designated for health service areas which fall, in whole or in part, within the State.

"(ii) Each such health systems agency shall be entitled to the same number of representatives on the SHCC.

"(iii) Each such health systems agency shall be entitled to at least two representatives on the SHCC. Of the representatives of a health systems agency, not less than one-half shall be individuals who are consumers of health care and who are not providers of health care.

"(B) In addition to the appointments made under subparagraph (A), the Governor of the State may appoint such persons (including State officials, public elected officials, and other representatives of governmental authorities within the State) to serve on the SHCC as he deems appropriate; except that (i) the number of persons appointed to the SHCC under this subparagraph may not exceed 40 per centum of the total membership of the SHCC, and (ii) a majority of the persons appointed by the Governor shall be consumers of health care who are not also providers of health care.

"(C) Not less than one-third of the providers of health care who are members of a SHCC shall be direct providers of health care (as described in section 1513(3)).

"(D) Where two or more hospitals or other health care facilities of the Veterans' Administration are located in a State, the SHCC shall, in addition to the appointed members, include, as an ex officio member, an individual whom the Chief Medical Director of the Veterans' Administration shall have designated as a representative of such facilities.

Chairman.
Meetings.

"(2) The SHCC shall select from among its members a chairman.
"(3) The SHCC shall conduct all of its business meetings in public, and shall meet at least once in each calendar quarter of a year.

Functions.
Report.

"(c) A SHCC shall perform the following functions:

"(1) Review annually and coordinate the HSP and AIP of each health systems agency within the State and report to the Secretary, for purposes of his review under section 1535(c), its comments on such HSP and AIP.

"(2) (A) Prepare and review and revise as necessary (but at least annually) a State health plan which shall be made up of the HSP's of the health systems agencies within the State. Such plan may, as found necessary by the SHCC, contain revisions of such HSP's to achieve their appropriate coordination or to deal more effectively with statewide health needs. Each health systems agency which participates in the SHCC shall make available to the SHCC its HSP for each year for integration into the State health plan and shall, as required by the SHCC, revise its HSP to achieve appropriate coordination with the HSP's of the other agencies which participate in the SHCC or to deal more effectively with statewide health needs.

Hearing.

"(B) In the preparation and revision of the State health plan, the SHCC shall review and consider the preliminary State health plan submitted by the State agency under section 1523(a)(2), and shall conduct a public hearing on the plan as proposed and shall give interested persons an opportunity to submit their views orally and in writing. Not less than thirty days prior to any such hearing, the SHCC shall publish in at least two newspapers of general circulation in the State a notice of its consideration of the proposed plan, the time and place of the hearing, the place at which interested persons may consult the plan in advance of the hearing, and the place and period during which to direct written comment to the SHCC on the plan.

Budget, review
and report.

"(3) Review annually the budget of each such health systems agency and report to the Secretary, for purposes of his review under section 1535(a), its comments on such budget.

Applications
for grants,
review and
report.

"(4) Review applications submitted by such health systems agencies for grants under sections 1516 and 1640 and report to the Secretary its comments on such applications.

Post, p. 2273.

"(5) Advise the State Agency of the State generally on the performance of its functions.

42 USC 2681
note.

42 USC 4571.

"(6) Review annually and approve or disapprove any State plan and any application (and any revision of a State plan or application) submitted to the Secretary as a condition to the receipt of any funds under allotments made to States under this Act, the Community Mental Health Centers Act, or the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970. Notwithstanding any other provision of this Act or any other Act referred to in the preceding sentence, the Secretary shall allow a SHCC sixty days to make the review required by such sentence. If a SHCC disapproves such a State plan or application, the Secretary may not make Federal funds available under such State plan or application until he has made,

January 4, 1975

- 25 -

Pub. Law 93-641

88 STAT. 2249

upon request of the Governor of the State which submitted such plan or application or another agency of such State, a review of the SHCC decision. If after such review the Secretary decides to make such funds available, the decision by the Secretary to make such funds available shall be submitted to the SHCC and shall contain a detailed statement of the reasons for the decision.

"GRANTS FOR STATE HEALTH PLANNING AND DEVELOPMENT

"Sec. 1525. (a) The Secretary shall make grants to State health planning and development agencies designated under subsection (b) (2) or (b) (3) of section 1521 to assist them in meeting the costs of their operation. Any grant made under this subsection to a State Agency shall be available for obligation only for a period not to exceed the period for which its designation agreement is entered into or renewed. The amount of any grant made under this subsection shall be determined by the Secretary, except that no grant to a designated State Agency may exceed 75 per centum of its operation costs (as determined under regulations of the Secretary) during the period for which the grant is available for obligation. 42 USC 300m-4.

Limitation.

"(b) Grants under subsection (a) shall be made on such terms and conditions as the Secretary may prescribe; except that the Secretary may not make a grant to a State Agency unless he receives satisfactory assurances that the State Agency will expend in performing the functions prescribed by section 1523 during the fiscal year for which the grant is sought an amount of funds from non-Federal sources which is at least as great as the average amount of funds expended, in the three years immediately preceding the fiscal year for which such grant is sought, by the State, for which such State Agency has been designated, for the purposes for which funds under such grant may be used (excluding expenditures of a nonrecurring nature).

"(c) For the purpose of making payments under grants under subsection (a), there are authorized to be appropriated \$25,000,000 for the fiscal year ending June 30, 1975, \$30,000,000 for the fiscal year ending June 30, 1976, and \$35,000,000 for the fiscal year ending June 30, 1977. Appropriations.

"GRANTS FOR RATE REGULATION

"Sec. 1526. (a) For the purpose of demonstrating the effectiveness of State Agencies regulating rates for the provision of health care, the Secretary may make to a State Agency designated, under an agreement entered into under section 1521(b) (3), for a State which (in accordance with regulations prescribed by the Secretary) has indicated an intent to regulate (not later than six months after the date of the enactment of this title) rates for the provision of health care within the State. Not more than six State Agencies may receive grants under this subsection. 42 USC 300m-5.

Limitation.

"(b) (1) A State Agency which receives a grant under subsection (a) shall— Requirements.

"(A) provide the Secretary satisfactory evidence that the State Agency has under State law the authority to carry out rate regulation functions in accordance with this section and provide the Secretary a current budget for the performance of such functions by it;

"(B) set forth in such detail as the Secretary may prescribe the qualifications for personnel having responsibility in the performance of such functions, and shall have a professional staff for rate regulation, which staff shall be headed by a Director;

"(C) provide for such methods of administration as found by the Secretary to be necessary for the proper and efficient administration of such functions;

"(D) perform its functions in accordance with procedures established and published by it, which procedures shall conform to the requirements of section 1532;

"(E) comply with the requirements prescribed by paragraphs (6) through (12) of section 1522(b) with respect to the functions prescribed by subsection (a);

"(F) provide for the establishment of a procedure under which the State Agency will obtain the recommendation of the appropriate health systems agency prior to conducting a review of the rates charged or proposed to be charged for services; and

"(G) meet such other requirements as the Secretary may prescribe.

"(2) In prescribing requirements under paragraph (1) of this subsection, the Secretary shall consider the manner in which a State Agency shall perform its functions under a grant under subsection (a), including whether the State Agency should—

"(A) permit those engaged in the delivery of health services to retain savings accruing to them from effective management and cost control,

"(B) create incentives at each point in the delivery of health services for utilization of the most economical modes of services feasible,

"(C) document the need for and cost implications of each new service for which a determination of reimbursement rates is sought, and

"(D) employ for each type or class of person engaged in the delivery of health services—

"(i) a unit for determining the reimbursement rates, and

"(ii) a base for determining rates of change in the reimbursement rates,

which unit and base are satisfactory to the Secretary.

Terms and
conditions.

"(c) Grants under subsection (a) shall be made on such terms and conditions as the Secretary may prescribe, except that (1) such a grant shall be available for obligation only during the one-year period beginning on the date such grant was made, and (2) no State Agency may receive more than three grants under subsection (a).

Report to
Secretary.

"(d) Each State Agency which receives a grant under subsection (a) shall report to the Secretary (in such form and manner as he shall prescribe) on the effectiveness of the rate regulation program assisted by such grant. The Secretary shall report annually to the Congress on the effectiveness of the programs assisted by the grants authorized by subsection (a).

Report to
Congress.

Appropriations.

"(e) There are authorized to be appropriated to make payments under grants under subsection (a), \$4,000,000 for the fiscal year ending June 30, 1975, \$5,000,000 for the fiscal year ending June 30, 1976, and \$6,000,000 for the fiscal year ending June 30, 1977.

"PART D—GENERAL PROVISIONS

"DEFINITIONS

42 USC 300n.

"SEC. 1531. For purposes of this title:

"(1) The term 'State' includes the District of Columbia and the Commonwealth of Puerto Rico.

"(2) The term 'Governor' means the chief executive officer of a State or his designee.

January 4, 1975

- 27 -

Pub. Law 93-641

89 STAT. 2251

"(3) The term 'provider of health care' means an individual—

"(A) who is a direct provider of health care (including a physician, dentist, nurse, podiatrist, or physician assistant) in that the individual's primary current activity is the provision of health care to individuals or the administration of facilities or institutions (including hospitals, long-term care facilities, outpatient facilities, and health maintenance organizations) in which such care is provided and, when required by State law, the individual has received professional training in the provision of such care or in such administration and is licensed or certified for such provision or administration; or

"(B) who is an indirect provider of health care in that the individual—

"(i) holds a fiduciary position with, or has a fiduciary interest in, any entity described in subclause (II) or (IV) of clause (ii);

"(ii) receives (either directly or through his spouse) more than one-tenth of his gross annual income from any one or combination of the following:

"(I) Fees or other compensation for research into or instruction in the provision of health care.

"(II) Entities engaged in the provision of health care or in such research or instruction.

"(III) Producing or supplying drugs or other articles for individuals or entities for use in the provision of or in research into or instruction in the provision of health care.

"(IV) Entities engaged in producing drugs or such other articles.

"(iii) is a member of the immediate family of an individual described in subparagraph (A) or in clause (i), (ii), or (iv) of subparagraph (B); or

"(iv) is engaged in issuing any policy or contract of individual or group health insurance or hospital or medical service benefits.

"(4) the term 'health resources' includes health services, health professions personnel, and health facilities, except that such term does not include Christian Science sanatoriums operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Massachusetts.

"(5) The term 'institutional health services' means the health services provided through health care facilities and health maintenance organizations (as such facilities and organizations are defined in regulations prescribed under section 1122 of the Social Security Act) and includes the entities through which such services are provided.

42 USC 1320a-1.

"PROCEDURES AND CRITERIA FOR REVIEWS OF PROPOSED HEALTH SYSTEM CHANGES

"Sec. 1532. (a) In conducting reviews pursuant to subsections (e), (f), and (g) of section 1513 or in conducting any other reviews of proposed or existing health services, each health systems agency shall (except to the extent approved by the Secretary) follow procedures, and apply criteria, developed and published by the agency in accordance with regulations of the Secretary; and in performing its review functions under section 1523, a State Agency shall (except to the extent approved by the Secretary) follow procedures, and apply criteria, developed and published by the State Agency in accordance with regulations of the Secretary. Procedures and criteria for reviews by

42 USC 300n-1.

Requirements.

health systems agencies and States Agencies may vary according to the purpose for which a particular review is being conducted or the type of health services being reviewed.

"(b) Each health systems agency and State Agency shall include in the procedures required by subsection (a) at least the following:

"(1) Written notification to affected persons of the beginning of a review.

"(2) Schedules for reviews which provide that no review shall, to the extent practicable, take longer than ninety days from the date the notification described in paragraph (1) is made.

"(3) Provision for persons subject to a review to submit to the agency or State Agency (in such form and manner as the agency or State Agency shall prescribe and publish) such information as the agency or State Agency may require concerning the subject of such review.

"(4) Submission of applications (subject to review by a health systems agency or a State Agency) made under this Act or other provisions of law for Federal financial assistance for health services to the health systems agency or State Agency at such time and in such manner as it may require.

"(5) Submission of periodic reports by providers of health services and other persons subject to agency or State Agency review respecting the development of proposals subject to review.

"(6) Provision for written findings which state the basis for any final decision or recommendation made by the agency or State Agency.

"(7) Notification of providers of health services and other persons subject to agency or State Agency review of the status of the agency or State Agency review of the health services or proposals subject to review, findings made in the course of such review, and other appropriate information respecting such review.

"(8) Provision for public hearings in the course of agency or State Agency review if requested by persons directly affected by the review; and provision for public hearings, for good cause shown, respecting agency and State Agency decisions.

"(9) Preparation and publication of regular reports by the agency and State Agency of the reviews being conducted (including a statement concerning the status of each such review) and of the reviews completed by the agency and State Agency (including a general statement of the findings and decisions made in the course of such reviews) since the publication of the last such report.

"(10) Access by the general public to all applications reviewed by the agency and State Agency and to all other written materials pertinent to any agency or State Agency review.

"(11) In the case of construction projects, submission to the agency and State Agency by the entities proposing the projects of letters of intent in such detail as may be necessary to inform the agency and State Agency of the scope and nature of the projects at the earliest possible opportunity in the course of planning of such construction projects.

"(c) Criteria required by subsection (a) for health systems agency and State Agency review shall include consideration of at least the following:

"(1) The relationship of the health services being reviewed to the applicable HSP and AIP.

"(2) The relationship of services reviewed to the long-range development plan (if any) of the person providing or proposing such services.

"(3) The need that the population served or to be served by such services has for such services.

"(4) The availability of alternatives, less costly, or more effective methods of providing such services.

"(5) The relationship of services reviewed to the existing health care system of the area in which such services are provided or proposed to be provided.

"(6) In the case of health services proposed to be provided, the availability of resources (including health manpower, management personnel, and funds for capital and operating needs) for the provision of such services and the availability of alternative uses of such resources for the provision of other health services.

"(7) The special needs and circumstances of those entities which provide a substantial portion of their services or resources, or both, to individuals not residing in the health service areas in which the entities are located or in adjacent health service areas. Such entities may include medical and other health professions schools, multidisciplinary clinics, specialty centers, and such other entities as the Secretary may by regulation prescribe.

"(8) The special needs and circumstances of health maintenance organizations for which assistance may be provided under title XIII.

42 USC 300e.

"(9) In the case of a construction project—

"(A) the costs and methods of the proposed construction, and

"(B) the probable impact of the construction project reviewed on the costs of providing health services by the person proposing such construction project.

"TECHNICAL ASSISTANCE FOR HEALTH SYSTEMS AGENCIES AND STATE HEALTH PLANNING AND DEVELOPMENT AGENCIES

"SEC. 1533. (a) The Secretary shall provide (directly or through grants or contracts, or both) to designated health systems agencies and State Agencies (1) assistance in developing their health plans and approaches to planning various types of health services, (2) technical materials, including methodologies, policies, and standards appropriate for use in health planning, and (3) other technical assistance as may be necessary in order that such agencies may properly perform their functions.

42 USC 300n-2.

"(b) The Secretary shall include in the materials provided under subsection (a) the following:

"(1) (A) Specification of the minimum data needed to determine the health status of the residents of a health service area and the determinants of such status.

"(B) Specification of the minimum data needed to determine the status of the health resources and services of a health service area.

"(C) Specification of the minimum data needed to describe the use of health resources and services within a health service area.

"(2) Planning approaches, methodologies, policies, and standards which shall be consistent with the guidelines established by the Secretary under section 1501 for appropriate planning and development of health resources, and which shall cover the priorities listed in section 1502.

Ante, p. 2227.

"(3) Guidelines for the organization and operation of health systems agencies and State Agencies including guidelines for—

Guidelines.

"(A) the structure of a health systems agency, consistent with section 1512(b), and of a State Agency, consistent with section 1522;

"(B) the conduct of the planning and development processes;

"(C) the performance of health systems agency functions in accordance with section 1513; and

"(D) the performance of State Agency functions in accordance with section 1523.

National health
planning in-
formation cen-
ter.
Establishment.

"(c) In order to facilitate the exchange of information concerning health services, health resources, and health planning and resources development practice and methodology, the Secretary shall establish a national health planning information center to support the health planning and resources development programs of health systems agencies, State Agencies, and other entities concerned with health planning and resources development; to provide access to current information on health planning and resources development; and to provide information for use in the analysis of issues and problems related to health planning and resources development.

"(d) The Secretary shall establish the following within one year of the date of enactment of this title:

Operation
cost system.

"(1) A uniform system for calculating the aggregate cost of operation and the aggregate volume of services provided by health services institutions as defined by the Secretary in regulations. Such system shall provide for the calculation of the aggregate volume to be based on:

"(A) The number of patient days;

"(B) The number of patient admissions;

"(C) The number of out-patient visits; and

"(D) Other relevant factors as determined by the Secretary.

Cost account-
ing system.

"(2) A uniform system for cost accounting and calculating the volume of services provided by health services institutions. Such system shall:

"(A) Include the establishment of specific cost centers and, where appropriate, subcost centers.

"(B) Include the designation of an appropriate volume factor for each cost center.

"(C) Provide for an appropriate application of such system in the different types of institutions (including hospitals, nursing homes, and other types of health services institutions), and different sizes of such types of institutions.

Rates, calcu-
lation system.

"(3) A uniform system for calculating rates to be charged to health insurers and other health institutions payors by health service institutions. Such system shall:

"(A) Be based on an all-inclusive rate for various categories of patients (including, but not limited to individuals receiving medical, surgical, pediatric, obstetric, and psychiatric institutional health services).

"(B) Provide that such rates reflect the true cost of providing services to each such category of patients. The system shall provide that revenues derived from patients in one category shall not be used to support the provision of services to patients in any other category.

"(C) Provide for an appropriate application of such system in the different types of institutions (including hospitals, nursing homes, and other types of health service institutions) and different sizes of such types of institutions.

"(D) Provide that differences in rates to various classes of purchasers (including health insurers, direct service pay-

ors, and other health institution payors) be based on justified and documented differences in the costs of operation of health service institutions made possible by the actions of such purchasers.

"(4) A classification system for health services institutions. Such classification system shall quantitatively describe and group health services institutions of the various types. Factors included in such classification system shall include—

Classification system.

"(A) the number of beds operated by an institution;

"(B) the geographic location of an institution;

"(C) the operation of a postgraduate physician training program by an institution; and

"(D) the complexity of services provided by an institution.

"(5) A uniform system for the reporting by health services institutions of—

Reporting system.

"(A) the aggregate cost of operation and the aggregate volume of services, as calculated in accordance with the system established by the Secretary under paragraph (1);

"(B) the costs and volume of services at various cost centers, and subcost centers, as calculated in accordance with the system established by the Secretary under paragraph (2); and

"(C) rates, by category of patient and class of purchaser, as calculated in accordance with the system established by the Secretary under paragraph (3).

Such system shall provide for an appropriate application of such system in the different types of institutions (including hospitals, nursing homes, and other types of health services institutions) and different sizes of such institutions.

"CENTERS FOR HEALTH PLANNING

"SEC. 1534. (a) For the purposes of assisting the Secretary in carrying out this title, providing such technical and consulting assistance as health systems agencies and State Agencies may from time to time require, conducting research, studies and analyses of health planning and resources development, and developing health planning approaches, methodologies, policies, and standards, the Secretary shall by grants or contracts, or both, assist public or private nonprofit entities in meeting the costs of planning and developing new centers, and operating existing and new centers, for multidisciplinary health planning development and assistance. To the extent practicable, the Secretary shall provide assistance under this section so that at least five such centers will be in operation by June 30, 1976.

42 USC 300n-3.

"(b) (1) No grant or contract may be made under this section for planning or developing a center unless the Secretary determines that when it is operational it will meet the requirements listed in paragraph (2) and no grant or contract may be made under this section for operation of a center unless the center meets such requirements.

"(2) The requirements referred to in paragraph (1) are as follows:

Requirements.

"(A) There shall be a full-time director of the center who possesses a demonstrated capacity for substantial accomplishment and leadership in the field of health planning and resources development, and there shall be such additional professional staff as may be appropriate.

"(B) The staff of the center shall represent a diversity of relevant disciplines.

"(C) Such additional requirements as the Secretary may by regulation prescribe.

"(c) Centers assisted under this section (1) may enter into arrangements with health systems agencies and State Agencies for the provision of such services as may be appropriate and necessary in assisting the agencies and State Agencies in performing their functions under section 1513 or 1523, respectively, and (2) shall use methods (satisfactory to the Secretary) to disseminate to such agencies and State Agencies such planning approaches, methodologies, policies and standards as they develop.

Appropriations.

"(d) For the purpose of making payments pursuant to grants and contracts under subsection (a) there are authorized to be appropriated \$5,000,000 for the fiscal year ending June 30, 1975, \$8,000,000 for the fiscal year ending June 30, 1976, and \$10,000,000 for the fiscal year ending June 30, 1977.

"REVIEW BY THE SECRETARY

Budget, review and approval.
42 USC 300n-4.

"Sec. 1535. (a) The Secretary shall review and approve or disapprove the annual budget of each designated health systems agency and State Agency. In making such review and approval or disapproval the Secretary shall consider the comments of Statewide Health Coordinating Councils submitted under section 1524(c) (3). Information submitted to the Secretary by a health systems agency or a State Agency in connection with the Secretary's review under this subsection shall be made available by the Secretary, upon request, to the appropriate committees (and their subcommittees) of the Congress.

Performance standards.

"(b) The Secretary shall prescribe performance standards covering the structure, operation, and performance of the functions of each designated health systems agency and State Agency, and he shall establish a reporting system based on the performance standards that allows for continuous review of the structure, operation, and performance of the functions of such agencies.

"(c) The Secretary shall review in detail at least every three years the structure, operation, and performance of the functions of each designated health systems agency to determine—

"(1) the adequacy of the HSP of the agency for meeting the needs of the residents of the area for a healthful environment and for accessible, acceptable and continuous quality health care at reasonable costs, and the effectiveness of the AIP in achieving the system described in the HSP;

"(2) if the structure, operation, and performance of the functions of the agency meet the requirements of sections 1512(b) and 1513;

"(3) the extent to which the agency's governing body (and executive committee (if any)) represents the residents of the health service area for which the agency is designated;

"(4) the professional credentials and competence of the staff of the agency;

"(5) the appropriateness of the data assembled pursuant to section 1513(b)(1) and the quality of the analyses of such data;

"(6) the extent to which technical and financial assistance from the agency have been utilized in an effective manner to achieve goals and objectives of the HSP and the AIP; and

"(7) the extent to which it may be demonstrated that—

"(A) the health of the residents in the agency's health service area has been improved;

"(B) the accessibility, acceptability, continuity, and quality of health care in such area has been improved; and

Ante, p. 2232.

January 4, 1975

- 33 -

Pub. Law 93-641

88 STAT. 2257

"(C) increases in costs of the provision of health care have been restrained.

"(d) The Secretary shall review in detail at least every three years the structure, operation, and performance of the functions of each designated State Agency to determine—

"(1) the adequacy of the State health plan of the Statewide Health Coordinating Council prepared under section 1524(c) (2) in meeting the needs of the residents of the State for a healthful environment and for accessible, acceptable, and continuous quality health care at reasonable costs;

"(2) if the structure, operation, and performance of the functions of the State Agency meet the requirements of sections 1522 and 1523;

"(3) the extent to which the Statewide Health Coordinating Council has a membership meeting, and has performed in a manner consistent with, the requirements of section 1524;

"(4) the professional credentials and competence of the staff of the State Agency;

"(5) the extent to which financial assistance provided under title XVI by the State Agency has been used in an effective manner to achieve the State's health plan under section 1524(c) (2); and

"(6) the extent to which it may be demonstrated that—

"(A) the health of the residents of the State has been improved;

"(B) the accessibility, acceptability, continuity, and quality of health care in the State has been improved; and

"(C) increases in costs of the provision of health care have been restrained.

"SPECIAL PROVISIONS FOR CERTAIN STATES AND TERRITORIES

"SEC. 1536. (a) Any State which—

42 USC 300n-5.

"(1) has no county or municipal public health institution or department, and

"(2) has, prior to the date of enactment of this title, maintained a health planning system which substantially complies with the purposes of this title,

and the Virgin Islands, Guam, the Trust Territories in the Pacific Islands, and American Samoa shall each be considered in accordance with subsection (b) to be a State for purposes of this title.

"(b) In the case of an entity which under subsection (a) is to be considered a State for purposes of this title—

"(1) no health service area shall be established within it,

"(2) no health systems agency shall be designated for it,

"(3) the State Agency designated for it under section 1521 may, in addition to the functions prescribed by section 1523, perform the functions prescribed by section 1513 and shall be eligible to receive grants authorized by sections 1516 and 1640, and

"(4) the chief executive office shall appoint the Statewide Health Coordinating Council prescribed by section 1524 in accordance with the regulation of the Secretary."

REVISION OF HEALTH RESOURCES DEVELOPMENT PROGRAMS UNDER THE PUBLIC HEALTH SERVICE ACT

SEC. 4. The Public Health Service Act, as amended by section 3, is amended by adding after title XV the following new title:

Ante, p. 2227.

"TITLE XVI—HEALTH RESOURCES DEVELOPMENT**"PART A—PURPOSE, STATE PLAN, AND PROJECT APPROVAL****"PURPOSE**

42 USC 300g.
Post, p. 2262.
Post, p. 2264.

"SEC. 1601. It is the purpose of this title to provide assistance, through allotments under part B and loans and loan guarantees and interest subsidies under part C, for projects for—

- "(1) modernization of medical facilities;
 - "(2) construction of new outpatient medical facilities;
 - "(3) construction of new inpatient medical facilities in areas which have experienced (as determined under regulations of the Secretary) recent rapid population growth; and
 - "(4) conversion of existing medical facilities for the provision of new health services,
- and to provide assistance, through grants under part D, for construction and modernization projects designed to prevent or eliminate safety hazards in medical facilities or to avoid noncompliance by such facilities with licensure or accreditation standards.

"GENERAL REGULATIONS

42 USC 300g-1.

"SEC. 1602. The Secretary shall by regulation—

"(1) prescribe the general manner in which the State Agency of each State shall determine for the State medical facilities plan under section 1603 the priority among projects within the State for which assistance is available under this title, based on the relative need of different areas within the State for such projects and giving special consideration—

"(A) to projects for medical facilities serving areas with relatively small financial resources and for medical facilities serving rural communities,

"(B) in the case of projects for modernization of medical facilities, to projects for facilities serving densely populated areas,

"(C) in the case of projects for construction of outpatient medical facilities, to projects that will be located in, and provide services for residents of, areas determined by the Secretary to be rural or urban poverty areas,

"(D) to projects designed to (i) eliminate or prevent imminent safety hazards as defined by Federal, State, or local fire, building, or life safety codes or regulations, or (ii) avoid noncompliance with State or voluntary licensure or accreditation standards, and

"(E) to projects for medical facilities which, alone or in conjunction with other facilities, will provide comprehensive health care, including outpatient and preventive care as well as hospitalization;

"(2) prescribe for medical facilities projects assisted under this title general standards of construction, modernization, and equipment for medical facilities of different classes and in different types of location;

"(3) prescribe criteria for determining needs for medical facility beds and needs for medical facilities, and for developing plans for the distribution of such beds and facilities;

"(4) prescribe criteria for determining the extent to which existing medical facilities are in need of modernization;

January 4, 1975

- 35 -

Pub. Law 93-641

88 STAT. 2259

"(5) require each State medical facilities plan under section 1503 to provide for adequate medical facilities for all persons residing in the State and adequate facilities to furnish needed health services for persons unable to pay therefor; and

"(6) prescribe the general manner in which each entity which receives financial assistance under this title or has received financial assistance under this title or title VI shall be required to comply with the assurances required to be made at the time such assistance was received and the means by which such entity shall be required to demonstrate compliance with such assurances.

42 USC 291.

An entity subject to the requirements prescribed pursuant to paragraph (6) respecting compliance with assurances made in connection with receipt of financial assistance shall submit periodically to the Secretary data and information which reasonably supports the entity's compliance with such assurances. The Secretary may not waive the requirement of the preceding sentence.

"STATE MEDICAL FACILITIES PLAN

"SEC. 1603. (a) Before an application for assistance under this title (other than part D) for a medical facility project described in section 1601 may be approved, the State Agency of the State in which such project is located must have submitted to the Secretary and had approved by him a State medical facilities plan. To be approved by the Secretary a State medical facilities plan for a State must—

42 USC 300o-2.
Post, p. 2268.

"(1) prescribe that the State Agency of the State shall administer or supervise the administration of the plan and contain evidence satisfactory to the Secretary that the State Agency has the authority to carry out the plan in conformity with this title;

"(2) prescribe that the Statewide Health Coordinating Council of the State shall advise and consult with the State Agency in carrying out the plan;

"(3) be approved by the Statewide Health Coordinating Council as consistent with the State health plan developed pursuant to section 1524(c) (2);

"(4) set forth, in accordance with criteria established in regulations prescribed under section 1602(a) and on the basis of a statewide inventory of existing medical facilities, a survey of need, and the plans of health systems agencies within the State—

"(A) the number and type of medical facility beds and medical facilities needed to provide adequate inpatient care to people residing in the State, and a plan for the distribution of such beds and facilities in health services areas throughout the State,

"(B) the number and type of outpatient and other medical facilities needed to provide adequate public health services and outpatient care to people residing in the State, and a plan for the distribution of such facilities in health service areas throughout the State, and

"(C) the extent to which existing medical facilities in the State are in need of modernization or conversion to new uses;

"(5) set forth a program for the State for assistance under this title for projects described in section 1601, which program shall indicate the type of assistance which should be made available to each project and shall conform to the assessment of need set forth pursuant to paragraph (4) and regulations promulgated under section 1602(a);

"(6) set forth (in accordance with regulations promulgated under section 1602(a)) priorities for the provision of assistance under this title for projects in the program set forth pursuant to paragraph (4);

"(7) provide minimum requirements (to be fixed in the discretion of the State Agency) for the maintenance and operation of facilities which receive assistance under this title, and provide for enforcement of such standards;

"(8) provide for affording to every applicant for assistance for a medical facilities project under this title an opportunity for a hearing before the State Agency; and

"(9) provide that the State Agency will from time to time, but not less often than annually, review the plan and submit to the Secretary any modifications thereof which it considers necessary.

"(b) The Secretary shall approve any State medical facilities plan and any modification thereof which complies with the provisions of subsection (a) if the State Agency, as determined under the review made under section 1535(d), is organized and operated in the manner prescribed by section 1522 and is carrying out its functions under section 1523 in a manner satisfactory to the Secretary. If any such plan or modification thereof shall have been disapproved by the Secretary for failure to comply with subsection (a), the Secretary shall, upon request of the State Agency, afford it an opportunity for hearing.

"APPROVAL OF PROJECTS

42 USC 300o-3.

"Sec. 1604. (a) For each project described in section 1601 and included within a State's State medical facilities plan approved under section 1603 there shall be submitted to the Secretary, through the State's State Agency, an application. An application for a grant under section 1625 shall be submitted directly to the Secretary. Except as provided in section 1625, the applicant under such an application may be a State, a political subdivision of a State or any other public entity, or a private nonprofit entity. If two or more entities join in a project, an application for such project may be filed by any of such entities or by all of them.

Application
requirements.

"(b) (1) Except as authorized under paragraph (2), an application for any project shall set forth—

"(A) in the case of a modernization project for a medical facility for continuation of existing health services, a finding by the State Agency of a continued need for such services, and, in the case of any other project for a medical facility, a finding by the State Agency of the need for the new health services to be provided through the medical facility upon completion of the project;

"(B) a description of the site of such project;

"(C) plans and specifications therefor which meet the requirements of the regulations prescribed under section 1602(a);

"(D) reasonable assurance that title to such site is or will be vested in one or more of the entities filing the application or in a public or other nonprofit entity which is to operate the facility on completion of the project;

"(E) reasonable assurance that adequate financial support will be available for the completion of the project and for its maintenance and operation when completed, and, for the purpose of determining if the requirements of this subparagraph are met, Federal assistance provided directly to a medical facility which is located in an area determined by the Secretary to be an urban or rural poverty area or through benefits provided individuals served at such facility shall be considered as financial support;

January 4, 1975

- 37 -

Pub. Law 93-641

88 STAT. 2261

"(F) the type of assistance being sought under this title for the project;

"(G) except in the case of a project under section 1625, a certification by the State Agency of the Federal share for the project;

"(H) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on a project will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a-5, known as the Davis-Bacon Act), and the Secretary of Labor shall have with respect to such labor standards the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c);

40 USC 276a
note.

"(I) in the case of a project for the construction or modernization of an outpatient facility, reasonable assurance that the services of a general hospital will be available to patients at such facility who are in need of hospital care; and

"(J) reasonable assurance that at all times after such application is approved (i) the facility or portion thereof to be constructed, or modernized, or converted will be made available to all persons residing or employed in the area served by the facility, and (ii) there will be made available in the facility or portion thereof to be constructed, modernized, or converted a reasonable volume of services to persons unable to pay therefor and the Secretary, in determining the reasonableness of the volume of services provided, shall take into consideration the extent to which compliance is feasible from a financial viewpoint.

"(2) (A) The Secretary may waive—

Waiver.

"(i) the requirements of subparagraph (C) of paragraph (1) for compliance with modernization and equipment standards prescribed pursuant to section 1602(a) (2), and

"(ii) the requirement of subparagraph (D) of paragraph (1) respecting title to a project site,

in the case of an application for a project described in subparagraph (B).

"(B) A project referred to in subparagraph (A) is a project—

"(i) for the modernization of an outpatient medical facility which will provide general purpose health services, which is not part of a hospital, and which will serve a medically underserved population as defined in section 1633 or as designated by a health systems agency, and

"(ii) for which the applicant seeks (I) not more than \$20,000 from the allotments made under part B to the State in which it is located, or (II) a loan under part C the principal amount of which does not exceed \$20,000.

Post, p. 2262.
Post, p. 2264.

"(c) The Secretary shall approve an application submitted under subsection (b) (other than an application for a grant under section 1625) if—

"(1) in the case of a project to be assisted from an allotment made under part B, there are sufficient funds in such allotment to pay the Federal share of the project; and

"(2) the Secretary finds that—

"(A) the application (i) is in conformity with the State medical facilities plan approved under section 1603, (ii) has been approved and recommended by the State Agency, (iii) is for a project which is entitled to priority over other projects within the State as determined in accordance with the

approved State medical facilities plan, and (iv) contains the assurances required by subsection (b); and

"(B) the plans and specifications for the project meet the requirements of the regulations prescribed pursuant to section 1602(a).

"(d) No application (other than an application for a grant under section 1625) shall be disapproved until the Secretary has afforded the State Agency an opportunity for a hearing.

"(e) Amendment of any approved application shall be subject to approval in the same manner as an original application.

"(f) Each application shall be reviewed by health systems agencies in accordance with section 1513(e).

Ante, p. 2235.

"PART B—ALLOTMENTS

"ALLOTMENTS

42 USC 300p.

"SEC. 1610. (a) For each fiscal year, the Secretary shall, in accordance with regulations, make from sums appropriated for such fiscal year under section 1513 allotments among the States on the basis of the population, the financial need, and need for medical facilities projects described in section 1601 of the respective States. The population of the States shall be determined on the basis of the latest figures certified by the Secretary of Commerce.

Limitation.

"(b) (1) The allotment to any State (other than Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands) for any fiscal year shall be not less than \$1,000,000; and the allotment to Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands for any fiscal year shall be not less than \$500,000 each.

"(2) Notwithstanding paragraph (1), if the amount appropriated under section 1613 for any fiscal year is less than the amount required to provide allotments in accordance with paragraph (1), the amount of the allotment to any State for such fiscal year shall be an amount which bears the same ratio to the amount prescribed for such State by paragraph (1) as the amount appropriated for such fiscal year bears to the amount of appropriations needed to make allotments to all the States in accordance with paragraph (1).

"(c) Any amount allotted to a State for a fiscal year under subsection (a) and remaining unobligated at the end of such year shall remain available to such State, for the purpose for which made, for the next two fiscal years (and for such years only), in addition to the amounts allotted to such State for such purposes for such next two fiscal years; except that any such amount which is unobligated at the end of the first of such next two years and which the Secretary determines will remain unobligated at the close of the second of such next two years may be reallocated by the Secretary, to be available for the purposes for which made until the close of the second of such next two years, to other States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this title. Any amount so reallocated to a State shall be in addition to the amounts allotted and available to the State for the same period.

"PAYMENTS FROM ALLOTMENTS

42 USC 300p-1.

"SEC. 1611. (a) If with respect to any medical facility project approved under section 1604 the State Agency certifies (upon the basis of inspection by it) to the Secretary that, in accordance with approved plans and specifications, work has been performed upon

January 4, 1975

- 39 -

Pub. Law 93-641

86 STAT. 2263

the project or purchases have been made for it and that payment from the applicable allotment of the State in which the project is located is due for the project, the Secretary shall, except as provided in subsection (b), make such payment to the State.

"(b) The Secretary is authorized to not make payments to a State pursuant to subsection (a) in the following circumstances:

Payment
restriction.

"(1) If such State is not authorized by law to make payments for an approved medical facility project from the payment to be made by the Secretary pursuant to subsection (a), or if the State so requests, the Secretary shall make the payment from the State allotment directly to the applicant for such project.

"(2) If the Secretary, after investigation or otherwise, has reason to believe that any act (or failure to act) has occurred requiring action pursuant to section 1612, payment by the Secretary may, after he has given the State Agency notice and opportunity for hearing pursuant to such section, be withheld, in whole or in part, pending corrective action or action based on such hearing.

In no event may the total of payments made under subsection (a) with respect to any project exceed an amount equal to the Federal share of such project.

"(c) In case an amendment to an approved application is approved as provided in section 1604 or the estimated cost of a project is revised upward, any additional payment with respect thereto may be made from the applicable allotment of the State for the fiscal year in which such amendment or revision is approved.

"(d) In any fiscal year—

"(1) not more than 20 per centum of the amount of a State's allotment available for obligation in that fiscal year may be obligated for projects in the State for construction of new facilities for the provision of inpatient health care to persons residing in areas of the State which have experienced recent rapid population growth; and

"(2) not less than 25 per centum of the amount of a State's allotment available for obligation in that fiscal year shall be obligated for projects for outpatient facilities which will serve medically underserved populations.

In the administration of this part, the Secretary shall seek to assure that in each fiscal year at least one half of the amount obligated for projects pursuant to paragraph (2) shall be obligated for projects which will serve rural medically underserved populations.

Rural
projects.

"WITHHOLDING OF PAYMENTS AND OTHER COMPLIANCE ACTIONS

"Sec. 1612. (a) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State Agency concerned finds—

42 USC 300p-2.

"(1) that the State Agency is not complying substantially with the provisions required by section 1603 to be included in its State medical facilities plan,

"(2) that any assurance required to be given in an application filed under section 1604 is not being or cannot be carried out, or

"(3) that there is a substantial failure to carry out plans and specifications approved by the Secretary under section 1604, the Secretary shall take the action authorized by subsection (b) unless, in the case of compliance with assurances, the Secretary requires compliance by other means authorized by law.

"(b) (1) Upon a finding described in subsection (a) and after notice to the State Agency concerned, the Secretary may—

"(A) withhold from all projects within the State with respect to which the finding was made further payments from the State's allotment under section 1610, or

"(B) withhold from the specific projects with respect to which the finding was made further payments from the applicable State allotment under section 1610.

"(2) Payments may be withheld, in whole or in part, under paragraph (1)—

"(A) until the basis for the finding upon which the withholding was made no longer exists, or

"(B) if corrective action to make such finding inapplicable cannot be made, until the State concerned repays or arranges for the repayment of Federal funds paid under this part for projects which because of the finding are not entitled to such funds.

Periodic investigations.

42 USC 291.

"(c) The Secretary shall investigate and ascertain, on a periodic basis, with respect to each entity which is receiving financial assistance under this title or which has received financial assistance under title VI or this title, the extent of compliance by such entity with the assurances required to be made at the time such assistance was received. If the Secretary finds that such an entity has failed to comply with any such assurance, the Secretary shall take the action authorized by subsection (b) or take any other action authorized by law (including an action for specific performance brought by the Attorney General upon request of the Secretary) which will effect compliance by the entity with such assurances. An appropriate action to effectuate compliance with any such assurance may be brought by a person other than the Secretary only if a complaint has been filed by such person with the Secretary and the Secretary has dismissed such complaint or the Attorney General has not brought a civil action for compliance with such assurance within 6 months after the date on which the complaint was filed with the Secretary.

"AUTHORIZATION OF APPROPRIATIONS

42 USC 300p-3.

"SEC. 1613. Except as provided in section 1625(d), there are authorized to be appropriated for allotments under section 1510 \$125,000,000 for the fiscal year ending June 30, 1975, \$130,000,000 for the fiscal year ending June 30, 1976, and \$135,000,000 for the fiscal year ending June 30, 1977.

"PART C—LOANS AND LOAN GUARANTEES

"AUTHORITY FOR LOANS AND LOAN GUARANTEES

42 USC 300q.

"SEC. 1620. (a) The Secretary, during the period beginning July 1, 1974, and ending June 30, 1977, may, in accordance with this part, make loans from the fund established under section 1622(d) to pay the Federal share of projects approved under section 1604.

"(b) (1) The Secretary, during the period beginning July 1, 1974, and ending June 30, 1977, may, in accordance with this part, guarantee to—

"(i) non-Federal lenders for their loans to nonprofit private entities for medical facilities projects, and

"(ii) the Federal Financing Bank for its loans to nonprofit private entities for such projects, payment of principal and interest on such loans if applications for assistance for such projects under this title have been approved under section 1604.

January 4, 1975

- 41 -

Pub. Law 93-641

88 STAT. 2265

"(2) In the case of a guarantee of any loan to a nonprofit private entity under this title, the Secretary shall pay, to the holder of such loan and for and on behalf of the project for which the loan was made amounts sufficient to reduce by 3 per centum per annum the net effective interest rate otherwise payable on such loan. Each holder of such a loan which is guaranteed under this title shall have a contractual right to receive from the United States interest payments required by the preceding sentence.

Interest
payments.

"(c) The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued, or which have been directly made, may not exceed such limitations as may be specified in appropriation Acts.

Limitations.

"(d) The Secretary, with the consent of the Secretary of Housing and Urban Development, shall obtain from the Department of Housing and Urban Development such assistance with respect to the administration of this part as will promote efficiency and economy thereof.

HUD assist-
ance.

"ALLOCATION AMONG THE STATES

"SEC. 1621. (a) For each fiscal year, the total amount of principal of—

42 USC 300q-1.

"(1) loans to nonprofit private entities which may be guaranteed, or

"(2) loans which may be directly made,

under this part shall be allotted by the Secretary among the States, in accordance with regulations, on the basis of the population, financial need, and need for medical facilities projects described in section 1601 of the respective States. The population of the States shall be determined on the basis of the latest figures certified by the Secretary of Commerce.

"(b) Any amount allotted to a State for a fiscal year under subsection (a) and remaining unobligated at the end of such year shall remain available to such State, for the purpose for which made, for the next two fiscal years (and for such years only), in addition to the amounts allotted to such State for such purposes for such next two fiscal years; except that any such amount which is unobligated at the end of the first of such next two years and which the Secretary determines will remain unobligated at the close of the second of such next two years may be reallocated by the Secretary, to be available for the purposes for which made until the close of the second of such next two years, to other States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this title. Any amount so reallocated to a State shall be in addition to the amounts allotted and available to the State for the same period.

Unobligated
funds, avail-
ability to
State.

Reallotments.

"GENERAL PROVISIONS RELATING TO LOAN GUARANTEES AND LOANS

"SEC. 1622. (a) (1) The Secretary may not approve a loan guarantee for a project under this part unless he determines that (A) the terms, conditions, security (if any), and schedule and amount of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States, and (B) the loan would

42 USC 300q-2.

88 STAT. 2266

Payment
recovery.

not be available on reasonable terms and conditions without the guarantee under this part.

"(2) (A) The United States shall be entitled to recover from the applicant for a loan guarantee under this part the amount of any payment made pursuant to such guarantee, unless the Secretary for good cause waives such right of recovery; and, upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made.

Terms and
conditions,
modification.

"(B) To the extent permitted by subparagraph (C), any terms and conditions applicable to a loan guarantee under this part (including terms and conditions imposed under subparagraph (D)) may be modified by the Secretary to the extent he determines it to be consistent with the financial interest of the United States.

"(C) Any loan guarantee made by the Secretary under this part shall be incontestable (i) in the hands of an applicant on whose behalf such guarantee is made unless the applicant engaged in fraud or misrepresentation in securing such guarantee, and (ii) as to any person (or his successor in interest) who makes or contracts to make a loan to such applicant in reliance thereon unless such person (or his successor in interest) engaged in fraud or misrepresentation in making or contracting to make such loan.

"(D) Guarantees of loans under this part shall be subject to such further terms and conditions as the Secretary determines to be necessary to assure that the purposes of this title will be achieved.

Loan approval
conditions.

"(b) (1) The Secretary may not approve a loan under this part unless—

"(A) the Secretary is reasonably satisfied that the applicant under the project for which the loan would be made will be able to make payments of principal and interest thereon when due, and

"(B) the applicant provides the Secretary with reasonable assurances that there will be available to it such additional funds as may be necessary to complete the project or undertaking with respect to which such loan is requested.

"(2) Any loan made under this part shall (A) have such security, (B) have such maturity date, (C) be repayable in such installments, (D) bear interest at a rate comparable to the current rate of interest prevailing, on the date the loan is made, with respect to loans guaranteed under this part, minus 3 per centum per annum, and (E) be subject to such other terms and conditions (including provisions for recovery in case of default), as the Secretary determines to be necessary to carry out the purposes of this title while adequately protecting the financial interests of the United States.

Waiver.

"(3) The Secretary may, for good cause but with due regard to the financial interests of the United States, waive any right of recovery which he has by reason of the failure of a borrower to make payments of principal and interest on a loan made under this part, except that if such loan is sold and guaranteed, any such waiver shall have no effect upon the Secretary's guarantee of timely payment of principal and interest.

Sale of
loans.

"(c) (1) The Secretary shall from time to time, but with due regard to the financial interests of the United States, sell loans made under this part either on the private market or to the Federal National Mortgage Association in accordance with section 302 of the Federal National Mortgage Association Charter Act or to the Federal Financing Bank.

12 USC 1717.

"(2) Any loan so sold shall be sold for an amount which is equal (or approximately equal) to the amount of the unpaid principal of such loans as of time of sale.

January 4, 1975

- 43 -

Pub. Law 93-641

88 STAT. 2267

"(3) (A) The Secretary is authorized to enter into an agreement with the purchaser of any loan sold under this part under which the Secretary agrees—

Agreements
with loan
purchaser.

"(i) to guarantee to such purchaser (and any successor in interest to such purchaser) payments of the principal and interest payable under such loan, and

"(ii) to pay as an interest subsidy to such purchaser (and any successor in interest of such purchaser) amounts which, when added to the amount of interest payable on such loan, are equivalent to a reasonable rate of interest on such loan as determined by the Secretary after taking into account the range of prevailing interest rates in the private market on similar loans and the risks assumed by the United States.

"(B) Any agreement under subparagraph (A)—

"(i) may provide that the Secretary shall act as agent of any such purchaser, for the purpose of collecting from the entity to which such loan was made and paying over to such purchaser any payments of principal and interest payable by such entity under such loan;

"(ii) may provide for the repurchase by the Secretary of any such loan on such terms and conditions as may be specified in the agreement;

"(iii) shall provide that, in the event of any default by the entity to which such loan was made in payment of principal or interest due on such loan, the Secretary shall, upon notification to the purchaser (or to the successor in interest of such purchaser), have the option to close out such loan (and any obligations of the Secretary with respect thereto) by paying to the purchaser (or his successor in interest) the total amount of outstanding principal and interest due thereon at the time of such notification; and

"(iv) shall provide that, in the event such loan is closed out as provided in clause (iii), or in the event of any other loss incurred by the Secretary by reason of the failure of such entity to make payments of principal or interest on such loan, the Secretary shall be subrogated to all rights of such purchaser for recovery of such loss from such entity.

"(4) Amounts received by the Secretary as proceeds from the sale of loans under this subsection shall be deposited in the fund established under subsection (d).

"(d) (1) There is established in the Treasury a loan and loan guarantee fund (hereinafter in this subsection referred to as the 'fund') which shall be available to the Secretary without fiscal year limitation, in such amounts as may be specified from time to time in appropriation Acts—

Loan and
guarantee
fund.
Establishment.

"(A) to enable him to make loans under this part,

"(B) to enable him to discharge his responsibilities under loan guarantees issued by him under this part,

"(C) for payment of interest under section 1620(b) (2) on loans guaranteed under this part,

"(D) for repurchase of loans under subsection (c) (3) (B), and

"(E) for payment of interest on loans which are sold and guaranteed.

There are authorized to be appropriated from time to time such amounts as may be necessary to provide the sums required for the fund. There shall also be deposited in the fund amounts received by the Secretary in connection with loans and loan guarantees under this part and other property or assets derived by him from his operations

Appropriation.

respecting such loans and loan guarantees, including any money derived from the sale of assets.

"(2) If at any time the sums in the funds are insufficient to enable the Secretary—

"(A) to make payments of interest under section 1620(b)(2),

"(B) to otherwise comply with guarantees under this part of loans to nonprofit private entities,

"(C) in the case of a loan which was made, sold, and guaranteed under this part, to make to the purchaser of such loan payments of principal and interest on such loan after default by the entity to which the loan was made, or

"(D) to repurchase loans under subsection (c)(3)(B), and

"(E) to make payments of interest on loans which are sold and guaranteed,

he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury shall purchase any notes and other obligations issued under this paragraph and for that purpose he may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, and the purposes for which the securities may be issued under that Act are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this paragraph. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as a public debt transactions of the United States. Sums borrowed under this paragraph shall be deposited in the fund and redemption of such notes and obligations shall be made by the Secretary from the fund.

"(e)(1) The assets, commitments, obligations, and outstanding balances of the loan guarantee and loan fund established in the Treasury by section 626 shall be transferred to the fund established by subsection (d) of this section.

"(2) To provide additional capitalization for the fund established under subsection (d) there are authorized to be appropriated to the fund, such sums as may be necessary for the fiscal years ending June 30, 1975, June 30, 1976, and June 30, 1977.

"PART D—PROJECT GRANTS

"PROJECT GRANTS

"SEC. 1625. (a) The Secretary may make grants for construction or modernization projects designed to (1) eliminate or prevent imminent safety hazards as defined by Federal, State, or local fire, building or life safety codes or regulations, or (2) avoid noncompliance with State or voluntary licensure or accreditation standards. A grant under this subsection may only be made to a State or political subdivision of a State, including any city, town, county, borough, hospital district authority, or public or quasi-public corporation, for a project described in the preceding sentence for any medical facility owned or operated by it.

Notes or
other obli-
gations.

31 USC 774.

Transfer of
funds.

42 USC 291j-6.

Appropriation.

42 USC 300r.

January 4, 1975

- 45 -

Pub. Law 93-641

88 STAT. 2269

"(b) An application for a grant under subsection (a) may not be approved under section 1604 unless it contains assurances satisfactory to the Secretary that the applicant making the application would not be able to complete the project for which the application is submitted without the grant applied for.

"(c) The amount of any grant under subsection (a) may not exceed 75 per centum of the cost of the project for which the grant is made unless the project is located in an area determined by the Secretary to be an urban or rural poverty area, in which case the grant may cover up to 100 per centum of such costs.

"(d) Of the sums appropriated under section 1613 for a fiscal year, there shall be made available for grants under subsection (a) for such fiscal year 22 per centum of such sums.

Cost limitation.

"PART E—GENERAL PROVISIONS

"JUDICIAL REVIEW

"SEC. 1630. If—

42 USC 300s.

"(1) the Secretary refuses to approve an application for a project submitted under section 1604, the State Agency through which such application was submitted, or

"(2) any State is dissatisfied with, or any entity will be adversely affected by, the Secretary's action under section 1612, such State or entity,

may appeal to the United States court of appeals for the circuit in which such State Agency, State, or entity is located, by filing a petition with such court within sixty days after such action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this section shall not, unless so specifically ordered by the Court, operate as a stay of the Secretary's action.

Filing of petition.

Modified findings of fact.

"RECOVERY

"SEC. 1631. (a) If any facility constructed, modernized, or converted with funds provided under this title is, at any time within twenty years after the completion of such construction, modernization, or conversion with such funds—

42 USC 300s-1.

"(1) sold or transferred to any person or entity (A) which is not qualified to file an application under section 1604, or (B) which is not approved as a transferee by the State Agency of the State in which such facility is located, or its successor; or

"(2) not used as a medical facility, and the Secretary has not determined that there is good cause for termination of such use, the United States shall be entitled to recover from either the transferor or the transferee in the case of a sale or transfer or from the owner in the case of termination of use an amount bearing the same ratio to the then value (as determined by the agreement of the parties or by action brought in the district court of the United States for the district in which the facility is situated) of so much of such facility as constituted an approved project or projects, as the amount of the Federal participation bore to the cost of the construction, modernization, or conversion of such project or projects. Such right of recovery shall not constitute a lien upon such facility prior to judgment.

Waiver.

"(b) The Secretary may waive the recovery rights of the United States under subsection (a) with respect to a facility in any State—

"(1) if (as determined under regulations prescribed by the Secretary) the amount which could be recovered under subsection (a) with respect to such facility is applied to the development, expansion, or support of another medical facility located in such State which has been approved by the Statewide Health Coordinating Council for such State as consistent with the State health plan established pursuant to section 1524(c); or

Ante, p. 2247.

"(2) if the Secretary determines, in accordance with regulations, that there is good cause for waiving such requirement with respect to such facility.

If the amount which the United States is entitled to recover under subsection (a) exceeds 90 per centum of the total cost of the construction or modernization project for a facility, a waiver under this subsection shall only apply with respect to an amount which is not more than 90 per centum of such total cost. The Secretary may not waive a right of recovery which arose one year before the date of the enactment of this title.

"STATE CONTROL OF OPERATIONS

42 USC 300s-2.

"SEC. 1632. Except as otherwise specifically provided, nothing in this title shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, maintenance, or operation of any facility with respect to which any funds have been or may be expended under this title.

"DEFINITIONS

42 USC 300s-3.

"SEC. 1633. For the purposes of this title—

"(1) The term 'State' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the District of Columbia.

"(2) The term 'Federal share' means the proportion of the cost of a medical facilities project which the State Agency determines the Federal Government will provide under allotment payments or a loan or loan guarantee under this title, except that—

"(A) in the case of a modernization project—

"(i) described in section 1604(b)(2)(B), and

"(ii) the application for which received a waiver under section 1604(b)(2)(A),

the proportion of the cost of such project to be paid by the Federal Government under allotment payments or a loan may not exceed \$20,000 and may not exceed 100 per centum of the first \$6,000 of the cost of such project and 66⅔ per centum of the next \$21,000 of such cost,

"(B) in the case of a project (other than a project described in subparagraph (A)) to be assisted from an allotment made under part B, the proportion of the cost of such project to be paid by the Federal Government may not exceed 66 $\frac{2}{3}$ unless the project is located in an area determined by the Secretary to be an urban or rural poverty area, in which case the proportion of the cost of such project to be paid by the Federal Government may be 100 per centum, and

"(C) in the case of a project (other than a project described in subparagraph (A)) to be assisted with a loan or loan guarantee made under part C, the principal amount of the loan directly made or guaranteed for such project, when added to any other assistance provided the project under this title, may not exceed 90 per centum of the cost of such project unless the project is located in an area determined by the Secretary to be an urban or rural poverty area, in which case the principal amount, when added to other assistance under this title, may cover up to 100 per centum of the cost of the project.

"(3) The term 'hospital' includes general, tuberculosis, and other types of hospitals, and related facilities, such as laboratories, outpatient departments, nurses' home facilities, extended care facilities, facilities related to programs for home health services, self-care units, and central service facilities, operated in connection with hospitals, and also includes education or training facilities for health professional personnel operated as an integral part of a hospital, but does not include any hospital furnishing primarily domiciliary care.

"(4) The term 'public health center' means a publicly owned facility for the provision of public health services, including related publicly owned facilities such as laboratories, clinics, and administrative offices operated in connection with such a facility.

"(5) The term 'nonprofit' as applied to any facility means a facility which is owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(6) The term 'outpatient medical facility' means a medical facility (located in or apart from a hospital) for the diagnosis or diagnosis and treatment of ambulatory patients (including ambulatory inpatients)—

"(A) which is operated in connection with a hospital,

"(B) in which patient care is under the professional supervision of persons licensed to practice medicine or surgery in the State, or in the case of dental diagnosis or treatment, under the professional supervision of persons licensed to practice dentistry in the State; or

"(C) which offers to patients not requiring hospitalization the services of licensed physicians in various medical specialties, and which provides to its patients a reasonably full-range of diagnostic and treatment services.

"(7) The term 'rehabilitation facility' means a facility which is operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program of—

"(A) medical evaluation and services, and

"(B) psychological, social, or vocational evaluation and services,

under competent professional supervision, and in the case of which the major portion of the required evaluation and services is furnished within the facility; and either the facility is operated in connection with a hospital, or all medical and related health services are prescribed by, or are under the general direction of, persons licensed to practice medicine or surgery in the State.

"(8) The term 'facility for long-term care' means a facility (including a skilled nursing or intermediate care facility) providing in-patient care for convalescent or chronic disease patients who required skilled nursing or intermediate care and related medical services—

"(A) which is a hospital (other than a hospital primarily for the care and treatment of mentally ill or tuberculous patients) or is operated in connection with a hospital, or

"(B) in which such care and medical services are prescribed by, or are performed under the general direction of, persons licensed to practice medicine or surgery in the State.

"(9) The term 'construction' means construction of new buildings and initial equipment of such buildings and, in any case in which it will help to provide a service not previously provided in the community, equipment of any buildings; including architects' fees, but excluding the cost of off-site improvements and, except with respect to public health centers, the cost of the acquisition of land.

"(10) The term 'cost' as applied to construction, modernization, or conversion means the amount found by the Secretary to be necessary for construction, modernization, or conversion, respectively, under a project, except that, in the case of a modernization project or a project assisted under part D, such term does not include any amount found by the Secretary to be attributable to expansion of the bed capacity of any facility.

Ante, p. 2268.

"(11) The term 'modernization' includes the alteration, expansion, major repair (to the extent permitted by regulations), remodeling, replacement, and renovation of existing buildings (including initial equipment thereof), and the replacement of obsolete equipment of existing buildings.

"(12) The term 'title,' when used with reference to a site for a project, means a fee simple, or such other estate or interest (including a leasehold on which the rental does not exceed 4 per centum of the value of the land) as the Secretary finds sufficient to assure for a period of not less than twenty-five years' undisturbed use and possession for the purposes of construction, modernization, or conversion and operation of the project for a period of not less than (A) twenty years in the case of a project assisted under an allotment or grant under this title, or (B) the term of repayment of a loan made or guaranteed under this title in the case of a project assisted by a loan or loan guarantee.

"(13) The term 'medical facility' means a hospital, public health center, outpatient medical facility, rehabilitation facility, facility for long-term care, or other facility (as may be designated by the Secretary) for the provision of health care to ambulatory patients.

42 USC 1351.

"(14) The term 'State Agency' means the State health planning and development agency of a State designated under title XIV.

"(15) The term 'urban or rural poverty area' means an urban or rural geographical area (as defined by the Secretary) in which a percentage (as defined by the Secretary in accordance with the next sentence) of the residents of the area have incomes below the poverty level (as defined by the Secretary of Commerce). The percentage referred to in the preceding sentence shall be defined so that the percentage of the population of the United States residing in urban and rural poverty areas is—

"(A) not more than the percentage of the total population of the United States with incomes below the poverty level (as so defined) plus five per centum, and

"(B) not less than such percentage minus five per centum.

"(16) The term 'medically underserved population' means the population of an urban or rural area designated by the Secretary as an area with a shortage of health facilities or a population group designated by the Secretary as having a shortage of such facilities.

January 4, 1975

- 49 -

Pub. Law 93-641

86 STAT. 2273

"FINANCIAL STATEMENTS; RECORDS AND AUDIT

"SEC. 1634. (a) In the case of any facility for which an allotment payment, grant, loan, or loan guarantee has been made under this title, the applicant for such payment, grant, loan, or loan guarantee (or, if appropriate, such other person as the Secretary may prescribe) shall file at least annually with the State Agency for the State in which the facility is located a statement which shall be in such form, and contain such information, as the Secretary may require to accurately show—

42 USC 300s-4.

"(1) the financial operations of the facility, and

"(2) the costs to the facility of providing health services in the facility and the charges made by the facility for providing such services,

during the period with respect to which the statement is filed.

"(b) (1) Each entity receiving Federal assistance under this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such entity of the proceeds of such assistance, the total cost of the project in connection with which such assistance is given or used, the amount of that portion of the cost of the project supplied by other sources, and such other records as will facilitate an effective audit.

Record-keeping.

"(2) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such entities which in the opinion of the Secretary or the Comptroller General may be related or pertinent to the assistance referred to in paragraph (1).

Audit.

"(c) Each such entity shall file at least annually with the Secretary a statement which shall be in such form, and contain such information, as the Secretary may require to accurately show—

"(1) the financial operations of the facility constructed or modernized with such assistance, and

"(2) the costs to such facility of providing health services in such facility, and the charges made for such services, during the period with respect to which the statement is filed.

"TECHNICAL ASSISTANCE

"SEC. 1635. The Secretary shall provide (either through the Department of Health, Education, and Welfare or by contract) all necessary technical and other nonfinancial assistance to any public or other non-profit entity which is eligible to apply for assistance under this title to assist such entity in developing applications to be submitted to the Secretary under section 1604. The Secretary shall make every effort to inform eligible applicants of the availability of assistance under this title.

42 USC 300s-5.

"PART F—AREA HEALTH SERVICES DEVELOPMENT FUNDS"DEVELOPMENT GRANTS FOR AREA HEALTH SERVICES DEVELOPMENT FUNDS

"SEC. 1640. (a) The Secretary shall make in each fiscal year a grant to each health system agency—

42 USC 300t.

"(1) with which there is in effect a designation agreement under section 1515(c),

Ante, p. 2239.

"(2) which has in effect an HSP and AIP reviewed by the Statewide Health Coordinating Council, and

Ante, p. 2256.

Ante, p. 2232.

Ante, p. 2235.

"(3) which, as determined under the review made under section 1535(c), is organized and operated in the manner prescribed by section 1512(b) and is performing its functions under section 1513 in a manner satisfactory to the Secretary,

to enable the agency to establish and maintain an Area Health Services Development Fund from which it may make grants and enter into contracts in accordance with section 1513(c) (3).

"(b) (1) Except as provided in paragraph (2), the amount of any grant under subsection (a) shall be determined by the Secretary after taking into consideration the population of the health service area for which the health systems agency is designated, the average family income of the area, and the supply of health services in the area.

Limitation.

"(2) The amount of any grant under subsection (a) to a health systems agency for any fiscal year may not exceed the product of \$1 and the population of the health service area for which such agency is designated.

"(c) No grant may be made under subsection (a) unless an application therefor has been submitted to, and approved by, the Secretary. Such an application shall be submitted in such form and manner and contain such information as the Secretary may require.

Appropriations.

"(d) For the purpose of making payments pursuant to grants under subsection (a), there are authorized to be appropriated \$25,000,000 for the fiscal year ending June 30, 1975, \$75,000,000 for the fiscal year ending June 30, 1976, and \$120,000,000 for the fiscal year ending June 30, 1977."

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

Appropriations.

42 USC 300m
note.

42 USC 246.

SEC. 5. (a) (1) There are authorized to be appropriated for the fiscal year ending June 30, 1975, and the next fiscal year such sums as may be necessary to make grants under section 314(a) of the Public Health Service Act, except that no grant made to a State with funds appropriated under this paragraph shall be available for obligation beyond—

(A) three months after the date on which a State health planning and development agency is designated for such State under section 1421 of such Act, or

Ante, p. 2242.

(B) June 30, 1976,

whichever is later.

42 USC 3001-4
note.

42 USC 242b.

42 USC 299.

(2) There are authorized to be appropriated for the fiscal year ending June 30, 1975, and the next fiscal year such sums as may be necessary to make grants under section 304 of the Public Health Service Act for experimental health services delivery systems, section 314(b) of such Act, and title IX of such Act, except that no grant made with funds appropriated under this paragraph shall be available for obligation beyond the later of (A) June 30, 1976, or (B) three months after the date on which a health systems agency has been designated under section 1415 of such Act for a health service area which includes the area of the entity for which a grant is made under such section 304, 314(b), or title IX.

42 USC 291b
note.

42 USC 291a.

(b) Any State which has in the fiscal year ending June 30, 1975, or the next fiscal year funds available for obligation from its allotments under part A of title VI of the Public Health Service Act may in such fiscal year use for the proper and efficient administration during such year of its State plan approved under such part an amount of such funds which does not exceed 4 per centum of such funds or \$100,000, whichever is less.

(c) A reference in any law or regulation—

(1) to the agency of a State which administers or supervises the administration of a State's health planning functions under a State plan approved under section 314(a) of the Public Health Service Act shall in the case of a State for which a State Health planning and development agency has been designated under section 1521 of such Act be considered a reference to the State agency designated under such section 1521;

42 USC 300m
note.

42 USC 246.

Ante, p. 2242.

(2) to an agency or organization which has developed a comprehensive regional, metropolitan, or other local area plan or plans referred to in section 314(b) of the Public Health Service Act shall if all or part of the area covered by such plan or plans is within a health service area established under section 1511 of the Public Health Service Act be considered a reference to the health systems agency designated under section 1515 of such Act for such health service area; and

42 USC 300l-4
note.Ante, p. 2229.Ante, p. 2239.

(3) to a regional medical program assisted under title IX of the Public Health Service Act shall if the program is located in a State for which a State health planning and development agency has been designated under section 1521 of the Public Health Service Act be considered a reference to such State agency.

42 USC 300m

note.

42 USC 299.

(d) Section 316 of the Public Health Service Act is repealed.

Repeal.

42 USC 247a.

ADVISORY COMMITTEE

SEC. 6. (a) An advisory committee established by or pursuant to the Public Health Service Act, the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, or the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 shall terminate at such time as may be specifically prescribed by an Act of Congress enacted after the date of the enactment of this Act.

Termination.

42 USC 217a

note.

42 USC 201

note.

42 USC 266l

note.

42 USC 457l.

(b) The Secretary of Health, Education, and Welfare shall report, within one year after the date of the enactment of this Act, to the Committee on Labor and Public Welfare of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives (1) the purpose and use of each advisory committee established by or pursuant to the Public Health Service Act, the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, or the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 and (2) his recommendations respecting the termination of each such advisory committee.

Reports to
congressional
committees.

AGENCY REPORTS

SEC. 7. The Secretary of Health, Education, and Welfare shall report, within one year of the date of the enactment of this Act, to the Committee on Labor and Public Welfare of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives (1) the identity of each report required to be made by the Secretary under the Public Health Service Act, the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, or the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 to the Congress (or any committee thereof), (2) the provision of such Acts which requires each such report, (3) the purpose of each such report, and (4) the due date for each such report. The report of the

Report to
congressional
committees.

42 USC 229

note.

Secretary under this section may include such recommendations as he considers appropriate for termination or consolidation of any such reporting requirements.

TECHNICAL AMENDMENT

42 USC 300e-4.

SEC. 8. Section 1305(b)(1) of the Public Health Service Act is amended to read as follows:

"(b)(1) Except as provided in paragraph (2), the aggregate amount of principal of loans made or guaranteed, or both, under this section for a health maintenance organization may not exceed \$2,500,000. In any fiscal year, the amount disbursed under a loan or loans made or guaranteed under this section for a health maintenance organization may not exceed \$1,000,000,000."

Approved January 4, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-1382 accompanying H.R. 16204 (Comm. on Interstate and Foreign Commerce) and No. 93-1640 (Comm. of Conference).

SENATE REPORT No. 93-1285 (Comm. on Labor and Public Welfare).
CONGRESSIONAL RECORD, Vol. 120 (1974):

Nov. 25, considered and passed Senate.

Dec. 13, considered and passed House, amended, in lieu of H.R. 16204.

Dec. 19, Senate agreed to conference report.

Dec. 20, House agreed to conference report.





Public Law 93-644
93rd Congress, H. R. 14449
January 4, 1975

An Act

To provide for the extension of Headstart, community action, community economic development, and other programs under the Economic Opportunity Act of 1964, to provide for increased involvement of State and local governments in anti-poverty efforts, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Headstart, Economic Opportunity, and Community Partnership Act of 1974".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to extend programs under the Economic Opportunity Act of 1964, including Headstart, community action, and community economic development programs; and to provide for increased involvement of State and local governments in anti-poverty efforts by authorizing a community partnership program.

SHORT TITLE AND DEFINITIONS

SEC. 3. The Economic Opportunity Act of 1964 is amended by adding after section 2 the following new sections:

"SHORT TITLE

"SEC. 101. This title and titles II through IX of this Act may be cited as the 'Community Services Act of 1974'.

"DEFINITIONS

"SEC. 102. As used in this Act—

"(1) the term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(2) the term 'United States' when used in a geographical sense includes all those places named in the previous sentence and all other places continental or insular, subject to the jurisdiction of the United States;

"(3) the term 'financial assistance' when used in title II, part B of title III, and title VIII includes assistance advanced by grant, agreement, or contract, but does not include the procurement of plant or equipment, or goods or services;

"(4) the term 'Secretary' means the Secretary of Health, Education, and Welfare;

"(5) the term 'Administration' means the Community Services Administration; and

"(6) the term 'Director' means the Director of the Community Services Administration."

RESEARCH AND DEMONSTRATION PROGRAMS

SEC. 4. Title I of the Economic Opportunity Act of 1964 is amended to read as follows:

Headstart,
Economic
Opportunity,
and Community
Partnership
Act of 1974.
42 USC 2701
note.
42 USC 2706
note.
42 USC 2701
note.
88 STAT. 2291
88 STAT. 2292

Community
Services Act
of 1974.
42 USC 2701
note.
42 USC 2706.

Post, p. 2292.
42 USC 2861.
Post, p. 2324.

42 USC 2711.

"TITLE II—RESEARCH AND DEMONSTRATIONS**"STATEMENT OF PURPOSE**

42 USC 2711.

"SEC. 101. The purpose of the title is to stimulate a better focusing of all available local, State, private, and Federal resources upon the goal of enabling low-income families, and low-income individuals of all ages, including persons of limited English-speaking ability, in rural and urban areas to attain the skills, knowledge, and motivations and secure the opportunities needed for them to become fully self-sufficient.

88 STAT. 2292

88 STAT. 2293

"RESEARCH, DEMONSTRATION, AND PILOT PROJECTS

42 USC 2712.

"SEC. 102. (a) The Director may provide financial assistance through grants or contracts for research, demonstration, or pilot projects conducted by public or private agencies which are designed to test or assist in the development of new approaches or methods that will aid in overcoming special problems or otherwise furthering the purposes of this title.

"(b) The Director shall establish an overall plan to govern the approval of research, demonstration, and pilot projects and the use of all research authority under this title. Such plan shall set forth specific objectives to be achieved and priorities among such objectives. In formulating the plan, the Director shall consult with other Federal agencies for the purpose of minimizing duplication among similar activities or projects and determining whether the findings resulting from any such projects may be incorporated into one or more programs for which those agencies are responsible.

"(c) No project shall be commenced under this section unless a plan setting forth such proposed project has been submitted to the chief executive officer of the State in which the project is to be located and such plan has not been disapproved by him within thirty days of such submission, or, if so disapproved, has been reconsidered by the Director and found by him to be fully consistent with the provisions and in furtherance of the purposes of this title.

"(d) In making grants or contracts under this title, the Director shall give due consideration to requests for funds by applicants receiving financial assistance under this title in any fiscal year shall be made available for programs or projects receiving financial assistance under section 221 or 235 of this Act.

42 USC 2808.
Post, p. 2296.**"CONSULTATION**

42 USC 2713.

"SEC. 103. In carrying out projects under this title, the Director shall, whenever feasible, arrange to obtain the opinions of program participants about the strengths and weaknesses of programs.

"ANNOUNCEMENT OF RESEARCH, DEMONSTRATION, AND PILOT PROJECTS

42 USC 2714.

"SEC. 104. (a) The Director shall make a public announcement concerning—

"(1) the title, purpose, intended completion date, identity of the grantee or contractor, and proposed cost of any grant or contract with a private or non-Federal public agency or organization for any research, demonstration, or pilot project under this title; and

"(2) the results, findings, data, or recommendations made or reported as a result of such research, demonstration, or pilot project.

January 4, 1975

- 3 -

Pub. Law 93-644

88 STAT. 2294

"(b) The public announcements required by subsection (a) of this section shall be made within thirty days of making any such grant or contract, and the public announcements required by subsection (b) of this section shall be made within thirty days of the receipt of such results, findings, data, or recommendations.

"(c) The Director shall take necessary action to assure that all studies, proposals, and data produced or developed with Federal funds employed under this title shall become the property of the United States.

"(d) The Director shall publish studies of the results of activities carried out pursuant to this title not later than ninety days after the completion thereof. The Director shall submit to the appropriate committees of the Congress copies of all such studies.

Studies, submittal to congressional committees.

"PROHIBITION OF FEDERAL CONTROL

"SEC. 105. Nothing contained in this title shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system."

42 USC 2715.

COMMUNITY ACTION PROGRAMS

SEC. 5. (a) Section 210 of the Economic Opportunity Act of 1964 is amended—

42 USC 2790.

(1) in subsection (a) thereof, by inserting "or an Indian tribal government," before the word "which" the second place it appears therein; and

(2) by repealing subsection (f) thereof.

(b) Section 210 of such Act is further amended by adding at the end thereof the following new subsection

"(f) In carrying out his responsibilities under this part the Director may delegate functions other than policymaking functions and the final approval of grants and contracts to a State, in accordance with criteria and guidelines established by him, such functions as he deems appropriate, except that no such delegation shall take place unless all the community action agencies within such State formally indicate their approval of such proposed delegation, except that whenever such delegated functions include the authority to approve programs within such State the Director shall make available to the State, in addition to an amount not less than the amount made available to such State for State agency assistance under section 231 in the previous fiscal year, an amount in each fiscal year equal to such State's share (as determined by the formula set forth in the second sentence of section 235(a)) of the aggregate amount made available during the fiscal year ending June 30, 1974, for the operation of regional offices of the Office of Economic Opportunity."

Delegation of functions.

(c) (1) Paragraph (1) of section 222(a) of such Act is repealed.

(2) Paragraph (2) of section 222(a) of such Act is repealed.

(3) Paragraph (6) of section 222(a) of such Act is repealed.

(4) Paragraph (8) of section 222(a) of such Act is repealed.

(5) Paragraph (9) of section 222(a) of such Act is repealed.

(d) (1) Section 222(a) of the Economic Opportunity Act of 1964 is amended by inserting after paragraph (11) the following:

Repeals.
42 USC 2809.

"(12) a program to be known as 'Emergency Energy Conservation Services' designed to enable low-income individuals and families,

Emergency Energy Conservation Services.

42 USC 2824.

Post, p. 2296.

including the elderly and the near poor, to participate in energy conservation programs designed to lessen the impact of the high cost of energy on such individuals and families and to reduce individual and family energy consumption. The Director is authorized to provide financial and other assistance for programs and activities, including, but not limited to, an energy conservation and education program; winterization of old or substandard dwellings, improved space conditioning, and insulation; emergency loans, grants, and revolving funds to install energy conservation technologies and to deal with increased housing expenses relating to the energy crisis; alternative fuel supplies, special fuel voucher or stamp programs; alternative transportation activities designed to save fuel and assure continued access to training, education, and employment; appropriate outreach efforts; furnishing personnel to act as coordinators, providing legal or technical assistance, or otherwise representing the interests of the poor in efforts relating to the energy crisis; nutrition, health, and other supportive services in emergency cases; and evaluation of programs and activities under this paragraph. Such assistance may be provided as a supplement to any other assistance extended under the provisions of this Act or under other provisions of Federal law. The Director, after consultation with the Administrator of the Federal Energy Office and appropriate Federal departments and agencies shall establish procedures and take other appropriate action necessary to insure that the effects of the energy crisis on low-income persons, the elderly, and the near poor are taken into account in the formulation and administration of programs relating to the energy crisis.

Summer Youth
Recreation.

29 USC 811.

"(13) A program to be known as 'Summer Youth Recreation' designed to provide recreational opportunities for low-income children during the summer months. Funds made available for this section shall be allocated by the Director, after consultation with the Secretary of Labor, among prime sponsors and other agencies designated under title I of the Comprehensive Employment and Training Act of 1973 on the basis of (1) the relative number of public assistance recipients in the area served by such prime sponsor or agency, as compared to the Nation; (2) the relative number of unemployed persons in such area as compared with the Nation; and (3) the relative number of related children living with families with incomes below the poverty line in such area, as compared to the Nation. That part of any allotment which the Director determines will not be needed may be reallocated, at such dates during the fiscal year as the Director may fix, to the extent feasible, in proportion to the original allotments. In making allocations under this section, the Director shall insure, to the maximum extent possible, that for the program commencing in the fiscal year ending June 30, 1975, and for the program in each succeeding fiscal year no prime sponsor or other designated agency shall receive an amount less than the amount received for such programs during the fiscal year ending June 30, 1973, or the fiscal year ending June 30, 1974, whichever is higher.

42 USC 2813,
2815.

(2) Section 226(d) and section 228(c) are each amended by striking out "shall make whatever arrangements are necessary" and inserting in lieu thereof "is authorized to make whatever arrangements are necessary".

42 USC 2812.

(e)(1) Section 225(a) of the Economic Opportunity Act of 1964 is amended by striking out the third sentence thereof and inserting in lieu thereof the following: "The remainder shall be allotted among the States, in accordance with the latest available data, so that equal

January 4, 1975

- 5 -

Pub. Law 93-644

88 STAT. 2296

proportions are distributed on the basis of (1) the relative number of public assistance recipients in each State as compared to all States, (2) the relative number of unemployed persons in each State as compared to all States, and (3) the relative number of related children living with families with incomes below the poverty line in each State as compared to all States. For purposes of this subsection, the Director shall utilize the criteria of poverty used by the Bureau of the Census in compiling the 1970 decennial census. The Director shall insure that for the fiscal year ending June 30, 1975, and for each succeeding fiscal year, no State shall be allotted for programs under section 221 and section 222(a) an amount which is less than the amount received for use within such State for programs described in such sections during the fiscal year ending June 30, 1974."

42 USC 2808.

42 USC 2809.

(2) Section 225(c) of such Act is amended by striking out "shall not exceed 90 per centum of the approved cost of the assisted programs or activities and thereafter shall not exceed 80 per centum of such costs" and inserting in lieu thereof the following: "shall not exceed 80 per centum of the approved cost of the assisted programs or activities with respect to fiscal year 1975, and 70 per centum of such costs with respect to fiscal year 1976, and shall not exceed 60 per centum of such costs with respect to fiscal year 1977, except that in the case of community action agencies receiving such financial assistance annually of \$300,000 or less, such financial assistance shall not exceed 75 per centum of such costs with respect to fiscal year 1976, and shall not exceed 70 per centum of such costs with respect to fiscal year 1977".

42 USC 2812.

(f) The Economic Opportunity Act of 1964 is further amended by inserting after section 234 thereof the following new sections:

"DEMONSTRATION COMMUNITY PARTNERSHIP AGREEMENTS

"Sec. 235. (a) The Director may provide financial assistance from funds appropriated to carry out this section to community action agencies or public or private nonprofit agencies designated under section 210 for programs authorized under this title, and to State economic opportunity offices for programs and activities authorized under section 231(a). Financial assistance extended to a community action agency or other agency pursuant to this section may be used for new programs or to supplement existing programs and shall not exceed 50 per centum of the cost of such new or supplemental programs.

42 USC 2828.

42 USC 2790.

42 USC 2824.

"(b) Matching local and State funds supplied under this section shall be in cash and shall represent State and local initiatives newly obligated within the previous year to the purposes of the grant-supported activity; and no program shall be approved for assistance under this section unless the Director satisfies himself (1) that the activities to be carried out under such program will be in addition to, and not in substitution for, activities previously carried on without Federal assistance, (2) that funds or other resources devoted to programs designed to meet the needs of the poor within the community, area, or State will not be diminished in order to provide the contributions required under this section. The requirement imposed by the preceding sentence shall be subject to such regulations as the Secretary may adopt and promulgate establishing objective criteria for determinations covering situations where a strict application of that requirement would result in unnecessary hardship or otherwise be inconsistent with the purposes sought to be achieved.

88 STAT. 2297

42 USC 2834.

"(c) The provisions of section 242 of this Act shall not apply to assistance provided under this section.

"INTERGOVERNMENTAL ADVISORY COUNCIL ON COMMUNITY SERVICES

Establishment.

42 USC 2829.

"SEC. 236. (a) There shall be established within the Office of Economic Opportunity or successor authority an Intergovernmental Advisory Council on Community Services (referred to in this section as the 'Council').

Membership.

"(b) The Council shall be composed of nine members who shall be appointed by the President as follows:

"(i) Three members shall be appointed from among representatives of States and county and municipal governments or organizations which represent such governmental units, selected on an equitable political and geographic basis after considering recommendations made by the National Governors' Conference, the National League of Cities-United States Conference of Mayors, the National Association of Counties and similar organizations representative of State and local government.

"(ii) Three members shall be appointed from among representatives of community action agencies and other grantees under this Act or organizations which represent such agencies and grantees, selected on an equitable political and geographic basis after considering recommendations previously made by the Director of the Office of Economic Opportunity.

"(iii) Three members shall be appointed from among representatives of labor, management, and other sectors which have demonstrated active interest in community action and antipoverty programs.

"(c) The Council shall—

"(1) encourage the formation of community partnership agreements;

"(2) review the substance of such agreements and any regulations, guidelines, or other program criteria with respect thereto and advise the Director thereon prior to final approval thereof;

"(3) evaluate the effectiveness of such agreements in meeting the purposes of this Act;

"(4) conduct a continuing survey throughout the Nation on the extent to which, and terms under which, public and private resources have been and may be available for antipoverty efforts;

"(5) identify and encourage means of increasing resources available for such activities; and

"(6) submit annual reports to the President and to the Congress on or before March 1, 1976, and March 1, 1977, with respect to its activities and findings, together with such recommendations for legislation as it may deem appropriate.

"(d) The Director shall provide the Council with such information as shall be necessary for the Council to discharge its functions under this section and shall furnish the Council with copies of all grant applications within ten days of receipt thereof.

"FUNDS AVAILABLE

42 USC 2830.

Ante, p. 2296.

"SEC. 237. There is also authorized to be appropriated not to exceed \$50,000,000 to carry out section 235 during the fiscal year 1975, and such sums as may be necessary during each of the two succeeding fiscal years, except that in no event may more than 12½ per centum of such additional amounts be used in any one State."

January 4, 1975

- 7 -

Pub. Law 93-644

88 STAT. 2298

ASSISTANCE FOR MIGRANT AND OTHER SEASONALLY EMPLOYED
FARMWORKERS AND THEIR FAMILIES

SEC. 6. (a) Section 312(b) (3) of the Economic Opportunity Act of 1964 is amended by striking out "and training" and inserting in lieu thereof "and developmental programs". 42 USC 2862.

(b) The Economic Opportunity Act of 1964 is further amended by inserting after section 314 thereof the following new section:

"SPECIAL RESPONSIBILITIES

"SEC. 315. The Director shall be responsible for coordinating programs under this part with other Federal programs designed to assist or serve migrant and seasonal farmworkers, and for reviewing and monitoring such programs." 42 USC 2865.

(c) In providing financial assistance under the provisions of part B of title III of the Economic Opportunity Act of 1964, the Director shall give special consideration to any public or private nonprofit agency which has previously received financial assistance thereunder for the provision of services for migrant and other seasonally employed farmworkers and their families, taking into account financial assistance provided to any such agency under section 303 of the Comprehensive Employment and Training Act of 1973. 42 USC 2861.

29 USC 873.

COMPREHENSIVE HEALTH SERVICES

SEC. 7. Title IV of the Economic Opportunity Act of 1964 is amended to read as follows:

"TITLE IV—COMPREHENSIVE HEALTH SERVICES

"COMPREHENSIVE HEALTH SERVICES

"SEC. 401. (a) The Secretary shall establish within the Department of Health, Education, and Welfare a 'Comprehensive Health Services' program which shall include— Establishment. 42 USC 2901.

"(1) programs to aid in developing and carrying out comprehensive health services projects focused upon the needs of urban and rural areas having high concentrations or proportions of poverty and marked inadequacy of health services for the poor. These projects shall be designed—

"(A) to make possible, with maximum feasible use of existing agencies and resources, the provision of comprehensive health services, such as preventive medical, diagnostic, treatment, rehabilitation, family planning, narcotic addiction and alcoholism prevention and rehabilitation, mental health, dental, and followup services, together with necessary related facilities and services, except in rural areas where the lack of even elemental health services and personnel may require simpler, less comprehensive services to be established first; and

"(B) to assure that these services are made readily accessible to low-income residents of such areas, are furnished in a manner most responsive to their needs and with their participation and wherever possible are combined with, or included within, arrangements for providing employment, education, social, or other assistance needed by the families and individuals served except that pursuant to such regula-

tions as the Secretary of Health, Education, and Welfare may prescribe, persons provided assistance through programs assisted under this paragraph who are not members of low-income families may be required to make payment, or have payment made in their behalf, in whole or in part for such assistance; and

"(2) programs to provide financial assistance to public or private agencies to projects designed to develop knowledge or enhance skills in the field of health services for the poor. Such projects shall encourage both prospective and practicing health professionals to direct their talents and energies toward providing health services for the poor.

Funds for financial assistance under paragraph (1) of this subsection shall be allotted according to need, and capacity of applicants to make rapid and effective use of that assistance, and may be used as necessary, to pay the full costs of projects. Before approving any project, the Secretary shall solicit and consider the comments and recommendations of the local medical associations in the area and shall consult with appropriate Federal, State, and local health agencies and take such steps as may be required to assure that the program will be carried on under competent professional supervision and that existing agencies providing related services are furnished all assistance needed to permit them to plan for participation in the program and for the necessary continuation of those related services. In carrying out the provisions of paragraph 2 of this subsection, the Secretary is authorized to provide or arrange for training and study in the field of health services for the poor.

"(c) Pursuant to regulations prescribed by him, the Secretary may arrange for the payment of stipends and allowances (including travel and subsistence expenses) for persons undergoing such training and study and for their dependents.

"(d) The Secretary shall achieve effective coordination of programs and projects authorized under this section with other related activities.

"DRUG REHABILITATION AND ALCOHOLIC COUNSELING PROGRAMS

42 USC 2902.

"SEC. 402. In addition to the authority conferred under section 401 of this title the Secretary is authorized, as part of the Comprehensive Health Services program, to carry out the following programs:

"(1) An 'Alcoholic Counseling and Recovery' program designed to discover and treat the disease of alcoholism. Such program should be community based, serve the objective of the maintenance of the family structure as well as the recovery of the individual alcoholic, encourage the use of neighborhood facilities and the services of recovered alcoholics as counselors, and emphasize the reentry of the alcoholic into society rather than the institutionalization of the alcoholic.

"(2) A 'Drug Rehabilitation' program designed to discover the causes of drug abuse and addiction, to treat narcotic and drug addiction and the dependence associated with drug abuse, and to rehabilitate the drug abuser and drug addict. Such program should deal with the abuse or addiction resulting from the use of narcotic drugs such as heroin, opium, and cocaine, stimulants such as amphetamines, depressants, marihuana, hallucinogens, and tranquilizers. Such program should be community based, serve the objective of the maintenance of the family structure as well as the recovery of the individual drug abuser or addict, encourage the use of neighborhood facilities and the services of recovered drug abusers and addicts as counselors, and emphasize the reentry of the drug abuser and addict into society rather

January 4, 1975

- 9 -

Pub. Law 93-644

86 STAT. 2300

than his institutionalization. The Director is authorized to undertake special programs aimed at promoting employment opportunities for rehabilitated addicts or addicts enrolled and participating in methadone maintenance treatment or therapeutic programs, and assisting employers in dealing with addiction and drug abuse and dependency problems among formerly hardcore unemployed so that they can be maintained in employment. In undertaking such programs, the Director shall give special priority to veterans and employers of significant numbers of veterans, with priority to those areas within the States having the highest percentages of addicts. The Director is further authorized to establish procedures and policies which will allow clients to complete a full course of rehabilitation even though they become non-low-income by virtue of becoming employed as a part of the rehabilitation process but there shall be no change in income eligibility criteria for initial admission to treatment and rehabilitation programs under this Act."

HEADSTART AND FOLLOW THROUGH

SEC. 8. (a) Title V of the Economic Opportunity Act of 1964 is amended by striking out the heading thereof and all of such title preceding part B thereof (which is hereby redesignated as part D) and inserting in lieu thereof the following:

"TITLE V—HEADSTART AND FOLLOW THROUGH

"SHORT TITLE

"SEC. 501. This title may be cited as the "Headstart-Follow Through Act" (hereinafter in this title referred to as the "Act").

Headstart-
Follow
Through Act.
42 USC 2921.

"STATEMENT OF PURPOSE

"SEC. 502. In recognition of the role which Project Headstart has played in the effective delivery of comprehensive health, educational, nutritional, social, and other services to economically disadvantaged children and their families, the Act extends the authority for appropriation of funds for that program.

42 USC 2922.

"POLICY WITH RESPECT TO INDIAN AND MIGRANT CHILDREN

"SEC. 503. In carrying out the purposes of part A the Secretary shall continue the administrative arrangement responsible for meeting the needs of migrant and Indian children and shall assure that appropriate funding is provided to meet such needs.

42 USC 2923.

"PART A—HEADSTART PROGRAMS

"FINANCIAL ASSISTANCE FOR HEADSTART PROGRAMS

"SEC. 511. The Secretary may, upon application by an agency which is eligible for designation as a Headstart agency pursuant to section 514, provide financial assistance to such agency for the planning, conduct, administration, and evaluation of a Headstart program focused primarily upon children from low-income families who have not reached the age of compulsory school attendance which (1) will provide such comprehensive health, nutritional, educational, social, and other services as will aid the children to attain their full potential, and (2) will provide for direct participation of the parents of such children in the development, conduct, and overall program direction at the local level.

42 USC 2928.

"AUTHORIZATION OF APPROPRIATIONS

42 USC 2928a. "SEC. 512. There are authorized to be appropriated for carrying out the purposes of this part such sums as may be necessary for fiscal years 1975 through 1977.

"ALLOTMENT OF FUNDS; LIMITATIONS ON ASSISTANCE

42 USC 2928b. "SEC. 513. (a) Of the sums appropriated pursuant to section 512 for any fiscal year beginning after June 30, 1975, the Secretary shall allot not more than 2 per centum among Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands, according to their respective needs. In addition, the Secretary shall reserve not more than 20 per centum of the sums so appropriated for use in accordance with such criteria and procedures as he may prescribe. The remainder shall be allotted among the States, in accordance with the latest satisfactory available data, so that equal proportions are distributed on the basis of (1) the relative number of public assistance recipients in each State as compared to all States, and (2) the relative number of related children living with families with incomes below the poverty line in each State as compared to all States; but there shall be made available, for use by Headstart programs within each State, no less funds for any fiscal year than were obligated for use by Headstart programs within such State with respect to fiscal year 1975. Allocation of such increases within each State shall, to the extent feasible, be made in such manner as to reflect the proportionate increases in program costs incurred by grantees, in accordance with regulations which the Secretary shall prescribe for this purpose. For the purpose of this subsection, the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the 1970 decennial census.

"(b) Financial assistance extended under this part for a Headstart program shall not exceed 80 per centum of the approved costs of the assisted program or activities, except that the Secretary may approve assistance in excess of such percentage if he determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of the purposes of this part. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, or services. The Secretary shall not require non-Federal contributions in excess of 20 per centum of the approved costs of programs or activities assisted under this part.

"(c) No programs shall be approved for assistance under this part unless the Secretary is satisfied that the services to be provided under such program will be in addition to, and not in substitution for, comparable services previously provided without Federal assistance. The requirement imposed by the preceding sentence shall be subject to such regulations as the Secretary may prescribe.

"(d) The Secretary shall establish policies and procedures designed to assure that for fiscal year 1975 not less than 10 per centum of the total number of enrollment opportunities in Headstart programs in the Nation shall be available for handicapped children and that for fiscal year 1976 and thereafter no less than 10 per centum of the total number of enrollment opportunities in Headstart programs in each State shall be available for handicapped children (as defined in paragraph (1) of section 602 of the Education of the Handicapped Act) and that services shall be provided to meet their special needs. The Secretary shall report to the Congress at least annually on the status of handicapped children in Headstart programs, including the number of children being served, their handicapping conditions, and the services being provided such children.

Handicapped
children.

20 USC 1401.
Report to
Congress.

January 4, 1975

- 11 -

Pub. Law 93-644

88 STAT. 2302

"(e) The Secretary shall adopt appropriate administrative measures to assure that the benefits of this part will be distributed equitably between residents of rural and urban areas.

"DESIGNATION OF HEADSTART AGENCIES

"SEC. 514. (a) The Secretary is authorized to designate as a Headstart agency any local public or private nonprofit agency which (1) has the power and authority to carry out the purposes of this part and perform the functions set forth in section 515 within a community, and (2) is determined by the Secretary to be capable of planning, conducting, administering, and evaluating, either directly or by other arrangements, a Headstart program. 42 USC 2928c.

"(b) For the purposes of this title, a community may be a city, county, multicounty, or multicounty unit within a State, an Indian reservation, or a neighborhood or other area (irrespective of boundaries or political subdivisions) which provides a suitable organization base and possesses the commonality of interest needed to operate a Headstart program.

"(c) In the administration of the provisions of this section, the Secretary shall give priority in the designation of Headstart agencies to any local public or private nonprofit agency which is receiving funds under any Headstart program on the date of the enactment of this Act, except that the Secretary shall, before giving such priority, determine that the agency involved meets program and fiscal requirements established by the Secretary. Priority.

"POWERS AND FUNCTIONS OF HEADSTART AGENCIES

"SEC. 515. (a) In order to be designated as a Headstart agency under this part, an agency must have authority under its charter or applicable law to receive and administer funds under this part, funds and contributions from private or local public sources which may be used in support of a Headstart program, and funds under any Federal or State assistance program pursuant to which a public or private nonprofit agency (as the case may be) organized in accordance with this part, could act as grantee, contractor, or sponsor of projects appropriate for inclusion in a Headstart program. Such an agency must also be empowered to transfer funds so received, and to delegate powers to other agencies, subject to the powers of its governing board and its overall program responsibilities. This power to transfer funds and delegate powers must include the power to make transfers and delegations covering component projects in all cases where this will contribute to efficiency and effectiveness or otherwise further program objectives. 42 USC 2928d.

"(b) In order to be so designated, a Headstart agency must also (1) establish effective procedures by which parents and area residents concerned will be enabled to influence the character of programs affecting their interests, (2) provide for their regular participation in the implementation of such programs, and (3) provide technical and other support needed to enable parents and area residents to secure on their own behalf available assistance from public and private sources.

"SUBMISSION OF PLANS TO GOVERNORS

"SEC. 516. In carrying out the provisions of this part, no contract, agreement, grant, or other assistance shall be made for the purpose of carrying out a Headstart program within a State unless a plan 42 USC 2928e.

setting forth such proposed contract, agreement, grant, or other assistance has been submitted to the Governor of the State, and such plan has not been disapproved by the Governor within thirty days of such submission, or, if so disapproved, has been reconsidered by the Secretary and found by him to be fully consistent with the provisions and in furtherance of the purposes of this part. Funds to cover the costs of the proposed contract, agreement, grant, or other assistance shall be obligated from the appropriation which is current at the time the plan is submitted to the Governor. This section shall not, however, apply to contracts, agreements, grants, loans, or other assistance to any institution of higher education in existence on the date of enactment of this Act.

"ADMINISTRATIVE REQUIREMENTS AND STANDARDS

42 USC 2926f.

Public access
to informa-
tion.

"SEC. 517. (a) Each Headstart agency shall observe standards of organization, management, and administration which will assure, so far as reasonably possible, that all program activities are conducted in a manner consistent with the purposes of this part and the objective of providing assistance effectively, efficiently, and free of any taint of partisan political bias or personal or family favoritism. Each such agency shall establish or adopt rules to carry out this section, which shall include rules to assure full staff accountability in matters governed by law, regulations, or agency policy. Each agency shall also provide for reasonable public access to information, including but not limited to public hearings at the request of appropriate community groups and reasonable public access to books and records of the agency or other agencies engaged in program activities or operations involving the use of authority or funds for which it is responsible. Each such agency shall adopt for itself and other agencies using funds or exercising authority for which it is responsible, rules designed to establish specific standards governing salaries, salary increases, travel and per diem allowances, and other employee benefits; to assure that only persons capable of discharging their duties with competence and integrity are employed and that employees are promoted or advanced under impartial procedures calculated to improve agency performance and effectiveness; to guard against personal or financial conflicts of interests; and to define employee duties in an appropriate manner which will in any case preclude employees from participating, in connection with the performance of their duties, in any form of picketing, protest, or other direct action which is in violation of law.

"(b) No financial assistance shall be extended under the Act in any case in which the Secretary determines that the costs of developing and administering a program assisted under the Act exceed 15 per centum of the total costs, including non-Federal contributions to such costs, of such program. The Secretary shall establish by regulation, criteria for determining (i) the costs of developing and administering such program and (ii) the total costs of such program. In any case in which the Secretary determines that the cost of administering such program does not exceed 15 per centum and such total costs but is, in his judgment, excessive, he shall forthwith require the recipient of such financial assistance to take such steps prescribed by him as will eliminate such excessive administrative cost, including the sharing by one or more Headstart agencies of a common director and other administrative personnel. The Secretary may waive the limitation prescribed by this paragraph for specific periods of time not to exceed six months

January 4, 1975

- 13 -

Pub. Law 93-644

88 STAT. 2304

whenever he determines that such a waiver is necessary in order to carry out the purposes of the Act.

"(c) The Secretary shall prescribe rules or regulations to supplement subsection (a) of this section, which shall be binding on all agencies carrying on Headstart program activities with financial assistance under this part. He may, where appropriate, establish special or simplified requirements for smaller agencies or agencies operating in rural areas. Policies and procedures shall be established to insure that indirect costs attributable to the common or joint use of facilities and services by programs assisted under this part and other programs shall be fairly allocated among the various programs which utilize such facilities and services.

Rules and
regulations.

"(d) At least thirty days prior to their effective date, all rules, regulations, guidelines, instructions, and application forms shall be published in the Federal Register and shall be sent to each grantee with the notification that each such grantee has the right to submit comments pertaining thereto to the Secretary prior to the final adoption thereof.

Publication
in Federal
Register.

"PARTICIPATION IN HEADSTART PROGRAMS

"SEC. 518. (a) The Secretary shall by regulation prescribe eligibility for the participation of persons in Headstart programs assisted under this part. Such criteria may provide (1) that children from low-income families shall be eligible for participation in programs assisted under this part if their families are below the poverty line, or if their families are eligible or in the absence of child care would potentially be eligible for public assistance; and (2) pursuant to such regulations as the Secretary shall prescribe that programs assisted under this part may include, to a reasonable extent, participation of children in the area served who would benefit from such programs but whose families do not meet the low-income criteria prescribed pursuant to clause (1).

42 USC 2928g.

"(b) The Secretary shall not prescribe any fee schedule or otherwise provide for the charging of any fees for participation in Headstart programs, unless such fees are authorized by legislation hereafter enacted. Nothing in this subsection shall be construed to prevent the families of children who participate in Headstart programs and who are willing and able to pay the full cost of such participation from doing so.

"APPEALS, NOTICE, AND HEARING

"SEC. 519. The Secretary shall prescribe procedures to assure that—

42 USC 2928h.

"(1) special notice of and an opportunity for a timely and expeditious appeal to the Secretary will be provided for an agency or organization which desires to serve as a delegate agency under this part and whose application to the Headstart agency has been wholly or substantially rejected or has not been acted upon within a period of time deemed reasonable by the Secretary, in accordance with regulations which he shall prescribe;

"(2) financial assistance under this part shall not be suspended, except in emergency situations, unless the recipient agency has been given reasonable notice and opportunity to show cause why such action should not be taken; and

"(3) financial assistance under this part shall not be terminated, an application for refunding shall not be denied, and a suspension of financial assistance shall not be continued for longer than thirty days, unless the recipient has been afforded reasonable notice and opportunity for a full and fair hearing.

"RECORDS AND AUDITS

42 USC 2928i.

"SEC. 520. (a) Each recipient of financial assistance under this part shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such financial assistance, the total cost of the project or undertaking in connection with which such financial assistance is given or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the financial assistance received under this part.

"TECHNICAL ASSISTANCE AND TRAINING

42 USC 2928j.

"SEC. 521. The Secretary may provide, directly or through grants or other arrangements, (1) technical assistance to communities in developing, conducting, and administering programs under this part, and (2) training for specialized or other personnel needed in connection with Headstart programs.

"RESEARCH, DEMONSTRATION, AND PILOT PROJECTS

42 USC 2928k.

"SEC. 522. (a) The Secretary may provide financial assistance through grants or contracts for research, demonstration, or pilot projects conducted by public or private agencies which are designed to test or assist in the development of new approaches or methods that will aid in overcoming special problems or otherwise in furthering the purposes of this part.

"(b) The Secretary shall establish an overall plan to govern the approval of research, demonstration, or pilot projects and the use of all research authority under this part. Such plan shall set forth specific objectives to be achieved and priorities among such objectives.

"ANNOUNCEMENT OF RESEARCH, DEMONSTRATION, AND PILOT PROJECTS
CONTRACTS

42 USC 2928l.

"SEC. 523. (a) The Secretary shall make a public announcement concerning—

"(1) the title, purpose, intended completion date, identity of the grantee or contractor, and proposed cost of any grant or contract with a private or non-Federal public agency or organization for any research, demonstration, or pilot project under this title; and

"(2) the results, findings, data, or recommendations made or reported as a result of such activities.

"(b) The public announcements required by subsection (a) of this section shall be made within thirty days of making such grants or contracts, and the public announcements required by subsection (b) of this section shall be made within thirty days of the receipt of such results.

"(c) The Director shall take necessary action to assure that all studies, proposals, and data produced or developed with Federal funds employed under this title shall become the property of the United States.

"(d) The Director shall publish studies of the results of activities carried out pursuant to this title not later than ninety days after the

January 4, 1975

- 15 -

Pub. Law 93-644

88 STAT. 2306

completion thereof. The Director shall submit to the appropriate committees of the Congress copies of all such studies.

Studies, submittal to congressional committees.

"EVALUATION

"SEC. 524. (a) The Secretary shall provide, directly or through grants or contracts, for the continuing evaluation of programs under this part, including evaluations that measure and evaluate the impact of programs authorized by this part, in order to determine their effectiveness in achieving stated goals, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be conducted by persons not directly involved in the administration of the program or project evaluation.

42 USC 2928m.

"(b) Prior to obligating funds for the programs and projects covered by this part with respect to fiscal year 1976, the Secretary shall develop and publish general standards for evaluation of program and project effectiveness in achieving the objectives of this part. The extent to which such standards have been met shall be considered in deciding whether to renew or supplement financial assistance authorized under this part.

"(c) In carrying out evaluations under this part, the Secretary may require Headstart agencies to provide for independent evaluations.

"(d) In carrying out evaluations under this part, the Secretary shall, whenever feasible, arrange to obtain the specific views of persons participating in and served by programs and projects assisted under this part about such programs and projects.

"(e) The Secretary shall publish the results of evaluative research and summaries of evaluations of program and project impact and effectiveness not later than ninety days after the completion thereof. The Secretary shall submit to the appropriate committees of the Congress copies of all such research studies and evaluation summaries.

Studies and summaries, submittal to congressional committees.

"(f) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with assistance under this part shall become the property of the United States.

"POVERTY LINE

"SEC. 525. (a) The Secretary shall revise annually (or at any shorter interval he deems feasible and desirable) a poverty line which, except as provided in section 711, shall be used as a criterion of eligibility for participation in Headstart programs.

42 USC 2928n.

"(b) The revision required by subsection (a) of this section shall be accomplished by multiplying the official poverty line (as defined by the Office of Management and Budget) by the percentage change in the Consumer Price Index during the annual or other interval immediately preceding the time at which the revision is made.

Post, p. 2316.

"(c) Revisions required by subsection (a) of this section shall be made and issued not more than thirty days after the date on which the necessary Consumer Price Index data becomes available.

"PART B—FOLLOW THROUGH PROGRAMS

"FINANCIAL ASSISTANCE FOR FOLLOW THROUGH PROGRAMS

"SEC. 551. (a) (1) The Secretary is authorized to provide financial assistance in the form of grants to local educational agencies, combinations of such agencies, and, as provided in paragraph (2) of this

42 USC 2929.

subsection, any other public or appropriate nonprofit private agencies, organizations, and institutions for the purpose of carrying out Follow Through programs focused primarily on children from low-income families in kindergarten and primary grades, including such children enrolled in private nonprofit elementary schools, who were previously enrolled in Headstart or similar programs.

"(2) Whenever the Secretary determines (A) that a local educational agency receiving assistance under paragraph (1) is unable or unwilling to include in a Follow Through program children enrolled in nonprofit private schools who would otherwise be eligible to participate therein, or (B) that it is otherwise necessary in order to accomplish the purposes of this section, he may provide financial assistance for the purpose of carrying out a Follow Through program to any other public or appropriate nonprofit private agency, organization, or institution.

"(3) Programs to be assisted under this section shall provide such comprehensive services as the Secretary determines will aid in the continued development of children described in paragraph (1) to their full potential. Such projects shall provide for the direct participation of the parents of such children in the development, conduct, and overall direction of the program at the local level. If the Secretary determines that participation in the project of children who are not from low-income families will serve to carry out the purposes of this section, he may provide for the inclusion of such children from non-low-income families, but only to the extent that their participation will not dilute the effectiveness of the services designed for children described in paragraph (1) of this subsection.

"AUTHORIZATION OF APPROPRIATIONS

42 USC 2929a.

"Sec. 552. (a) There are authorized to be appropriated for carrying out the purposes of this part \$60,000,000 for the fiscal year 1975, and for each of the two succeeding fiscal years. Funds so appropriated shall remain available for obligation and expenditure during the fiscal year succeeding the fiscal year for which they are appropriated.

"(b) Financial assistance extended under this part for a Follow Through program shall not exceed 80 per centum of the approved costs of the assisted program or activities, except that the Secretary may approve assistance in excess of such percentage if he determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of the purposes of this part. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, or services. The Secretary shall not require non-Federal contributions in excess of 20 per centum of the approved costs of programs or activities assisted under this part.

"(c) No project shall be approved for assistance under this part unless the Secretary is satisfied that the services to be provided under such project will be in addition to, and not in substitution for, services previously provided without Federal assistance. The requirement imposed by the preceding sentence shall be subject to such regulations as the Secretary may adopt.

"RESEARCH, DEMONSTRATION, AND PILOT PROJECTS; EVALUATION; AND TECHNICAL ASSISTANCE ACTIVITIES

42 USC 2929b.

"Sec. 553. (a) In conjunction with other activities authorized by this part, the Secretary may—

"(1) provide financial assistance, by contract or otherwise, for research, demonstration, or pilot projects conducted by public

or private agencies which are designed to test or assist in the development of new approaches or methods that will aid in overcoming special problems or otherwise in furthering the purposes of this part;

"(2) provide, directly or through grants or contracts, for the continuing evaluation of projects assisted under this part, including evaluations that describe and measure the impact of such projects, their effectiveness in achieving stated goals, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such projects, which evaluations shall be conducted by persons not directly involved in the administration of the project evaluated; and

"(3) provide, directly or through grants or other appropriate arrangements, (A) technical assistance to Follow Through programs in developing, conducting, and administering programs under this part, and (B) training for specialized or other personnel which is needed in connection with Follow Through programs.

"SPECIAL CONDITIONS

"SEC. 554. (a) Recipients of financial assistance under this part shall provide maximum employment opportunities for residents of the area to be served, and to parents of children who are participating in projects assisted under this part.

42 USC 2929c.

"(b) Financial assistance under this part shall not be suspended for failure to comply with applicable terms and conditions, except in emergency situations, nor shall an application for refunding be denied, unless the recipient agency has been given reasonable notice and opportunity to show cause why such action should not be taken.

"(c) Financial assistance under this part shall not be terminated for failure to comply with applicable terms and conditions unless the recipient has been afforded reasonable notice and opportunity for a full and fair hearing.

"PART C—GENERAL PROVISIONS

"DEFINITIONS

"SEC. 571. As used in this title, the term—

42 USC 2930.

"(1) 'Secretary' means the Secretary of Health, Education, and Welfare;

"(2) 'State' means a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands; except that when used in section 513(a) of this title, the term means only a State, Puerto Rico, or the District of Columbia; and

Ante, p. 2301.

"(3) 'financial assistance' includes assistance provided by grant, agreement, or contract, and payments may be made in installments and in advance or by way of reimbursement with necessary adjustments on account of overpayments or underpayments.

"LABOR STANDARDS

"SEC. 572. All laborers and mechanics employed by contractors or subcontractors in the construction, alteration, or repair, including painting and decorating of projects, buildings, and works which are federally assisted under this title shall be paid wages at rates not less

42 USC 2930a.

than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133—133z-15), and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(C)).

"COMPARABILITY OF WAGES

42 USC 2930b.

"SEC. 573. (a) The Secretary shall take such action as may be necessary to assure that persons employed in carrying out programs financed under this title shall not receive compensation at a rate which is (1) in excess of the average rate of compensation paid in the area where the program is carried out to a substantial number of the persons providing substantially comparable services, or in excess of the average rate of compensation paid to a substantial number of the persons providing substantially comparable services in the area of the person's immediately preceding employment, whichever is higher, or (2) less than the minimum wage rate prescribed in section 6(a) (1) of the Fair Labor Standards Act of 1938.

29 USC 206.

"NONDISCRIMINATION PROVISIONS

42 USC 2930c.

"SEC. 574. (a) The Secretary shall not provide financial assistance for any program, project, or activity under this title unless the grant or contract with respect thereto specifically provides that no person with responsibilities in the operation thereof will discriminate with respect to any such program, project, or activity because of race, creed, color, national origin, sex, political affiliation, or beliefs.

"(b) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with any program or activity receiving assistance under this title. The Director shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any program, project, or activity receiving assistance under this title.

42 USC 2000d-1.

42 USC 2000d-2.

"LIMITATION WITH RESPECT TO CERTAIN UNLAWFUL ACTIVITIES

42 USC 2930d.

"SEC. 575. No individual employed or assigned by any Headstart agency or other agency assisted under this title shall, pursuant to or during the performance of services rendered in connection with any program or activity conducted or assisted under this part by such Headstart agency or such other agency, plan, initiate, participate in, or otherwise aid or assist in the conduct of any unlawful demonstration, rioting, or civil disturbance.

"POLITICAL ACTIVITIES

42 USC 2930e.

5 USC 1501.

"SEC. 576. (a) For purposes of chapter 15 of title 5 of the United States Code any agency which assumes responsibility for planning, developing, and coordinating Headstart programs and receives assist-

January 4, 1975

- 19 -

Pub. Law 93-644

88 STAT. 2310

5 USC 1502.

ance under this title shall be deemed to be a State or local agency; and for purposes of clauses (1) and (2) of section 1502(a) of such title any agency receiving assistance under this part shall be deemed to be a State or local agency.

"(b) Programs assisted under this title shall not be carried on in a manner involving the use of program funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of such programs with (1) any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office, (2) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election, or (3) any voter registration activity. The Secretary, after consultation with the Civil Service Commission, shall issue rules and regulations to provide for the enforcement of this section, which shall include provisions for summary suspension of assistance or other action necessary to permit enforcement on an emergency basis.

"ADVANCE FUNDING

"SEC. 577. For the purpose of affording adequate notice of funding available under this title, appropriations for carrying out this part are authorized to be included in an appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation." 42 USC 2930f.

(b) The Economic Opportunity Act of 1964 is further amended by striking out "Director" each place it appears in sections 522 and 523 and inserting in lieu thereof "Secretary", by striking out "and the Secretary of Health, Education, and Welfare" in section 522(d), and by striking out "their jurisdictions" in section 522(d) and inserting in lieu thereof "his jurisdiction". 42 USC 2932, 2933.

(c) Sections 521 through 523 of the Economic Opportunity Act of 1964 are redesignated as sections 581 through 583, respectively. 42 USC 2931-2933.

(d) (1) Section 2 of the Child Abuse Prevention and Treatment Act is amended by adding at the end thereof the following new subsection: 42 USC 5101.

"(c) The Secretary may carry out his functions under subsection (b) of this section either directly or by way of grant or contract."

(2) Section 4 of such Act is amended by adding at the end thereof the following new subsection: 42 USC 5103.

"(e) For the purpose of this section, the term 'State' includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam and the Trust Territories of the Pacific." "State."

ADMINISTRATION

SEC. 9. (a) Section 601 of the Economic Opportunity Act of 1964 is amended to read as follows:

"COMMUNITY SERVICES ADMINISTRATION

"SEC. 601. Upon the date of enactment of the Headstart, Economic Opportunity, and Community Partnership Act of 1974, there is established within the executive branch an agency known as the 'Community Services Administration' which shall be headed by a Director and which shall be, in all respects and for all purposes, the successor authority to the Office of Economic Opportunity. The Director of the Administration shall be appointed by the President by and with the advice and consent of the Senate. The Director shall be compensated 42 USC 2941. Ante, p. 2291.

86 STAT. 2311

at a rate equal to the rate in effect for the compensation of the Director of the Office of Economic Opportunity on the date of the enactment of such Act.

"(b) There shall also be in the Administration one Deputy Director and Assistant Directors who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director and the Assistant Directors shall perform such functions as the Director may prescribe. The Deputy Director and the Assistant Directors shall be compensated at a rate equal to the rate in effect for the Deputy Director and the Assistant Directors, respectively, of the Office of Economic Opportunity on the date of enactment of the Headstart, Economic Opportunity, and Community Partnership Act of 1974.

Ante, p. 2291.

"(c) Subject to the provisions of subsection (e) of this section, the Administration shall be an independent agency. The Director shall have the responsibility for carrying out titles I, II, III-B, VI, VII, and IX of this Act. The functions of the Director with respect to carrying out titles I, II (except section 232), III-B, VI, VII, and IX of this Act shall not be delegated to any other officer not directly responsible, both with respect to program operation and administration, to the Director. Beginning after June 15, 1975, the policymaking functions, including the final approval of grants and contracts, of the Director, shall not be delegated to any regional office or official.

Ante, p. 2292.
42 USC 2861,
2941.
Post, p. 2315,
2328.

"(d) (1) All official actions taken by the Director of the Office of Economic Opportunity, his designee, or any other person under the authority of the Economic Opportunity Act of 1964 which are in force on the date of the enactment of the Headstart, Economic Opportunity, and Community Partnership Act of 1974, and for which there is continuing authority under the provisions of this Act, shall continue in full force and effect until modified, superseded, or revoked by the Director.

42 USC 2701
note.

"(2) All references to the Office of Economic Opportunity, or to the Director of the Office of Economic Opportunity, in any statute, reorganization plan, executive order, regulation, or other official document or proceeding shall, on and after such date, be deemed to refer to the Administration, or to the Director, as the case may be.

"(3) No suit, action, or other proceeding, and no cause of action, by or against the Office of Economic Opportunity, or any action by any officer thereof acting in his official capacity, shall abate by reason of the enactment of the Headstart, Economic Opportunity, and Community Partnership Act of 1974.

"(4) Persons appointed by the President, by and with the advice and consent of the Senate, to positions in the Office of Economic Opportunity, requiring appointment by and with such advice and consent, may, if the President so desires, continue to serve in comparable positions in the Administration; but the President may submit to the Senate nominations for appointment to any or all positions in the Administration, requiring the advice and consent of the Senate.

Reorganiza-
tion plan,
submittal to
Congress.

"(e) (1) After March 15, 1975, the President may submit to the Congress a reorganization plan which, subject to the provisions of paragraph (2) of this subsection, shall take effect if such reorganization plan is not disapproved by enactment of a joint resolution which shall be considered in Congress in accordance with the provisions of paragraph (3) of this subsection and the procedures established with respect to reorganization plans by chapter 9 of title 5, United States Code, except to the extent otherwise provided in this Act.

5 USC 901.

"(2) A reorganization plan submitted in accordance with the provisions of paragraph (1) shall provide—

January 4, 1975

- 21 -

Pub. Law 93-644

88 STAT. 2312

"(A) for establishing in the Department of Health, Education, and Welfare a Community Services Administration—

"(i) which shall be headed by a Director,

"(ii) which shall be the principal agency, and the Director of which shall be the principal officer, for carrying out titles I, II, III-B, VI, and IX of this Act, and which, with respect to such provisions, shall be the successor authority to the Community Services Administration established by subsection (a) of this section,

"(iii) the Director of which shall be, in the performance of his functions, directly responsible to the Secretary, and

"(iv) in which no policymaking functions, including the final approval of grants or contracts, of the Director shall be delegated to any regional office or official.

"(B) for establishing in the Department of Commerce a Community Economic Development Administration—

"(i) which shall be headed by a Director,

"(ii) which shall be the principal agency, and the Director of which shall be the principal officer, for carrying out title VII of this Act, and which, with respect to such provisions, shall be the successor authority to the Community Services Administration established by subsection (a) of this section,

"(iii) the Director of which shall be, in the performance of his functions, directly responsible to the Secretary, and

"(iv) in which no policymaking functions, including the final approval of grants or contracts, of the Director shall be delegated to any regional office or official.

"(3) For the purpose of this subsection and chapter 9, title 5, United States Code, to the extent incorporated by this subsection, the following provisions apply:

"(A) The term 'resolution' means a joint resolution the matter after the resolving clause of which is: 'That the Congress of the United States disapproves the Community Services Administration Reorganization Plan transmitted to the Congress by the President on ———, 19—,' The blank spaces therein are to be appropriately filled.

"(B) If, prior to the passage by one House of the joint resolution of that House with respect to the reorganization plan, such House receives from the other House a joint resolution with respect to the same plan, then the following procedure applies:

"(i) If no resolution of the first House with respect to such plan has been referred to committee, no other resolution with respect to the same plan may be reported or (despite the provisions of section 912(a) of title 5, United States Code) be made the subject of a motion to discharge.

"(ii) If a resolution of the first House with respect to such plan has been referred to committee—

"(I) the procedure with respect to that or other resolutions of such House with respect to such plan which have been referred to committee shall be the same as if no resolution from the other House with respect to such plan had been received; but

"(II) on any vote on final passage of a resolution of the first House with respect to such plan the resolution from the other House with respect to such plan shall be automatically substituted for the resolution of the first House."

Ante, p. 2292.

42 USC 2861,

2941.

Post, p. 2328.

Post, p. 2315.

5 USC 901.

"(4) The transfers authorized under subparagraphs (A) and (B) of paragraph (3) of this subsection shall be effective 30 days after the last date on which such reorganization plan could be disapproved under this subsection.

"(f) In the event that the reorganization plan pursuant to subsection (e) takes effect, the Director of the Community Services Administration and the Director of the Community Economic Development Administration shall each be appointed by the President, by and with the advice and consent of the Senate, except that the person serving as Director of the independent Community Services Administration pursuant to the advice and consent of the Senate may, if the President notifies the Congress accordingly, continue to serve as Director of the Community Services Administration within the Department of Health, Education, and Welfare; but the President may in such event submit to the Senate a nomination for such position.

"(g) In the event that the reorganization plan pursuant to subsection (e) of this section takes effect, on the effective date thereof the property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions of the Director of the independent Community Services Administration, established by subsection (a) of this section, shall be transferred to the Director of the Community Services Administration, within the Department of Health, Education, and Welfare and to the Director of the Economic Development Administration within the Department of Commerce, as appropriate. All grants, applications for grants, contracts, and other agreements awarded or entered into by the Director of the independent Community Services Administration shall continue to be recognized so that there is no disruption of ongoing activities for which there is continuing authority.

"(h) (1) In the event that the reorganization plan pursuant to subsection (e) of this section takes effect, on the effective date thereof all Federal personnel employed by the independent Community Services Administration under the authorization and appropriations for the Economic Opportunity Act of 1964, transferred to the Community Services Administration within the Department of Health, Education, and Welfare or to the Community Economic Development Administration within the Department of Commerce shall, to the extent feasible, be assigned to related functions and organizational units in the appropriate Administration, without loss of salary, rank, or other benefits, including the right to representation and to the existing basic collective-bargaining agreement.

"(2) In the event that the reorganization plan pursuant to subsection (e) of this section takes effect, on the effective date thereof all official actions taken by the Director of the independent Community Services Administration, his designee, or any other person under the authority of the Economic Opportunity Act of 1964 which are in force on such date, and for which there is continuing authority under the provisions of this Act, shall continue in full force and effect until modified, superseded, or revoked by the Director of the Community Services Administration within the Department of Health, Education and Welfare or the Director of the Community Economic Development Administration within the Department of Commerce, as appropriate.

"(3) In the event that the reorganization plan submitted pursuant to subsection (e) of this section takes effect, on the effective date thereof all references to the independent Community Services Administration or to the Director of that Administration in any statute, reorganization plan, executive order, regulation, or other official docu-

January 4, 1975

- 23 -

Pub. Law 93-644

88 STAT. 2314

ment or proceeding shall, on and after such date, be deemed to refer to the Community Services Administration within the Department of Health, Education and Welfare, or the Director of the Community Economic Development Administration, in the Department of Commerce as appropriate, or to the Director of either such Administration, as the case may be.

"(4) In the event that the reorganization plan submitted pursuant to subsection (e) of this section takes effect, on the effective date thereof no suit, action, or other proceeding, and no cause of action, by or against the independent Community Services Administration, or any action by any officer thereof acting in his official capacity, shall abate by reason of the taking effect of such plan."

(b) Section 28 of the Economic Opportunity Amendments of 1972 (86 Stat. 705, September 19, 1972) is repealed effective on the date on which a reorganization plan is effective under subsection (c) of this section.

Repeal.
42 USC 2942
note.

(c) The Economic Opportunity Act of 1964 is further amended by—

(1) striking out "Office of Economic Opportunity" and "Office" each time that they appear in section 602(d) and inserting in lieu thereof "Community Services Administration";

42 USC 2942.

(2) striking out "Office of Economic Opportunity" in section 603(c) and inserting in lieu thereof "Community Services Administration";

(3) striking out "in the Office" in section 605(a) and inserting in lieu thereof "in the Community Services Administration";

42 USC 2945.

(4) striking out "Office of Economic Opportunity" in section 632(2) and inserting in lieu thereof "Community Services Administration";

42 USC 2974.

(5) striking out "of the Office of Economic Opportunity" in section 637(b)(2), and inserting in lieu thereof "of the Community Services Administration"; and

42 USC 2979.

(6) repealing section 609 of such Act.

Repeal.
42 USC 2949.

(d) Section 625 of the Economic Opportunity Act of 1964 is amended to read as follows:

"CRITERIA FOR DETERMINING ELIGIBILITY

"SEC. 625. (a) Every agency administering programs authorized by this Act in which the poverty line is a criterion of eligibility shall revise the poverty line at annual intervals, or at any shorter interval it deems feasible and desirable.

42 USC 2971d.

"(b) The revision required by subsection (a) of this section shall be accomplished by multiplying the official poverty line (as defined by the Office of Management and Budget) by the percentage change in the Consumer Price Index during the annual or other interval immediately preceding the time at which the revision is made.

"(c) Revisions required by subsection (a) of this section shall be made and issued not more than thirty days after the date on which the necessary consumer price index data becomes available."

"(e) The Economic Opportunity Act of 1964 is further amended by inserting after section 625 the following new sections:

"CRIMINAL PROVISIONS

"SEC. 626. (a) Whoever, being an officer, director, agent, or employee of, or connected in any capacity with, any agency receiving financial assistance under this Act embezzles, willfully misapplies, steals, or obtains by fraud any of the moneys, funds, assets, or property which are the subject of a grant or contract of

42 USC 2972f.

assistance pursuant to this Act, shall be fined not more than \$10,000 or imprisoned for not more than two years, or both; but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed \$100, he shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

"(b) Whoever, by threat of procuring dismissal of any person from employment or of refusal to employ or refusal to renew a contract of employment in connection with a grant or contract of assistance under this Act induces any person to give up any money or thing of any value to any person (including such grantee agency), shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

"WITHHOLDING CERTAIN FEDERAL TAXES BY ANTIPOVERTY AGENCIES

42 USC 2971g.

"SEC. 627. Upon notice from the Secretary of the Treasury or his delegate that any person otherwise entitled to receive a payment made pursuant to a grant, contract, agreement, loan or other assistance made or entered into under this Act is delinquent in paying or depositing (1) the taxes imposed on such person under chapters 21 and 23 of the Internal Revenue Code of 1954, or (2) the taxes deducted and withheld by such person under chapters 21 and 24 of such Code, the Director shall suspend such portion of such payment due to such person, which, if possible, is sufficient to satisfy such delinquency, and shall not make or enter into any new grant, contract, agreement, loan or other assistance under this Act with such person until the Secretary of the Treasury or his delegate has notified him that such person is no longer delinquent in paying or depositing such tax or the Director determines that adequate provision has been made for such payment. In order to effectuate the purpose of this section on a reasonable basis the Secretary of the Treasury and the Director shall consult on a quarterly basis."

26 USC 3101,

3301..

26 USC 3401.

COMMUNITY ECONOMIC DEVELOPMENT

SEC. 10. (a) Title VII of the Economic Opportunity Act of 1964 is amended to read as follows:

"TITLE VII—COMMUNITY ECONOMIC DEVELOPMENT

"STATEMENT OF PURPOSE

42 USC 2981.

"SEC. 701. The purpose of this title is to encourage the development of special programs by which the residents of urban and rural low-income areas may, through self-help and mobilization of the community at large, with appropriate Federal assistance, improve the quality of their economic and social participation in community life in such a way as to contribute to the elimination of poverty and the establishment of permanent economic and social benefits.

"DEFINITION

42 USC 2981a.

"SEC. 702. As used in this title the term 'community development corporation' means a nonprofit organization responsible to residents of the area it serves which is receiving financial assistance under part A of this title and any organization more than 50 per centum of which is owned by such an organization, or otherwise controlled by such an organization, or designated by such an organization for the purpose of this title.

January 4, 1975

- 25 -

Pub. Law 93-644

88 STAT. 2316

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 703. For the purpose of carrying out this title, there are to be appropriated \$39,000,000 and such additional sums as may be necessary for fiscal year 1975 and such sums as may be necessary for each of the two succeeding fiscal years.

42 USC 2981b.

"PART A—URBAN AND RURAL SPECIAL IMPACT PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 711. The purpose of this part is to establish special programs of assistance to nonprofit private locally initiated community development corporations which (1) are directed to the solution of the critical problems existing in particular communities or neighborhoods (defined without regard to political or other subdivisions or boundaries) within those urban and rural areas having concentrations or substantial numbers of low-income persons; (2) are of sufficient size, scope, and duration to have an appreciable impact in such communities, neighborhoods, and rural areas in arresting tendencies toward dependency, chronic unemployment, and community deterioration; (3) hold forth the prospect of continuing to have such impact after the termination of financial assistance under this part, and (4) provide financial and other assistance to start, expand, or locate enterprises in or near the area to be served so as to provide employment and ownership opportunities for residents of such areas, including those who are disadvantaged in the labor market because of their limited speaking, reading, and writing abilities in the English language.

42 USC 2982.

"ESTABLISHMENT AND SCOPE OF PROGRAMS

"SEC. 712. (a) The Director is authorized to provide financial assistance in the form of grants to nonprofit and for profit community development corporations and other affiliated and supportive agencies and organizations associated with qualifying community development corporations for the payment of all or part of the cost of programs which are designed to carry out the purposes of this part. Financial assistance shall be provided so that each community economic development program is of sufficient size, scope, and duration to have an appreciable impact on the area served. Such programs may include—

42 USC 2982a.

"(1) community economic and business development programs, including but not limited to: (A) programs which provide financial and other assistance (including equity capital) to start, expand, or locate businesses in or near the area served so as to provide employment and ownership opportunities for residents of such areas, and (B) programs for small businesses located in or owned by residents of such areas;

"(2) community development including industrial parks and housing activities which contribute to an improved environment and which create new training, employment, and ownership opportunities for residents of such area;

"(3) training and public service employment programs and related services for unemployed or low-income persons which support and complement community development programs financed under this part, including, without limitation, activities such as those described in the Comprehensive Employment and Training Act of 1973; and

"(4) social service programs which support and complement community economic development programs financed under this part, including but not limited to child care, educational services,

29 USC 801
note.

health services, credit counseling, energy conservation, and programs for the maintenance of housing facilities.

"(b) The Director shall conduct programs assisted under this part so as to contribute, on an equitable basis between urban and rural areas, to the elimination of poverty and the establishment of permanent economic and social benefits in such areas.

"FINANCIAL ASSISTANCE REQUIREMENTS

42 USC 2982b.

"SEC. 713. (a) The Director, under such regulations as he may establish, shall not provide financial assistance for any community economic development program under this part unless he determines that—

"(1) such community development corporation is responsible to residents of the area served (i) through a governing body not less than 50 per centum of the members of which are area residents and (ii) in accordance with such other guidelines as may be established by the Director, except that the composition of the governing bodies of organizations owned or controlled by the community development corporation need not be subject to such residency requirement;

"(2) the program will be appropriately coordinated with local planning under this title, with housing and community development programs, with employment and training programs, and with other relevant planning for physical and human resources in the areas served;

"(3) adequate technical assistance is made available and committed to the programs being supported;

"(4) such financial assistance will materially further the purposes of this part;

"(5) the applicant is fulfilling or will fulfill a need for services, supplies, or facilities which is otherwise not being met;

"(6) all projects and related facilities will, to the maximum feasible extent, be located in the areas served;

"(7) projects will, where feasible, promote the development of entrepreneurial and management skills and the ownership or participation in ownership of assisted businesses and housing, cooperatively or otherwise, by residents of the area served;

"(8) projects will be planned and carried out with the fullest possible participation of resident or local businessmen and representatives of financial institutions, including participation through contract, joint venture, partnership, stock ownership or membership on the governing boards or advisory councils of such projects consistent with the self-help purposes of this title;

"(9) no participant will be employed on projects involving political parties, or the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

"(10) the program will not result in the displacement of employed workers or impair existing contracts for services, or result in the substitution of Federal or other funds in connection with work that would otherwise be performed;

"(11) the rates of pay for time spent in work-training and education, and other conditions of employment, will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant;

"(12) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants;

January 4, 1975

- 27 -

Pub. Law 93-644

88 STAT. 2318

"(13) preference will be given to low-income or economically disadvantaged residents of the areas served in filling jobs and training opportunities; and

"(14) training programs carried out in connection with projects financed under this part shall be designed wherever feasible to provide those persons who successfully complete such training with skills which are also in demand in communities, neighborhoods, or rural areas other than those for which programs are established under this part.

"(b) Financial assistance under this section shall not be extended to assist in the relocation of establishments from one location to another if such relocation would result in an increase in unemployment in the area of original location.

"(c) The level of financial assistance for related purposes under this Act, or any other program for Federal financial assistance, to the area served by a special impact program shall not be diminished in order to substitute funds authorized by this part.

"FEDERAL SHARE OF PROGRAM COSTS

"SEC. 714. Federal assistance to any program carried out pursuant to this part, including grants used by community development corporations for capital improvements, shall (1) not exceed 90 per centum of the cost of such program including costs of administration unless the Director determines that the assistance in excess of such percentage is required in furtherance of the purposes of this part, and (2) be made available for deposit to the order of the grantee, under conditions which the Director deems appropriate, within thirty days following approval of the grant agreement by the Director and such grantee of the grant agreement. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services. Capital investments made with funds granted as a result of the Federal share of the costs of programs carried out under this title, and the proceeds from such capital investments, shall not be considered Federal property. Upon investment, title rights vest in the community development corporation. The Federal Government retains the right to direct that on severance of the grant relationship the assets purchased continue to be used for the original purpose for which they were granted. 42 USC 2982c.

"PART B—SPECIAL RURAL PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 721. It is the purpose of this part to meet the special economic needs of rural communities or areas with concentrations or substantial numbers of low-income persons by providing support to self-help programs which promote economic development and independence, as a supplement to existing similar programs conducted by other departments and agencies of the Federal Government. Such programs should encourage low-income families to pool their talents and resources so as to create and expand rural economic enterprise. 42 USC 2983.

"FINANCIAL ASSISTANCE

"SEC. 722. (a) The Director is authorized to provide financial assistance, including loans having a maximum maturity of 15 years and in amounts not resulting in an aggregate principal indebtedness of more than \$3,500 at any one time, to any low-income rural family where, in the judgment of the Director, such financial assistance has a reasonable possibility of effecting a permanent increase in the income of 42 USC 2983a.

such families, or will contribute to the improvement of their living or housing conditions, by assisting or permitting them to—

“(1) acquire or improve real estate or reduce encumbrances or erect improvements thereon;

“(2) operate or improve the operation of farms not larger than family sized, including but not limited to the purchase of feed, seed, fertilizer, livestock, poultry, and equipment; or

“(3) participate in cooperative associations, or to finance non-agricultural enterprises which will enable such families to supplement their income.

“(b) The Director is authorized to provide financial assistance to local cooperative associations in rural areas containing concentrations or substantial numbers of low-income persons for the purpose of defraying all or part of the costs of establishing and operating cooperative programs for farming, purchasing, marketing, processing, and to improve their income as producers and their purchasing power as consumers, and to provide such essentials as credit and health services. Costs which may be defrayed shall include but not be limited to—

“(1) administrative costs of staff and overhead;

“(2) costs of planning and developing new enterprises;

“(3) costs of acquiring technical assistance; and

“(4) initial capital where it is determined by the Director that the poverty of the families participating in the program and the social conditions of the rural area require such assistance.

“LIMITATION ON ASSISTANCE

42 USC 2963b.

“Sec. 723. (a) No financial assistance shall be provided under this part unless the Director determines that—

“(1) any cooperative association receiving assistance has a minimum of fifteen active members, a majority of which are low-income rural persons;

“(2) adequate technical assistance is made available and committed to the programs being supported;

“(3) such financial assistance will materially further the purposes of this part; and

“(4) the applicant is fulfilling or will fulfill a need for services, supplies, or facilities which is otherwise not being met.

“(b) The level of financial assistance for related purposes under this Act to the area served by a program under this part shall not be diminished in order to substitute funds authorized by this part.

“PART C—DEVELOPMENT LOANS TO COMMUNITY ECONOMIC DEVELOPMENT PROGRAMS

“DEVELOPMENT LOAN FUND

42 USC 2964.

“Sec. 731. (a) The Director is authorized to make or guarantee loans (either directly or in cooperation with banks or other organizations through agreements to participate on an immediate or deferred basis) to community development corporations, and families and local cooperatives eligible for financial assistance under this title, for business, housing, and community development projects which the Director determines will carry out the purposes of this part. No loans, guarantees, or other financial assistance shall be provided under this section unless the Director determines that—

“(1) there is reasonable assurance of repayment of the loan;

January 4, 1975

- 29 -

Pub. Law 93-644

88 STAT. 2320

"(2) the loan is not otherwise available on reasonable terms from private sources or other Federal, State, or local programs; and

"(3) the amount of the loan, together with other funds available, is adequate to assure completion of the project or achievement of the purposes for which the loan is made.

Loans made by the Director pursuant to this section shall bear the interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus such additional charge if any, toward covering other costs of the program as the Director may determine to be consistent with its purposes, except that, for the five years following the date in which funds are initially available to the borrower, the rate of interest shall be set at a rate considered appropriate by the Director in light of the particular needs of the borrower which rate shall not be lower than 1 per centum. All such loans shall be repayable within a period of not more than thirty years.

Interest rate
on loans.

"(b) The Director is authorized to adjust interest rates, grant moratoriums on repayment of principal and interest, collect or compromise any obligations held by him, and to take such other actions in respect to such loans as he shall determine to be necessary or appropriate, consistent with the purposes of this section.

"(c) (1) To carry out the lending and guaranty functions authorized under this part, there shall be established a Development Loan Fund consisting of two separate accounts, one of which shall be a revolving fund called the Rural Development Loan Fund and the other of which shall be a revolving fund called the Community Development Loan Fund. The capital of each such revolving fund shall remain available until expended.

"(2) The Rural Development Loan Fund shall consist of the remaining funds provided for in part A of title III of this Act and such amounts as may be deposited in such Fund by the Director out of funds made available from appropriations for the purposes of carrying out this part. The Director shall utilize the services of the Farmers Home Administration in administering the Fund.

42 USC 2841.

"(3) The Community Development Loan Fund shall consist of such amounts as may be deposited in such fund by the Secretary out of funds made available from appropriations for the purpose of carrying out this subchapter. The Secretary may make deposits in the Community Development Loan Fund in any fiscal year in which he has made available for grants to community development corporations under part B of this title not less than \$60,000,000 out of funds made available from appropriations for the purpose of carrying out this title.

Ante, p. 2318.

"ESTABLISHMENT OF MODEL COMMUNITY ECONOMIC DEVELOPMENT FINANCE CORPORATION

"SEC. 732. (a) To the extent he deems appropriate, the Director shall utilize funds available under this part to prepare a plan of action for the establishment of a Model Community Economic Development Finance Corporation to provide a user-controlled independent and professionally operated long-term financing vehicle with the principal purpose of providing financial support for community economic development corporations, cooperatives, other affiliated and supportive agencies and organizations associated with community economic development corporations, and other entities eligible for assistance under this title.

42 USC 2984a.

99 STAT. 2321

Pub. Law 93-644

- 30 -

January 4, 1975

Plan, sub-
mittal to
congressional
committees.

"(d) Not later than June 1, 1975, the Director shall submit to the appropriate committees of the Congress the plan required by this section.

"PART D—SUPPORTIVE PROGRAMS AND ACTIVITIES

"TRAINING AND TECHNICAL ASSISTANCE

40 USC 2985.

"SEC. 741. (a) The Director shall provide, directly or through grants, contracts or other arrangements, such technical assistance and training of personnel as may be required to effectively implement the purposes of this title. No financial assistance shall be provided to any public or private organization under this section unless the Director provides the beneficiaries of these services with opportunity to participate in the selection of and to review the quality and utility of the services furnished them by such organization.

"(b) Technical assistance to community development corporations and both urban and rural cooperatives may include planning, management, legal preparation of feasibility studies, product development, marketing, and the provision of stipends to encourage skilled professionals to engage in full-time activities under the direction of a community organization financially assisted under this title.

"(c) Training for employees of community development corporations and for employees and members of urban and rural cooperatives shall include, but not be limited to, on-the-job training, classroom instruction, and scholarships to assist them in development, managerial, entrepreneurial, planning, and other technical and organizational skills which will contribute to the effectiveness of programs assisted under this subchapter.

"APPLICATIONS OF OTHER FEDERAL RESOURCES—SMALL BUSINESS ADMINISTRATION PROGRAMS

42 USC 2985a.

"SEC. 742. (a) (1) Funds granted under this part which are invested directly or indirectly, in a small business investment company or a local development company, limited small business investment company shall be included as "private paid-in capital and paid-in surplus," "combined paid-in capital and paid-in surplus," and "paid-in capital" for purposes of sections 302, 303, and 502, respectively, of the Small Business Investment Act of 1958.

15 USC 682,
683, 696.
Regulations.

"(2) Within ninety days of the enactment of this title, the Administrator of the Small Business Administration, after consultation with the Secretary, shall prescribe such regulations as may be necessary and appropriate to insure the availability to community development corporations of such programs as shall further the purposes of this part.

42 USC 3161.
42 USC 3131,
3141.
42 USC 3142.

"(b) (1) Areas selected for assistance under this title shall be deemed 'redevelopment areas' within the meaning of section 401 of the Public Works and Economic Development Act of 1963, shall qualify for assistance under the provisions of title I and title II of that Act, and shall be deemed to have met the overall economic development program requirements of section 202(b) (10) of such Act.

"(2) Within ninety days of the enactment of this title, the Secretary shall prescribe regulations which will insure that community development corporations and cooperatives shall qualify for assistance and shall be eligible to receive such assistance under all such programs of the Economic Development Administration as shall further the purposes of this title.

January 4, 1975

- 31 -

Pub. Law 93-644

88 STAT. 2322

"DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT PROGRAMS

"SEC. 743. The Secretary of Housing and Urban Development, after consultation with the Director, shall take all necessary steps to assist community development corporations and local cooperative associations to qualify for and receive (1) such assistance in connection with technical assistance, counseling to tenants and homeowners, and loans to sponsors of low- and moderate-income housing under section 106 of the Housing and Urban Development Act of 1968 as amended by section 811 of the Housing and Community Development Act of 1974, (2) such land for housing and business location and expansion under title I of the Housing and Community Development Act of 1974, and (3) such funds for comprehensive planning under section 701 of the Housing Act of 1954 as amended by section 401 of the Housing and Community Development Act of 1974, as shall further the purposes of this Act.

42 USC 2985b.

12 USC 1701x.

Ante, p. 735.Ante, p. 633.

42 USC 5301.

40 USC 461.

Ante, p. 686.**"DEPARTMENT OF AGRICULTURE AND FARMERS HOME ADMINISTRATION PROGRAMS**

"SEC. 744. (a) The Secretary of Agriculture or, where appropriate, the Administrator of the Farmers Home Administration, after consultation with the Director, shall take all necessary steps to insure that community development corporations and local cooperative associations shall qualify for and shall receive (1) such assistance in connection with housing development under the Housing Act of 1949, (2) such assistance in connection with housing, business, industrial, and community development under the Consolidated Farmers Home Administration Act of 1961 and the Rural Development Act of 1972, and (3) such further assistance under all such programs of the United States Department of Agriculture, as shall further the purposes of this title.

42 USC 2985c.

42 USC 1441
note.7 USC 1921
note.

"(b) On or before six months after the enactment of this title, and annually thereafter, the Secretary shall submit to the Congress a detailed report setting forth a description of all Federal agency programs which he finds relevant to achieving the purposes of this part and the extent to which such programs have been made available to community development corporations receiving financial assistance under this part including specifically the availability and effectiveness of programs referred to in subsection (a) of this section. Where appropriate, the report required under this subsection also shall contain recommendations for the more effective utilization of Federal agency programs for carrying out the purposes of this title.

Report to
Congress.**"COORDINATION AND ELIGIBILITY**

"SEC. 745. (a) The Director shall take all necessary and appropriate steps to encourage Federal departments and agencies and State and local governments to make grants, provide technical assistance, enter into contracts, and generally support and cooperate with community development corporations and local cooperative associations.

42 USC 2985d.

"(b) Eligibility for assistance under other Federal programs shall not be denied to any applicant on the ground that it is a community development corporation or any other entity assisted under this title.

"EVALUATION AND RESEARCH

"SEC. 746. (a) Each program for which grants are made under this title shall provide for a thorough evaluation of the effectiveness of the program in achieving its purposes, which evaluation shall be conducted

42 USC 2985e.

by such public or private organizations as the Director, in consultation with existing grantees familiar with programs carried out under this Act, may designate, and all or part of the costs of evaluation may be paid from funds appropriated to carry out this part. In evaluating the performance of any community development corporation funded under part A of this title, the criteria for evaluation shall be based upon such program objectives, goals, and priorities as are consistent with the purposes of this title and were set forth by such community development corporation in its proposal for funding as approved and agreed upon by the Director or as subsequently modified from time to time by mutual agreement between the Director and such community development corporation.

"(b) The Director shall conduct, either directly or through grants or other arrangements, research designed to suggest new programs and policies to achieve the purposes of this title in such ways as to provide opportunities for employment, ownership, and a better quality of life for low-income residents.

"PLANNING GRANTS

42 USC 2985f.

"SEC. 747. In order to facilitate the purposes of this title, the Director is authorized to provide financial assistance to any public or private nonprofit agency or organization for planning of community economic development programs and cooperative programs under this title.

"NONDISCRIMINATION PROVISIONS

42 USC 2985g.

"SEC. 748. (a) The Director shall not provide financial assistance for any program, project, or activity under this title unless the grant or contract with respect thereto specifically provides that no person with responsibilities in the operation thereof will discriminate with respect to any such program, project, or activity because of race, creed, color, national origin, sex, political affiliation, or beliefs.

"(b) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with any program or activity receiving assistance under this title. The Director shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any program, project, or activity receiving assistance under this title."

42 USC 2000d-1.

42 USC 2000d-2.

NATIVE AMERICAN PROGRAMS

SEC. 11. The Economic Opportunity Act of 1964 is further amended by inserting after title VII thereof the following new title VIII:

January 4, 1975

- 33 -

Pub. Law 93-644

88 STAT. 2324

"TITLE VIII—NATIVE AMERICAN PROGRAMS**"SHORT TITLE**

"SEC. 801. This title may be cited as the 'Native American Programs Act of 1974'.

Native
American
Programs
Act of 1974.
42 USC 2991.
42 USC 2991a.

"STATEMENT OF PURPOSE

"SEC. 802. The purpose of this title is to promote the goal of economic and social self-sufficiency for American Indians, Hawaiian Natives and Alaskan Natives.

"FINANCIAL ASSISTANCE FOR NATIVE AMERICAN PROJECTS

"SEC. 803. (a) The Secretary is authorized to provide financial assistance to public and nonprofit private agencies, including but not limited to, governing bodies of Indian tribes on Federal and State reservations, Alaskan Native villages and regional corporations established by the Alaska Native Claims Settlement Act, and such public and nonprofit private agencies serving Hawaiian Natives, and Indian organizations in urban or rural nonreservation areas, for projects pertaining to the purposes of this title. In determining the projects to be assisted under this title, the Secretary shall consult with other Federal agencies for the purpose of eliminating duplication or conflict among similar activities or projects and for the purpose of determining whether the findings resulting from those projects may be incorporated into one or more programs for which those agencies are responsible.

42 USC 2991b.

43 USC 1061
note.

"(b) Financial assistance extended to an agency under this title shall not exceed 80 per centum of the approved costs of the assisted project, except that the Secretary may approve assistance in excess of such percentage if he determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of the purposes of this title. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services. The Secretary shall not require non-Federal contributions in excess of 20 per centum of the approved costs of programs or activities assisted under this title.

"(c) No project shall be approved for assistance under this title unless the Secretary is satisfied that the activities to be carried out under such project will be in addition to, and not in substitution for, comparable activities previously carried out without Federal assistance, except that the Secretary may waive this requirement in any case in which he determines, in accordance with regulations establishing objective criteria, that application of the requirement would result in unnecessary hardship or otherwise be inconsistent with the purposes of this title.

"TECHNICAL ASSISTANCE AND TRAINING

"SEC. 804. The Secretary may provide, directly or through other arrangements, (1) technical assistance to public and private agencies in developing, conducting, and administering projects under this title, and (2) short-term in-service training for specialized or other personnel which is needed in connection with projects receiving financial assistance under this title.

42 USC 2991c.

"RESEARCH, DEMONSTRATION, AND PILOT PROJECTS

"SEC. 805. (a) The Secretary may provide financial assistance through grants or contracts for research, demonstration, or pilot proj-

42 USC 2991d.

ects conducted by public or private agencies which are designed to test or assist in the development of new approaches or methods that will aid in overcoming special problems or otherwise furthering the purposes of this title.

"(b) The Secretary shall establish an overall plan to govern the approval of research, demonstration, and pilot projects and the use of all research authority under this title. The plan shall set forth specific objectives to be achieved and priorities among such objectives.

"ANNOUNCEMENT OF RESEARCH, DEMONSTRATION, OR PILOT PROJECTS

42 USC 2991e.

"SEC. 806. (a) The Secretary shall make a public announcement concerning—

"(1) the title, purpose, intended completion date, identity of the grantee or contractor, and proposed cost of any grant or contract with a private or non-Federal public agency for a research, demonstration, or pilot project; and

"(2) except in cases in which the Secretary determines that it would not be consistent with the purposes of this title, the results, findings, data, or recommendations made or reported as a result of such activities.

"(b) The public announcements required by subsection (a) shall be made within thirty days of making such grants or contracts, and the public announcements required by subsection (b) of this section shall be made within thirty days of the receipt of such results.

"SUBMISSION OF PLANS TO STATE AND LOCAL OFFICIALS

USC 2991f.

"SEC. 807. (a) No financial assistance may be provided to any project under section 803 of this title or any research, demonstration, or pilot project under section 805 of this title, which is to be carried out on or in an Indian reservation or Alaskan Native village, unless a plan setting forth the project has been submitted to the governing body of that reservation or village and the plan has not been disapproved by the governing body within thirty days of its submission.

"(b) No financial assistance may be provided to any project under section 803 of this title or any research, demonstration, or pilot project under section 805 of this title, which is to be carried out in a State other than on or in an Indian reservation or Alaskan Native village or Hawaiian Homestead, unless the Secretary has notified the chief executive officer of the State of his decision to provide that assistance.

"(c) No financial assistance may be provided to any project under section 803 of this title or any research, demonstration, or pilot project under section 805 of this title, which is to be carried out in a city, county, or other major political subdivision of a State, other than on or in an Indian reservation or Alaskan Native village, or Hawaiian Homestead, unless the Secretary has notified the local governing officials of the political subdivision of his decision to provide that assistance.

"RECORDS AND AUDITS

42 USC 2991g.

"SEC. 808. (a) Each agency which receives financial assistance under this title shall keep such records as the Secretary may prescribe, including records which fully disclose the amount and disposition by that agency of such financial assistance, the total cost of the project in connection with which such financial assistance is given or used, the amount of that portion of the cost of the project supplied by other

January 4, 1975

- 35 -

Pub. Law 93-644

88 STAT. 2326

sources, and such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of any agency which receives financial assistance under this title that are pertinent to the financial assistance received under this title.

"APPEALS, NOTICE, AND HEARING

"Sec. 809. The Secretary shall prescribe procedures to assure that— 42 USC 2991l

"(1) financial assistance under this title shall not be suspended, except in emergency situations, unless the assisted agency has been given reasonable notice and opportunity to show cause why such action should not be taken; and

"(2) financial assistance under this title shall not be terminated, and application for refunding shall not be denied, and a suspension of financial assistance shall not be continued for longer than thirty days, unless the assisted agency has been afforded reasonable notice and opportunity for a full and fair hearing.

"EVALUATION

"Sec. 810. (a) The Secretary shall provide, directly or through grants or contracts, for the evaluation of projects assisted under this title, including evaluations that describe and measure the impact of such projects, their effectiveness in achieving stated goals, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such projects. Evaluations shall be conducted by persons not directly involved in the administration of the program or project evaluated. 42 USC 2992.

"(b) Prior to obligating funds for the programs and projects covered by this title with respect to fiscal year 1976, the Secretary shall develop and publish general standards for evaluation of program and project effectiveness in achieving the objectives of this title. The extent to which such standards have been met shall be considered in deciding whether to renew or supplement financial assistance authorized under this title.

"(c) In carrying out evaluations under this title, the Secretary may require agencies which receive assistance under this title to provide for independent evaluations.

"(d) In carrying out evaluations under this title, the Secretary shall, whenever feasible, arrange to obtain the specific views of persons participating in and served by programs and projects assisted under this title about such programs and projects.

"(e) The Secretary shall publish the results of evaluative research and summaries of evaluations of program and project impact and effectiveness not later than ninety days after the completion thereof. The Secretary shall submit to the appropriate committees of the Congress copies of all such research studies and evaluation summaries.

"(f) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with assistance under this title shall become the property of the United States.

Studies and summaries, submittal to congressional committees.

"LABOR STANDARDS

42 USC 2992a.

"SEC. 811. All laborers and mechanics employed by contractors or subcontractors in the construction, alteration, or repair, including painting or decorating, of buildings or other facilities in connection with projects assisted under this title, shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950, and section 2 of the Act of June 1, 1934.

40 USC 276a
note.

5 USC app II.

"DELEGATION OF AUTHORITY

42 USC 2992b.

"SEC. 812. (a) The Secretary is authorized to delegate to the heads of other departments and agencies of the Federal Government any of his functions, powers, and duties under this title, as he may deem appropriate, and to authorize the redelegation of such functions, powers, and duties by the heads of such departments and agencies.

"(b) Departments and agencies of the Federal Government shall exercise their powers, duties, and functions in such manner as will assist in carrying out the objectives of this title.

"(c) Funds appropriated for the purpose of carrying out this title may be transferred between departments and agencies of the Government, if such funds are used for the purposes for which they are authorized and appropriated.

"DEFINITIONS

42 USC 2992c.

"SEC. 813. As used in this title, the term—

"(1) 'financial assistance' includes assistance advanced by grant, agreement, or contract, but does not include the procurement of plant or equipment, or goods or services;

"(2) 'Indian reservation or Alaskan Native village' includes the reservation of any federally or State recognized Indian tribe, including any band, nation, pueblo, or rancheria, any former reservation in Oklahoma, any community under the jurisdiction of an Indian tribe, including a band, nation, pueblo, or rancheria, with allotted lands or lands subject to a restriction against alienation imposed by the United States or a State, and any lands of or under the jurisdiction of an Alaskan Native village or group, including any lands selected by Alaskan Natives or Alaskan Native organizations under the Alaska Native Claims Settlement Act;

"(3) 'Native Hawaiian' means any individual any of whose ancestors were natives of the area which consists of the Hawaiian Islands prior to 1778.

"AUTHORIZATION OF APPROPRIATIONS

42 USC 2992d.

"SEC. 814. There are authorized to be appropriated for the purpose of carrying out the provisions of this title, such sums as may be necessary for fiscal years 1975 through 1977."

EVALUATION

SEC. 12. Title IX of the Economic Opportunity Act of 1964 is amended to read as follows:

January 4, 1975

- 37 -

Pub. Law 93-644

88 STAT. 2329

"TITLE IX—EVALUATION

"PROGRAM AND PROJECT EVALUATION

"SEC. 901. (a) (1) The Director shall, directly or through grants or contracts, measure and evaluate the impact of all programs authorized by this Act and of poverty-related programs authorized by other Acts, in order to determine their effectiveness in achieving stated goals, their impact on related programs, and their structure and mechanisms for delivery of services, including where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be conducted by persons not directly involved in the administration of the program or project evaluated.

42 USC 2995.

"(2) In carrying out his responsibilities under this section, the Director, in the case of research, demonstrations, and related activities carried out under title I of this Act, shall, after taking into consideration the views of State agencies and community action agencies designated pursuant to section 210 of this Act, on an annual basis—

Ante, p. 2294.

"(A) reassess priorities to which such activities should be directed; and

"(B) review present research, demonstration, and related activities to determine, in terms of the purpose specified for such activities in section 102(a) of this Act, whether and on what basis such activities should be continued, revised, or terminated.

Ante, p. 2292.

"(3) The Director shall, within 12 months after the date of enactment of this Act, and on each April 1 thereafter, prepare and furnish to the appropriate committees of the Congress a complete report on the determination and review carried out under paragraph (2) of this subsection, together with such recommendations, including any recommendations for additional legislation, as he deems appropriate.

Report to congressional committees.

"(b) Prior to obligating funds for the programs and projects covered by this Act with respect to fiscal year 1976, the Director shall develop and publish general standards for evaluation of program and project effectiveness in achieving the objectives of this Act. The extent to which such standards have been met shall be considered in deciding whether to renew or supplement financial assistance authorized under any section of this Act. Reports submitted pursuant to section 608 of this Act shall describe the actions taken as a result of these evaluations.

42 USC 2948.

"(c) In carrying out evaluations under this title, the Director shall, whenever feasible, arrange to obtain the specific views of persons participating in and served by programs and projects assisted under this Act about such programs and projects, and shall consult, when appropriate, with State agencies and community action agencies designated pursuant to section 210, in order to provide for jointly sponsored objective evaluation studies on a State or areawide basis.

Ante, p. 2294.

"(d) The Director shall publish the results of evaluative research and summaries of evaluations of program and project impact and effectiveness not later than ninety days after the completion thereof. The Director shall submit to the appropriate committees of the Congress copies of all such research studies and evaluation summaries.

Studies and summaries, submittal to congressional committees.

"(e) The Director shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with assistance under this Act shall become the property of the United States.

88 STAT. 2329

"COOPERATION OF AND CONSULTATION WITH OTHER FEDERAL AGENCIES"

42 USC 2995a.

"SEC. 902. (a) Such information and cooperation as the Director may deem necessary for purposes of the evaluations conducted under this title shall be made available to him, upon request, by the agencies of the executive branch.

"(b) In carrying out evaluations under this title, the Director shall consult with the heads of other Federal agencies carrying out activities related to the subject matter of those evaluations.

"EVALUATION BY OTHER ADMINISTERING AGENCIES"

42 USC 2995b.

"SEC. 903. The head of any agency administering a program authorized under this Act may, with respect to such program, conduct evaluations and take other actions authorized under this title to the same extent and in the same manner as the Director under this part. Nothing in this section shall preclude the Director from conducting such evaluations or taking such actions otherwise authorized under this title with respect to such programs."

CONGRESSIONAL REVIEW

42 USC 2981
note.

SEC. 13. (a) The Senate Committee on Labor and Public Welfare and the House Committee on Education and Labor shall conduct joint study which shall include—

42 USC 2981.

(1) a consideration of an appropriate administrative agency for the conduct of programs after July 1, 1975, under title VII of the Economic Opportunity Act,

(2) review the extent to which programs and activities conducted under title VII of the Economic Opportunity Act meet the overall need in the Nation for community economic development programs and the resources available from public and private funds in meeting those needs, and

(3) the extent to which there is maximum utilization of the resources of all Federal agencies having responsibilities under title VII of the Economic Opportunity Act, and other public and private agencies and organizations.

Report.

(b) The Senate Committee on Labor and Public Welfare and the House Committee on Education and Labor shall submit such reports as they deem appropriate on their findings, together with any recommendations for further legislation, not later than one year after enactment of this title.

EXTENSION OF PROGRAM AUTHORITY

42 USC 2837,
2871, 2965.

SEC. 14. (a) Sections 245, 321, and 615 of the Economic Opportunity Act of 1964, are each amended by striking out "eight succeeding fiscal years" and inserting in lieu thereof "eleven succeeding fiscal years".

42 USC 2933.

(b) Section 523 of such Act (redesignated as section 583 by section 3(c) of this Act) is amended by striking out "seven succeeding fiscal years" and inserting in lieu thereof "ten succeeding fiscal years".

AUTHORIZATION OF APPROPRIATIONS

42 USC 2707.

SEC. 15. (a)(1) For the purpose of carrying out title I, title II, title III, title IV, title V, title VI, title VII, title VIII, and title IX of the Economic Opportunity Act of 1964, there are authorized to be

Ante, p. 2292.
42 USC 2841,
2901, 2921,
2941.
Ante, pp. 2315,
2324, 2328.

January 4, 1975

- 39 -

Pub. Law 93-644

88 STAT. 2330

appropriated such sums as may be necessary for each of the fiscal years 1975 through 1977.

(2) For the purpose of carrying out the programs authorized under section 221 there is authorized to be appropriated \$330,000,000 for the fiscal year 1975 and such sums as may be necessary for each of the two succeeding fiscal years.

42 USC 2808.

(b) Unless the Congress has passed or formally rejected legislation extending the authorizations of appropriations for carrying out any title of the Economic Opportunity Act of 1964 specified in subsection

42 USC 2701
note.

(a) of this section, or adopts a concurrent resolution providing that the provisions of this subsection shall not apply, the authorizations of appropriations specified in subsection (a) are hereby automatically extended for one additional fiscal year beyond the terminal year specified in the Economic Opportunity Act of 1964 or in this section.

REPEALER

SEC. 16. (a) Section 115 of the Economic Opportunity Amendments of 1969 is repealed.

42 USC 2705.

(b) Section 301 of the Economic Opportunity Amendments of 1967 is repealed.

42 USC 2703.

Approved January 4, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-1043 (Comm. on Education and Labor) and No. 93-1639 (Comm. of Conference).

SENATE REPORT No. 93-1291 (Comm. on Labor and Public Welfare).

CONGRESSIONAL RECORD, Vol. 120 (1974):

May 28, 29, considered and passed House.

Dec. 5, 10, 11, 13, considered and passed Senate, amended.

Dec. 19, Senate agreed to conference report.

Dec. 20, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 2:

Jan. 4, Presidential statement.



APPROPRIATIONS, 93RD CONGRESS, 2ND SESSION



Public Law 93-269
93rd Congress, H. R. 12253
April 18, 1974

An Act

To make certain appropriations available for obligation and expenditure until June 30, 1975, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, (a) as used in this section, the term "applicable program" means any program to which the General Education Provisions Act applies.

(b) (1) Notwithstanding any other provision of law, unless enacted in express and specific limitation of the provisions of this section—

(A) any funds appropriated to carry out any applicable program for the fiscal year 1973; and

(B) any funds appropriated to carry out any applicable program for fiscal year 1974;

shall remain available for obligation and expenditure until June 30, 1975.

(2) Nothing in this section shall be construed to approve of the withholding from expenditure or the delay in expenditure of any funds appropriated to carry out any applicable program for fiscal year 1973 beyond the period allowed for apportionment under subsection (d) of section 3679 of the Revised Statutes (31 U.S.C. 665).

SEC. 2. Paragraphs (2), (3), (4), and (5) of section 428(a) of the Higher Education Act of 1965, and all references thereto, are redesignated as paragraphs (3), (4), (5), and (6) thereof, respectively, and such section 428(a) is amended by striking out paragraph (1) thereof and inserting in lieu thereof the following:

"(1) Each student who has received a loan for study at an eligible institution—

"(A) which is insured by the Commissioner under this part;

"(B) which was made under a State student loan program (meeting criteria prescribed by the Commissioner), and which was contracted for, and paid to the student, within the period specified by paragraph (5); or

"(C) which is insured under a program of a State or of a non-profit private institution or organization which was contracted for, and paid to the student, within the period specified in paragraph (5), and which—

"(i) in the case of a loan insured prior to July 1, 1967, was made by an eligible lender and is insured under a program which meets the requirements of subparagraph (E) of subsection (b)(1) and provides that repayment of such loan shall be in installments beginning not earlier than sixty days after the student ceases to pursue a course of study (as described in subparagraph (D) of subsection (b)(1)) at an eligible institution, or

"(ii) in the case of a loan insured after June 30, 1967, is insured under a program covered by an agreement made pursuant to subsection (b).

shall be entitled to have paid on his behalf and for his account to the holder of the loan a portion of the interest on such loan at the time of execution of the note or written agreement evidencing such loan under circumstances described in paragraph (2).

"(2) (A) Each student qualifying for a portion of an interest payment under paragraph (1) shall—

"(i) have provided to the lender a statement from the eligible institution, at which the student has been accepted for enrollment, or at which he is in attendance in good standing (as determined by such institution), which—

Office of
Education.
Funds, carry-
over.
Definition.
20 USC 1226
note.
81 Stat. 814;
86 Stat. 326.
20 USC 1221
note.

Student loans,
interest sub-
sidy payments.
79 Stat. 1240;
82 Stat. 634,
1020.
20 USC 1078.
86 Stat. 262.
88 STAT. 87
88 STAT. 88

82 Stat. 635.

82 Stat. 1026,
1027.

"(I) sets forth such student's estimated costs of attendance, and

"(II) sets forth such student's estimated financial assistance; and

"(ii) meet the requirements of subparagraph (B).

Qualifications.

"(B) For the purposes of clause (ii) of subparagraph (A), a student shall qualify for a portion of an interest payment under paragraph (1) if such student's adjusted family income—

"(i) is less than \$15,000, and—

"(I) the amount of such loan would not cause the total amount of the student's loans insured by the Commissioner under this part or by a State or nonprofit private institution or organization which has an agreement under subsection (b) to exceed \$2,000 in any academic year, or its equivalent, or

"(II) the amount of such loan would cause the total amounts of the loans described in clause (I) of this subparagraph of that student to exceed \$2,000 in any academic year or its equivalent, and the eligible institution has provided, with respect to the amount of such loans in excess of \$2,000, the lender with a statement recommending the amount of such excess; or

"(ii) is equal to or greater than \$15,000, and the eligible institution has provided the lender with a statement evidencing a determination of need and recommending a loan in the amount of such need.

Definitions.

"(C) For the purposes of paragraph (1) and this paragraph—

88 STAT. 88

88 STAT. 89

"(i) a student's estimated cost of attendance means, for the period for which the loan is sought, the tuition and fees applicable to such student together with the institution's estimate of other expenses reasonably related to attendance at such institution, including, but not limited to, the cost of room and board, reasonable commuting costs, and costs for books;

"(ii) a student's estimated financial assistance means, for the period for which the loan is sought, the amount of assistance such student will receive under parts A, C, and E of this title, plus other scholarship, grant, or loan assistance;

"(iii) the term 'eligible institution' when used with respect to a student is the eligible institution at which the student has been accepted for enrollment or, in the case of a student who is in attendance at such an institution is in good standing (as determined by such institution);

"(iv) the determination of need and the amount of a loan recommended by an eligible institution under subparagraph (B) (ii) and the amount of loans in excess of \$2,000 recommended by an eligible institution under subparagraph (B) (i) (II) with respect to a student shall be determined by subtracting from the estimated cost of attendance at such institution the total of the expected family contribution with respect to such student (as determined by means other than one formulated by the Commissioner under subpart 1 of part A of this title) plus any other resources or student financial assistance reasonably available to such student.

20 USC 1070,
1087a, 1088.

Administrative
cost allowance.

"(D) In addition, the Commissioner shall pay an administrative cost allowance in the amount established by paragraph (3) (B) of this subsection with respect to loans to any student without regard to the borrower's need. For the purposes of this paragraph, the adjusted family income of a student shall be determined pursuant to regulations of the Commissioner in effect at the time of the execution of the note

April 18, 1974

- 3 -

Pub. Law 93-269

88 STAT. 89

or written agreement evidencing the loan. Such regulations shall provide for taking into account such factors, including family size, as the Commissioner deems appropriate. In the absence of fraud by the lender, such determination of the need of a student under this paragraph shall be final insofar as it concerns the obligation of the Commissioner to pay the holder of a loan a portion of the interest on the loan."

SEC. 3. Section 428(a) of the Higher Education Act of 1965, as amended by this Act, is amended by adding at the end thereof the following new paragraph:

Students, financial evaluation.
Ante, p. 87.

"(7) Nothing in this or any other Act shall be construed to prohibit or require unless otherwise specifically provided by law, a lender to evaluate the total financial situation of a student making application for a loan under this part, or to counsel a student with respect to any such loan, or to make a decision based on such evaluation and counseling with respect to the dollar amount of any such loan."

SEC. 4. Clause (H) of paragraph 428(b)(1) of the Higher Education Act of 1965 is amended to read as follows:

79 Stat. 1240;
86 Stat. 263.
20 USC 1078.

"(H) provides that the benefits of the loan insurance program will not be denied any student who is eligible for interest benefits under section 428(a) (1) and (2) except in the case of loans made by an instrumentality of a State or eligible institution;"

SEC. 5. Section 2(a)(7) of the Emergency Insured Student Loan Act of 1969 is amended by striking out "July 1, 1974" and inserting in lieu thereof "July 1, 1975".

86 Stat. 270.
20 USC 1078a.
Effective date.

SEC. 6. The amendments made by section 2 shall be effective forty-five days after enactment of this Act and be applicable to a loan for which a guarantee commitment is made on or after that date.

Approved April 18, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-965 (Comm. of Conference).

SENATE REPORT No. 93-674 (Comm. on Labor and Public Welfare).

CONGRESSIONAL RECORD, Vol. 120 (1974):

Jan. 28, considered and passed House.

Feb. 5, considered and passed Senate, amended.

Mar. 12, House agreed to Senate amendments with an amendment.

Apr. 4, House and Senate agreed to conference report.



Public Law 93-276
93rd Congress, S. 3292
May 10, 1974

An Act

To authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

(a) For "Operating expenses", \$2,551,533,000 not to exceed \$132,200,000 in operating costs for the high-energy physics program category.

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) NUCLEAR MATERIALS.—

Project 75-1-a, additional facilities, high-level waste handling and storage, Savannah River, South Carolina, \$30,000,000.

Project 75-1-b, replacement ventilation air filter, H chemical separations area, Savannah River, South Carolina, \$6,000,000.

Project 75-1-c, new waste calcining facility, Idaho Chemical Processing Plant, National Reactor Testing Station, Idaho, \$20,000,000.

Project 75-1-d, waste management effluent control, Richland, Washington, \$3,500,000.

Project 75-1-e, retooling of component preparation laboratories, multiple sites, \$4,500,000.

Project 75-1-f, atmospheric pollution control facilities, stoker fired boilers, Savannah River, South Carolina, \$7,500,000.

(2) NUCLEAR MATERIALS.—

Project 75-2-a, additional cooling tower capacity, gaseous diffusion plant, Portsmouth, Ohio, \$2,200,000.

(3) WEAPONS.—

Project 75-3-a, weapons production, development, and test installations, \$10,000,000.

Project 75-3-b, high energy laser facility, Los Alamos Scientific Laboratory, New Mexico, \$22,600,000.

Project 75-3-c, TRIDENT production facilities, various locations, \$22,200,000.

Project 75-3-d, consolidation of final assembly plants, Pantex, Amarillo, Texas, \$4,500,000.

Project 75-3-e, addition to building 350 for safeguards analytical laboratory, Argonne National Laboratory, Illinois, \$3,500,000.

(4) WEAPONS.—

Project 75-4-a, technical support relocation, Los Alamos Scientific Laboratory, New Mexico, \$2,800,000.

(5) CIVILIAN REACTOR RESEARCH AND DEVELOPMENT.—

Project 75-5-a, transient test facility, Santa Susana, California, \$4,000,000.

Project 75-5-b, advanced test reactor control system upgrading, National Reactor Testing Station, Idaho, \$2,400,000.

Project 75-5-c, test reactor area water recycle and pollution control facilities, National Reactor Testing Station, Idaho, \$1,000,000.

Project 75-5-d, modifications to reactors, \$4,000,000.

Project 75-5-e, high temperature gas reactor fuel reprocessing facility, National Reactor Testing Station, Idaho, \$10,100,000.

Atomic Energy
Commission.
Appropriation
authorization.
77 Stat. 88.
42 USC 2017.
88 STAT. 115
88 STAT. 116

Project 75-5-f, high temperature gas reactor fuel refabrication pilot plant, Oak Ridge National Laboratory, Tennessee, \$3,000,000.

Project 75-5-g, molten salt breeder reactor (preliminary planning preparatory to possible future demonstration project), \$1,500,000.

86 STAT. 116

88 STAT. 117

(6) PHYSICAL RESEARCH.—

Project 75-6-a, accelerator and reactor improvements and modifications, \$3,000,000.

Project 75-6-b, heavy ion research facilities, various locations, \$19,200,000.

Project 75-6-c, positron-electron joint project, Lawrence Berkeley Laboratory and Stanford Linear Accelerator Center, \$900,000.

(7) BIOMEDICAL AND ENVIRONMENTAL RESEARCH AND SAFETY.—

Project 75-7-a, upgrading of laboratory facilities, Oak Ridge National Laboratory, Tennessee, \$2,100,000.

Project 75-7-b, environmental research laboratory, Savannah River, South Carolina, \$2,000,000.

Project 75-7-c, intermediate-level waste management facilities, Oak Ridge National Laboratory, Tennessee, \$9,500,000.

Project 75-7-d, modifications and additions to biomedical and environmental research facilities, \$2,850,000.

(8) BIOMEDICAL AND ENVIRONMENTAL RESEARCH AND SAFETY.—

Project 75-8-a, environmental sciences laboratory, Oak Ridge National Laboratory, Tennessee, \$8,800,000.

(9) GENERAL PLANT PROJECTS.—\$55,650,000.

(10) CONSTRUCTION PLANNING AND DESIGN.—\$2,000,000.

(11) CAPITAL EQUIPMENT.—Acquisition and fabrication of capital equipment not related to construction, \$208,850,000.

(12) REACTOR SAFETY RESEARCH.—

Project 75-12-a, reactor safety facilities modifications, \$1,000,000.

(13) APPLIED ENERGY TECHNOLOGY.—

Project 75-13-a, hydrothermal pilot plant, \$1,000,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsection 101(b) (1), (3), (5), (6), (7), (12), and (13) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project set forth in subsection 101(b) (2), (4), (8), and (10) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start any project under subsection 101(b) (9) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be \$500,000 and the maximum currently estimated cost of any building included in such project shall be \$100,000: *Provided*, That the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b) (9) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

(d) The total cost of any project undertaken under subsection 101(b) (1), (3), (5), (6), (7), (12), and (13) shall not exceed the estimated cost set forth for that project by more than 25 per centum, unless and until additional appropriations are authorized under section 261 of the Atomic Energy Act of 1954, as amended, provided that this subsection will not apply to any project with an estimated cost less than \$5,000,000.

May 10, 1974

- 3 -

Pub. Law 93-276

88 STAT. 118

(e) The total cost of any project undertaken under subsection 101(b) (2), (4), (8), (9), and (10) shall not exceed the estimated cost set forth for that project by more than 10 per centum, unless and until additional appropriations are authorized under section 261 of the Atomic Energy Act of 1954, as amended, provided that this subsection will not apply to any project with an estimated cost less than \$5,000,000.

77 Stat. 88.
42 USC 2017.

SEC. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission, and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

Construction
design serv-
ices.

SEC. 104. Any moneys received by the Commission (except sums received from the disposal of property under the Atomic Energy Community Act of 1955, as amended (42 U.S.C. 2301)), may be retained by the Commission and credited to its "Operating expenses" appropriation notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484).

69 Stat. 471.

SEC. 105. Transfers of sums from the "Operating expenses" appropriation may be made to other agencies of the Government for the performance of the work for which the appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred.

Transfer of
sums.

SEC. 106. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

Transfer of
amounts.

SEC. 107. AMENDMENT OF PRIOR YEAR ACTS.—(a) Section 101 of Public Law 89-428, as amended, is further amended by striking from subsection (b) (3) project 67-3-a, fast flux test facility, the figure "\$87,500,000", and substituting therefor the figure "\$420,000,000".

80 Stat. 162;
81 Stat. 126.

(b) Section 101 of Public Law 91-273, as amended, is further amended by striking from subsection (b) (1), project 71-1-f, process equipment modifications, gaseous diffusion plants, the figure "\$172,100,000" and substituting therefor the figure "\$295,100,000".

87 Stat. 145.

(c) Section 106 of Public Law 91-273, as amended, is further amended by striking from subsection (a) the figure "\$2,000,000" and substituting therefor the figure "\$3,000,000," and by adding thereto the following new subsection (c):

84 Stat. 300;
87 Stat. 145.

"(c) The Commission is hereby authorized to agree, by modification to the definitive cooperative arrangement reflecting such changes therein as it deems appropriate for such purpose, to the following:

(1) to execute and deliver to the other parties to the AEC definitive contract, the special undertakings of indemnification specified in said contract, which undertakings shall be subject to availability of appropriations to the Atomic Energy Commission (or any other Federal agency to which the Commission's pertinent functions might be transferred at some future time) and to the provisions of section 3679 of the Revised Statutes, as amended; and (2) to acquire ownership and custody of the property constituting the Liquid Metal Fast Breeder Reactor powerplant or parts thereof, and to use, decommission, and dispose of said property, as provided for in the AEC definitive contract."

31 USC 665.

(d) Section 101 of Public Law 92-314, as amended, is amended by striking from subsection (b) (4), project 73-4-b, land acquisition, Rocky Flats, Colorado, the figure "\$8,000,000" and substituting therefor the figure "\$11,400,000".

86 Stat. 223.

88 STAT. 119

87 Stat. 143.

(e) Section 101 of Public Law 93-60 is amended by (1) striking from subsection (b)(1), project 74-1-a, additional facilities, high level waste storage, Savannah River, South Carolina, the figure "\$14,000,000" and substituting therefor the figure "\$17,500,000", (2) striking from subsection (b)(1), project 74-1-g, cascade uprating program, gaseous diffusion plants, the words "(partial AE and limited component procurement only)" and further striking the figure "\$6,000,000" and substituting therefor the figure "\$183,100,000", and (3) striking from subsection (b)(2), project 74-2-d, national security and resources study center, the words "(AE only), site undesignated" and substituting therefor the words "Los Alamos Scientific Laboratory, New Mexico" and further striking the figure "\$350,000" and substituting therefor the figure "\$4,600,000".

83 Stat. 46;

86 Stat. 225.

SEC. 108. RESCISSION.—(a) Public Law 91-44, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 70-1-b, bedrock waste storage (AE and site selection drill-ing only), Savannah River, South Carolina, \$4,300,000.

85 Stat. 304.

(b) Public Law 92-84, as amended, is further amended by rescind-ing therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 72-3-b, national radioactive waste repository, site undeter-mined, \$3,500,000.

86 Stat. 224.

(c) Public Law 92-314, as amended, is further amended by rescind-ing therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 73-6-c, accelerator improvements, Cambridge Electron Accelerator, Massachusetts, \$75,000.

TITLE II

69 Stat. 947.

42 USC 2187.

SEC. 201. Section 157b. (3) of the Atomic Energy Act of 1954, as amended, is amended by striking out "upon the recommendation of" and inserting in lieu thereof "after consultation with".

Approved May 10, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-969 accompanying H. R. 13919 (Joint Committee on Atomic Energy).

SENATE REPORT No. 93-773 (Joint Committee on Atomic Energy).

CONGRESSIONAL RECORD, Vol. 120 (1974):

Apr. 11, considered and passed Senate.

Apr. 23, considered and passed House, amended, in lieu of H. R. 13919.

Apr. 24, Senate concurred in House amendment.



Public Law 93-302
93rd Congress, H. R. 12920
June 1, 1974

An Act

To authorize additional appropriations to carry out the Peace Corps Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)) as precedes the first proviso thereof is amended to read as follows: "There are authorized to be appropriated for fiscal year 1975 not to exceed \$82,256,000 to carry out the purposes of this Act:"

Sec. 2. Section 3 of the Peace Corps Act (22 U.S.C. 2502) is amended by adding at the end thereof the following new subsections:

"(c) In addition to the amounts authorized for fiscal year 1975, there are authorized to be appropriated for the Peace Corps for fiscal year 1975 not in excess of \$1,000,000 for increases in salary, pay, retirement, or other employee benefits authorized by law.

"(d) The Director of ACTION is authorized to transfer to the readjustment allowance, ACTION, account at the Treasury Department from any sums appropriated to carry out the purposes of this Act in fiscal year 1975 not to exceed \$315,000 to rectify the imbalance in the Peace Corps readjustment allowance account for the period March 1, 1961, to February 28, 1973.

"(e) The Director of ACTION is authorized to waive claims resulting from erroneous payments of readjustment allowances to Peace Corps Volunteers who terminated their volunteer service between March 1, 1961, and February 28, 1973, notwithstanding the provisions of section 5584 of title 5, United States Code, and notwithstanding the fact that the names of the recipients of such overpayments may be unknown.

"(f) Disbursing and certifying officers of the Peace Corps and ACTION are relieved from liability for improper or incorrect payments of readjustment allowances made to volunteers between March 1, 1961, and February 28, 1973, other than any cases known to have resulted from fraud, notwithstanding the provisions of the first section of the Act entitled 'An Act to provide permanent authority for the relief of certain disbursing officers, and for other purposes', approved August 11, 1955 (31 U.S.C. 82a-2), and of section 2 of the Act entitled 'An Act to fix the responsibilities of disbursing and certifying officers, and for other purposes', approved December 29, 1941 (31 U.S.C. 82c)."

Approved June 1, 1974.

Peace Corps
Act, amend-
ments.
87 Stat. 99.

Salary and ben-
efits, increase.
75 Stat. 612.

88 STAT. 191
88 STAT. 192

82 Stat. 1212;
86 Stat. 760.

69 Stat. 687.

55 Stat. 875;
86 Stat. 213.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-875 (Comm. on Foreign Affairs).
SENATE REPORT No. 93-793 (Comm. on Foreign Relations).
CONGRESSIONAL RECORD, Vol. 120 (1974):

Mar. 21, considered and passed House.
May 2, considered and passed Senate, amended.
May 15, House disagreed to Senate amendment.
May 21, Senate receded from its amendment.



Public Law 93-305
93rd Congress, H. R. 14013
June 8, 1974

An Act

88 STAT. 195

Making supplemental appropriations for the fiscal year ending June 30, 1974, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following ^{Second Supple-} sums are appropriated, out of any money in the Treasury not other- ^{mental Appropri-} wise appropriated, to supply supplemental appropriations (this Act ^{ations Act, 1974.} may be cited as the "Second Supplemental Appropriations Act, 1974") for the fiscal year ending June 30, 1974, and for other purposes, namely:

TITLE I

CHAPTER I

DEPARTMENT OF AGRICULTURE

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

For an additional amount for "Animal and Plant Health Inspection Service", \$3,730,000, of which \$100,000 shall be for an evaluation of the effectiveness of the screwworm control program: *Provided*, That the Animal and Plant Health Inspection Service is authorized to establish and operate an English language school at Tuxtla Gutierrez, Chiapas, Mexico, or to contract therefor without regard to the provisions of Revised Statutes, section 3648, as amended (31 U.S.C. 529), for children of employees of the Animal and Plant Health Inspection Service engaged in the Mexican-American Screwworm Program.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

For an additional amount to carry out the National School Lunch Act, as amended (42 U.S.C. 1751-1761), and the applicable provisions ^{60 Stat. 230;} other than section 3 of the Child Nutrition Act of 1966, as amended ^{82 Stat. 117.} (42 U.S.C. 1773-1785), \$86,500,000, to remain available until expended. ^{80 Stat. 886.}

FOOD STAMP PROGRAM

For an additional amount for "Food Stamp Program", \$500,000,000, to remain available until expended.

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and flood prevention operations" for emergency measures for runoff retardation and soil-erosion prevention, as authorized by section 216 of the Flood Control Act of 1950 (33 U.S.C. 701b-1), and to implement the provisions of ^{64 Stat. 184.} section 5 of Public Law 93-251, \$23,661,000, to remain available ^{Ante, p. 15.} until expended.

CHAPTER II

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military personnel, Army", \$40,200,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military personnel, Navy", \$16,000,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military personnel, Marine Corps", \$8,100,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military personnel, Air Force", \$50,800,000.

RETIRED MILITARY PERSONNEL

RETIRED PAY, DEFENSE

For an additional amount for "Retired pay, Defense", \$468,800,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and maintenance, Army", \$116,147,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and maintenance, Navy", \$309,175,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and maintenance, Marine Corps", \$13,400,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and maintenance, Air Force", \$251,350,000.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For an additional amount for "Operation and maintenance, Defense Agencies", \$830,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and maintenance, Navy Reserve", \$21,000,000.

June 8, 1974

- 3 -

Pub. Law 93-305

88 STAT. 197

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and maintenance, Marine Corps Reserve", \$30,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and maintenance, Air Force Reserve", \$9,500,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and maintenance, Army National Guard", \$780,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and maintenance, Air National Guard", \$22,300,000: *Provided*, That not less than ninety-two flying units shall be maintained during fiscal year 1974.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft procurement, Army", \$16,000,000, to remain available for obligation until June 30, 1976.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile procurement, Army", \$76,600,000, to remain available for obligation until June 30, 1976.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of weapons and tracked combat vehicles, Army", \$71,100,000, to remain available for obligation until June 30, 1976.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of ammunition, Army", \$150,000,000, to remain available for obligation until June 30, 1976.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other procurement, Army", \$35,500,000, to remain available for obligation until June 30, 1976. Amounts available under appropriations under this head shall be available for the purchase of not to exceed three hundred and sixty-six buses and ambulances, for replacement only.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft procurement, Navy", \$95,000,000, to remain available for obligation until June 30, 1976.

SHIPBUILDING AND CONVERSION, NAVY

For an additional amount for "Shipbuilding and Conversion, Navy", \$24,800,000, to remain available for obligation until June 30, 1978.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other procurement, Navy", \$100,800,000, to remain available for obligation until June 30, 1976. Amounts available under appropriations under this head shall be available for the purchase of not to exceed one hundred and five buses, for replacement only.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", \$33,800,000, to remain available for obligation until June 30, 1976. Amounts available under appropriations under this head shall be available for the purchase of not to exceed seventeen buses, for replacement only.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft procurement, Air Force", \$107,700,000, to remain available for obligation until June 30, 1976.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", \$11,400,000, to remain available for obligation until June 30, 1976.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other procurement, Air Force", \$82,400,000, to remain available for obligation until June 30, 1976. Amounts available under appropriations under this head shall be available for the purchase of not to exceed two hundred and sixty-one buses and ambulances, for replacement only.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

For an additional amount for "Research, development, test, and evaluation, Air Force", \$5,800,000, to remain available for obligation until June 30, 1975.

CHAPTER III

DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA FUNDS

GENERAL OPERATING EXPENSES

For an additional amount for "General operating expenses", \$5,901,000, of which \$1,097,000 shall be available for fiscal year 1973.

June 8, 1974

- 5 -

Pub. Law 93-305

88 STAT. 199

PUBLIC SAFETY

For an additional amount for "Public safety", \$2,434,000, of which \$300,000 shall be available for fiscal year 1972 and \$1,000,000 shall be available for fiscal year 1973.

SETTLEMENT OF CLAIMS AND SUITS

For payment of property damage claims in excess of \$500 and of personal injury claims in excess of \$1,000, approved by the Commissioner in accordance with the provisions of the Act of February 11, 1929, as amended (45 Stat. 1160; 46 Stat. 500; 65 Stat. 131), \$222,000.

D.C. Code
1-902 to
1-906.

CAPITAL OUTLAY

For an additional amount for "Capital Outlay", to remain available until expended, \$3,577,400, of which \$892,000 shall be payable from the water fund.

DIVISION OF EXPENSES

The sums appropriated herein for the District of Columbia shall be paid out of the general fund of the District of Columbia, except as otherwise specifically provided.

CHAPTER IV

FOREIGN OPERATIONS

FUNDS APPROPRIATED TO THE PRESIDENT

INDOCHINA POSTWAR RECONSTRUCTION ASSISTANCE

For an additional amount for "Indochina postwar reconstruction assistance," \$49,000,000.

DISASTER RELIEF ASSISTANCE

Public Law 93-240 is amended as follows, at title IV, section entitled Disaster Relief Assistance, by striking "Sahel region" and inserting in lieu thereof the words "drought-stricken nations" and by striking the colon and inserting the words "to remain available until expended":

87 Stat. 1055.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount to enable the Secretary of State to increase the contribution of the United States to the International Committee of the Red Cross, \$250,000: *Provided*, That the funds appropriated in this paragraph shall be available only upon enactment into law of authorizing legislation.

CHAPTER V

VETERANS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", \$137,800,000, to remain available until expended.

MEDICAL CARE

For an additional amount for "Medical care", \$39,535,000.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$2,010,000.

FUNDS APPROPRIATED TO THE PRESIDENT

FEDERAL DISASTER ASSISTANCE ADMINISTRATION

DISASTER RELIEF

For an additional amount to carry out the functions of the Department of Housing and Urban Development under the Disaster Relief Act of 1970 (Public Law 91-606, as amended, and Reorganization Plan No. 1 of 1973), authorizing assistance to States and local governments in major disasters, \$32,600,000, to remain available until expended: *Provided*, That not to exceed 3 per centum of the foregoing amount shall be available for administrative expenses.

84 Stat. 1744.

42 USC 4401 note.

87 Stat. 1139.

5 USC app. II.

CHAPTER VI

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of lands and resources", \$19,300,000.

BUREAU OF SPORT FISHERIES AND WILDLIFE

RESOURCE MANAGEMENT

For an additional amount for "Resource management", \$400,000.

OFFICE OF OIL AND GAS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$18,000,000: *Provided*, That advances, repayments or transfers from appropriations under this head for the current fiscal year may be made to any department or agency for expenses of carrying out fuel allocation activities.

BUREAU OF INDIAN AFFAIRS

RESOURCES MANAGEMENT

For an additional amount for "Resources management", \$3,000,000.

REVOLVING FUND FOR LOANS

For payment to the revolving fund for loans, for loans as authorized in section 1 of the Act of November 4, 1963, as amended (25 U.S.C. 70n-1), and Public Law 93-37, approved May 24, 1973, \$900,000.

June 8, 1974

- 7 -

Pub. Law 93-305

88 STAT. 201

TERRITORIAL AFFAIRS

TRUST TERRITORY OF THE PACIFIC ISLANDS

For an additional amount for "Trust Territory of the Pacific Islands", \$1,500,000, to remain available until expended.

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST PROTECTION AND UTILIZATION

For an additional amount for "Forest protection and utilization", for "Forest land management", \$97,133,000, of which \$6,213,000 for insect and disease control shall remain available until expended.

CONSTRUCTION AND LAND ACQUISITION

For an additional amount for "Construction and land acquisition", \$650,000, to remain available until expended.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

INDIAN HEALTH SERVICES

For an additional amount for "Indian Health Services", \$6,591,000.

OFFICE OF EDUCATION

INDIAN EDUCATION

Notwithstanding any regulation of the Office of Education, Department of Health, Education, and Welfare, amounts for part A appropriated under this head in the Department of the Interior and Related Agencies Appropriations Act, 1974, shall remain available for allocation as provided by law to local educational agencies in Alaska in response to applications received on or before May 30, 1974. 87 Stat. 444.

HISTORICAL AND MEMORIAL COMMISSIONS

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$12,375,000, of which not to exceed \$1,375,000 shall be for direct annual grants-in-aid as authorized in section 7(a)(1) of Public Law 93-179 and of 87 Stat. 701. which not to exceed \$11,000,000 shall be for matching grants-in-aid as authorized in section 7(a)(2) of Public Law 93-179, to remain available until December 31, 1976.

CHAPTER VII

DEPARTMENT OF LABOR

MANPOWER ADMINISTRATION

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, \$71,762,000; together with not to exceed \$26,766,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which \$2,830,000 shall be for carrying into effect the provisions of 38 U.S.C. 2001-2003.

86 Stat. 1094.

COMPREHENSIVE MANPOWER ASSISTANCE

For expenses necessary to carry into effect the Comprehensive Employment and Training Act of 1973, and sections 326 and 328 of the Trade Expansion Act of 1962 (19 U.S.C. 1951 and 1961), \$2,265,584,000, including \$370,000,000 for activities authorized under Title II of said Comprehensive Employment and Training Act and \$250,000,000 for activities of the type provided in the Emergency Employment Act of 1971 as authorized in Section 3(a) of the Comprehensive Employment and Training Act of 1973, plus reimbursements, to remain available until June 30, 1975: *Provided*, That this appropriation shall be available for the purchase and hire of passenger motor vehicles, and for construction, alteration, and repair of buildings and other facilities and for the purchase of real property for training centers as authorized by the Comprehensive Employment and Training Act of 1973.

87 Stat. 839.

76 Stat. 895.

87 Stat. 850.

LIMITATION ON GRANTS TO STATES FOR UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICES

For an additional amount for "Limitation on grants to States for unemployment insurance and employment services", to remain available until June 30, 1975. \$81,000,000 may be expended from the Employment Security Administration account in the Unemployment Trust Fund and which shall be available only to the extent necessary to meet increased costs of administration resulting from changes in a State law or increases in the number of unemployment insurance claims filed and claims paid or increased salary costs resulting from State salary compensation plans embracing employees of the State generally over those upon which the State's basic grant was based, which cannot be provided for by normal budgetary adjustments.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

HEALTH SERVICES DELIVERY

To carry out the purposes of title XIII, and, to the extent not otherwise provided, section 301 of the Public Health Service Act, \$60,700,000, of which \$25,000,000 shall remain available until June 30, 1975 for grants and contracts and \$35,000,000 shall remain available until expended for direct loans and loan guarantees, as well as any amounts received by the Secretary in connection with loan guarantees

58 Stat. 691.

42 USC 241.

June 8, 1974

- 9 -

Pub. Law 93-305

88 STAT. 203

under said title and any other property or assets derived by him from his operations respecting such loans and loan guarantees, including any money derived from the sale of assets: *Provided*, That grants from funds available for the purposes of sections 508, 509, and 510 of the Social Security Act may be made for projects under those sections for any period prior to July 1, 1975: *Provided further*, That funds previously appropriated for training programs as authorized by the Emergency Medical Services Systems Act of 1973 shall remain available until September 30, 1974.

81 Stat. 926.
42 USC 708-710.
87 Stat. 594.
42 USC 300d
note.

PREVENTIVE HEALTH SERVICES

For an additional amount for "Preventive Health Services", \$3,500,000, of which \$2,500,000 shall be for carrying out Title I of the Lead-Based Paint Poison Prevention Act of 1974.

84 Stat. 2078;
87 Stat. 565.
42 USC 4801.

OFFICE OF EDUCATION

ELEMENTARY AND SECONDARY EDUCATION

For an additional amount for "Elementary and secondary education", \$20,000,000, of which \$8,000,000 shall be for grants pursuant to Title VII of the Elementary and Secondary Education Act to remain available until December 31, 1974, and \$12,000,000 shall be for carrying out section 222(a)(2) of the Economic Opportunity Act of 1964.

81 Stat. 816.
20 USC 880b.

HIGHER EDUCATION

For carrying out section 705(a)(2)(c) of the Higher Education Act without regard to other provisions of said Act, \$250,000, to remain available through June 30, 1975.

81 Stat. 698.
42 USC 2809.

86 Stat. 291.
20 USC 1132a-4.

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$394,000.

STUDENT LOAN INSURANCE FUND

For an additional amount for "Student Loan Insurance Fund", \$30,785,000, to remain available until expended: *Provided*, That \$2,000,000 of the \$269,400,000 appropriated by Public Law 93-25 for title IV, part E of the Higher Education Act of 1965, shall be available until June 30, 1974, for carrying out section 207 of the National Defense Education Act: *Provided further*, That any amounts appropriated for basic opportunity grants for the fiscal year ending June 30, 1973, in excess of the amounts required to meet the payment schedule announced for the academic year 1973-1974, shall remain available for payments under the payment schedule announced for the academic year 1974-1975: *Provided further*, That funds appropriated by Public Law 93-192 for grants to States for State student incentives shall remain available until June 30, 1975, as authorized by section 415A(b)(3) of the Higher Education Act.

87 Stat. 26.
72 Stat. 1587.
20 USC 427.

87 Stat. 756.

86 Stat. 255.
20 USC 1070c.

SOCIAL AND REHABILITATION SERVICE

GRANTS TO STATES FOR PUBLIC ASSISTANCE

The appropriation for fiscal year 1974 under this heading is hereby reduced in the amount of \$1,188,000,000.

Pub. Law 93-305

- 10 -

June 8, 1974

88 STAT. 204

SOCIAL AND REHABILITATION SERVICES

For an additional amount for "Social and rehabilitation services", for grants under section 110 of the Rehabilitation Act of 1973 (Public Law 93-112), \$21,000,000, of which \$1,000,000 to remain available until expended shall be for facilities construction as authorized by section 301.

67 Stat. 370.
29 USC 724.

SOCIAL SECURITY ADMINISTRATION

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For an additional amount for "Special benefits for disabled coal miners", \$4,311,000: *Provided*, That the appointments of administrative law judges for this program shall terminate not later than December 31, 1975.

SPECIAL INSTITUTIONS

GALLAUDET COLLEGE

For an additional amount for "Gallaudet College", \$138,000.

HOWARD UNIVERSITY

For an additional amount for "Howard University", \$3,362,000.

OFFICE OF CHILD DEVELOPMENT

CHILD DEVELOPMENT

For an additional amount for "Child Development" for carrying out the Child Abuse Prevention and Treatment Act (P.L. 93-247), \$1,500,000, to remain available until December 31, 1974.

Ante, p. 4

OFFICE OF THE SECRETARY

DEPARTMENTAL MANAGEMENT

For an additional amount for "Departmental management", \$2,950,000.

RELATED AGENCIES

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$170,000.

OFFICE OF ECONOMIC OPPORTUNITY

ECONOMIC OPPORTUNITY PROGRAM

For an additional amount for "Economic Opportunity Program", \$12,500,000 for the Emergency Food and Medical Services program as authorized by section 222(a) (5) of the Economic Opportunity Act of 1964.

82 Stat. 1019.
42 USC 2809.

June 8, 1974

- 11 -

Pub. Law 93-305

88 STAT. 205

CHAPTER VIII
LEGISLATIVE BRANCH
SENATE

SALARIES, OFFICERS AND EMPLOYEES

OFFICE OF THE SECRETARY

For an additional amount for "Office of the Secretary", \$13,965: *Provided*, That effective May 1, 1974, the Secretary may appoint and fix the compensation of an auditor, Public Records Office, at not to exceed \$14,535 per annum; a secretary, Public Records Office, at not to exceed \$11,970 per annum; a clerk, Public Records Office, at not to exceed \$10,830 per annum; five technical assistants, Public Records Office, at not to exceed \$11,685 per annum each in lieu of three technical assistants, Public Records Office, at not to exceed such rate; a messenger, stationery room, at not to exceed \$10,545 per annum; four messengers, stationery room, at not to exceed \$9,690 per annum each in lieu of three messengers, stationery room, at not to exceed such rate; and the Secretary may fix the per annum compensation of the Assistant Keeper of Stationery at not to exceed \$21,660 in lieu of \$19,665, and the per annum compensation of the chief clerk, stationery room, at not to exceed \$15,390 in lieu of \$14,535.

OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

For an additional amount for "Office of Sergeant at Arms and Doorkeeper", \$5,890: *Provided*, That effective May 1, 1974, the Sergeant at Arms may appoint and fix the compensation of a composer at not to exceed \$13,110 per annum and two composer technicians at not to exceed \$11,115 per annum each.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For an additional amount for "Inquiries and Investigations", \$2,000,000.

MISCELLANEOUS ITEMS

For an additional amount for "Miscellaneous Items", \$1,205,000.

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS
OF CONGRESS

For payment to the Estate of Charles M. Teague, late a Representative from the State of California, \$42,500.

CONTINGENT EXPENSES OF THE HOUSE

TELEGRAPH AND TELEPHONE

For an additional amount for "Telegraph and telephone", \$1,500,000.

STATIONERY (REVOLVING FUND)

For an additional amount for "Stationery (revolving fund)", \$139,000.

JOINT ITEMS

JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

For an additional amount for "Joint Committee on Internal Revenue Taxation", \$25,000.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

SENATE OFFICE BUILDINGS

For an additional amount for "Senate Office Buildings", \$200,000, to remain available until expended: *Provided*, That any buildings in Square 724 in the District of Columbia, acquired under authority of Public Law 92-607, occupied by the Senate, shall be subject to the provisions of the Act of June 8, 1942 (40 U.S.C. 174 (c) and (d)) and the Act of July 31, 1946, as amended (40 U.S.C. 193a-193m, 212a, and 212b).

86 Stat. 1498.

56 Stat. 343.

60 Stat. 718;

84 Stat. 570.

ACQUISITION OF PROPERTY AS A SITE FOR PARKING FACILITIES FOR THE UNITED STATES SENATE

The fifth proviso under this head in the Supplemental Appropriations Act, 1973 (86 Stat. 1511), is amended by inserting after the words "purposes or" and before the words "to lease" a comma and the following language: "without regard to section 3617 of the Revised Statutes, as amended (31 U.S.C. 484) and section 3709 of the Revised Statutes, as amended (41 U.S.C. 5 and 6a-1),".

ADDITIONAL PARKING FACILITIES FOR CONGRESSIONAL EMPLOYEES

Not to exceed \$25,000 of the appropriation provided under this head in the Supplemental Appropriations Act, 1974 is hereby made available for expenditure by the Architect of the Capitol, under the direction of the Select Committee on Parking of the House of Representatives created and appointed under authority of House Resolution 145, Ninety-third Congress, agreed to February 7, 1973, for the employment of consultants, by contract or otherwise, without regard to section 3709 of the Revised Statutes, as amended, to make a detailed study of the House garages located in the Rayburn and Cannon House Office Buildings and in Squares 637 and 691 to determine the feasibility of providing additional parking within such garages and the means by which such additional parking can be effectively so provided.

40 USC 175

note.

87 Stat. 1079.

41 USC 5.

June 8, 1974

- 13 -

Pub. Law 93-305

88 STAT. 207

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses, Library of Congress", \$184,800.

COPYRIGHT OFFICE

For an additional amount for "Salaries and expenses, Copyright Office", \$24,700.

DISTRIBUTION OF CATALOG CARDS

For an additional amount for "Salaries and expenses, distribution of catalog cards", \$259,900.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

For an additional amount for "Salaries and expenses, books for the blind and physically handicapped", \$40,600.

ADMINISTRATIVE PROVISION

Funds available to the Library of Congress may be expended to provide additional parking facilities for Library of Congress employees in an area or areas in the District of Columbia outside the limits of the Library of Congress grounds, and to provide for transportation of such employees to and from such area or areas and the Library of Congress grounds without regard to the limitations imposed by 31 U.S.C. 638a(c)(2).

60 Stat. 810.

CHAPTER IX

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for "Flood Control, Mississippi River and Tributaries", \$100,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

OPERATION AND MAINTENANCE

For an additional amount for "Operation and maintenance", \$7,000,000, to be derived from the reclamation fund.

CHAPTER X

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$6,250,000: *Provided*, That this appropriation shall be available only upon the enactment into law of authorizing legislation.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD

For an additional amount for "Acquisition, operation, and maintenance of buildings abroad", \$1,000,000, to remain available until expended: *Provided*, That this appropriation shall be available only upon the enactment into law of authorizing legislation.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD
(SPECIAL FOREIGN CURRENCY PROGRAM)

For an additional amount for "Acquisition, operation, and maintenance of buildings abroad (special foreign currency program)", \$324,000, to remain available until expended: *Provided*, That this appropriation shall be available only upon the enactment into law of authorizing legislation.

PAYMENT TO FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For an additional amount for "Payment to Foreign Service retirement and disability fund", \$17,563,000: *Provided*, That this appropriation shall be available only upon the enactment into law of authorizing legislation.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to international organizations", \$1,200,000.

EDUCATIONAL EXCHANGE

CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST
AND WEST

For an additional amount for "Center for Cultural and Technical Interchange Between East and West", \$225,000.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES AND GENERAL ADMINISTRATION

SALARIES AND EXPENSES, ANTITRUST DIVISION

For an additional amount for "Salaries and Expenses, Antitrust Division", \$761,000.

FEES AND EXPENSES OF WITNESSES

For an additional amount for "Fees and Expenses of Witnesses", \$600,000, including not to exceed \$150,000 for compensation and expenses of expert witnesses.

June 8, 1974

- 15 -

Pub. Law 93-305

88 STAT. 209

DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$75,000.

REGIONAL ACTION PLANNING COMMISSIONS

REGIONAL DEVELOPMENT PROGRAMS

The amount made available in the appropriation under this head in the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1974 shall remain available until expended. 87 Stat. 646.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

ADMINISTRATION OF PRIBILOF ISLANDS

For an additional amount for "Administration of Pribilof Islands", \$330,000.

FISHERMEN'S GUARANTY FUND

For an additional amount for "Fishermen's guaranty fund", \$40,000, to remain available until expended.

OFFSHORE SHRIMP FISHERIES FUND

For expenses necessary to carry out the provisions of the Offshore Shrimp Fisheries Act of 1973 (Public Law 93-242), \$325,000, to remain available until expended. 87 Stat. 1061.
16 USC 1100b
note.

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES (LIQUIDATION OF CONTRACT AUTHORITY)

For an additional amount for "Operating-differential subsidies (Liquidation of contract authority)", \$23,000,000, to remain available until expended: *Provided*, That this appropriation shall be available only upon the enactment into law of authorizing legislation.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

REPRESENTATION BY COURT-APPOINTED COUNSEL AND OPERATION OF DEFENDER ORGANIZATIONS

For an additional amount for "Representation by Court-Appointed Counsel and Operation of Defender Organizations", to be available for the compensation and reimbursement of expenses of attorneys appointed by judges of the District of Columbia Court of Appeals or by judges of the Superior Court of the District of Columbia, \$2,000,000, of which not to exceed \$800,000 shall be available for the liquidation of obligations incurred in the prior year.

RELATED AGENCIES

DEPARTMENT OF THE TREASURY

BUREAU OF ACCOUNTS

FISHERMEN'S PROTECTIVE FUND

86 Stat. 1183. For payment to the "Fishermen's Protective Fund", in accordance
22 USC 1979. with section 5 of Public Law 92-569 approved October 26, 1972,
\$1,000,000, to remain available until expended.

INTERNATIONAL RADIO BROADCASTING

INTERNATIONAL RADIO BROADCASTING ACTIVITIES

For an additional amount for "International radio broadcasting activities", \$4,500,000.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$5,000,000, to be transferred from the "Disaster loan fund".

UNITED STATES INFORMATION AGENCY

SPECIAL INTERNATIONAL EXHIBITIONS

For an additional amount for "Special International Exhibitions", \$6,300,000, to remain available until expended: *Provided*, That not more than \$5,600,000 of the amount appropriated herein shall be used for United States participation in the International Ocean Exposition to be held in Okinawa, Japan in 1975, including not to exceed \$10,000 for representation abroad: *Provided further*, That not less than \$2,500,000 of the amount appropriated for United States participation in the International Ocean Exposition shall be paid in Japanese yen accrued under the Settlement on Post War Economic Assistance between the United States and Japan, dated January 9, 1962: *Provided further*, That this appropriation shall be available only upon enactment into law of appropriate authorizing legislation.

CHAPTER XI

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$7,000,000, to remain available until June 30, 1975.

INTERIM OPERATING ASSISTANCE

For an additional amount for "Interim operating assistance", \$39,800,000, to remain available until expended.

June 8, 1974

- 17 -

Pub. Law 93-305

88 STAT. 211

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For an additional amount for "Transportation planning, research, and development", \$3,000,000, to remain available until expended.

COAST GUARD

RETIRED PAY

For an additional amount for "Retired pay", \$5,750,000.

FEDERAL HIGHWAY ADMINISTRATION

INTER-AMERICAN HIGHWAY

For expenses necessary to carry out the provisions of title 23 of the United States Code, as amended (sec. 212), \$56,000.

72 Stat. 909.

RAILROAD-HIGHWAY CROSSINGS DEMONSTRATION PROJECTS

For an additional amount for railroad-highway crossings demonstration projects, to remain available until expended, \$2,218,000, to be derived by transfer from amounts available for obligation under Sections 203 and 230 of the Highway Safety Act of 1973.

87 Stat. 282,
293.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

23 USC 130
note, 405.

TRAFFIC AND HIGHWAY SAFETY

For an additional amount for "Traffic and highway safety", \$800,000, which shall be derived from the Highway Trust Fund, to remain available until expended.

FEDERAL RAILROAD ADMINISTRATION

RAILROAD RESEARCH

For an additional amount for "Railroad research", \$1,000,000, to remain available until expended and to be derived by transfer from the appropriation "Emergency Rail Facilities Restoration."

HIGH SPEED GROUND TRANSPORTATION RESEARCH AND DEVELOPMENT

For an additional amount for "High speed ground transportation research and development", \$5,000,000, to remain available until expended and to be derived by transfer from the appropriation "Emergency Rail Facilities Restoration."

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount for "Grants to the National Railroad Passenger Corporation", \$47,000,000, to remain available until expended, of which \$2,000,000 is provided only for the initiation of a new service as set forth in section 403 of Public Law 91-518, as amended.

84 Stat. 1335;
86 Stat. 229.
45 USC 563.

RELATED AGENCIES

CIVIL AERONAUTICS BOARD

PAYMENTS TO AIR CARRIERS

For an additional amount for "Payments to Air Carriers", \$6,834,000, to remain available until expended.

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$3,500,000, of which \$3,400,000 shall remain available until June 30, 1975, for necessary expenses of the Rail Services Planning Office to carry out the powers and duties authorized by the Regional Rail Reorganization Act of 1973.

UNITED STATES RAILWAY ASSOCIATION

ADMINISTRATIVE EXPENSES

For an additional amount for "Administrative expenses", \$12,000,000, to remain available until June 30, 1975.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

FEDERAL CONTRIBUTION

For an additional amount for "Federal contribution", to enable the Department of Transportation to pay the Washington Metropolitan Area Transit Authority, \$13,600,000, to remain available until expended, for the design, construction, procurement, and installation of elevators for the handicapped in all stations of a rapid rail transit system as authorized by the Federal-Aid Highway Act of 1973 (Public Law 93-87 approved August 13, 1973).

CHAPTER XII

DEPARTMENT OF THE TREASURY

BUREAU OF ACCOUNTS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$10,778,000.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For an additional amount for "Administering the public debt", \$2,000,000.

INTERNAL REVENUE SERVICE

ACCOUNTS, COLLECTION AND TAXPAYER SERVICE

For an additional amount for "Accounts, collection and taxpayer service", \$17,000,000.

87 Stat. 985.
45 USC 701
note.

87 Stat. 250.
23 USC 101 note.

June 8, 1974

- 19 -

Pub. Law 93-305

88 STAT. 213

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", including purchase of an additional eleven passenger motor vehicles for police-type use, \$2,700,000: *Provided*, That funds appropriated to the United States Secret Service shall be available to provide protection to the immediate family of the Vice President of the United States.

POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For an additional amount for "Payment to the Postal Service Fund", \$220,000,000.

INDEPENDENT AGENCIES

CIVIL SERVICE COMMISSION

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For an additional amount for "Government payment for annuitants, employees health benefits", \$38,000,000.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For an additional amount for "Payment to Civil Service Retirement and Disability Fund", \$292,000,000.

CHAPTER XIII

CLAIMS AND JUDGMENTS

CLAIMS AND JUDGMENTS

For payment of claims settled and determined by departments and agencies in accord with law and judgments rendered against the United States by the United States Court of Claims and United States district courts, as set forth in House Document Numbered 237, Ninety-third Congress, \$20,977,448, together with such amounts as may be necessary to pay interest (as and when specified in such judgments or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: *Provided*, That no judgment herein appropriated for shall be paid until it shall become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided further*, That unless otherwise specifically required by law or by judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of the Act.

TITLE II

INCREASED PAY COSTS

For additional amounts for appropriations for the fiscal year 1974, for increased pay costs authorized by or pursuant to law, as follows:

LEGISLATIVE BRANCH

SENATE

"Salaries, officers and employees", \$1,000,000;
 "Office of the Legislative Counsel of the Senate", \$21,365;

CONTINGENT EXPENSES OF THE SENATE

"Senate policy committees", \$45,330;
 "Inquiries and investigations", \$1,067,975;
 "Folding documents", \$6,635;
 "Miscellaneous items", \$1,545;

HOUSE OF REPRESENTATIVES

SALARIES, OFFICERS AND EMPLOYEES

"Office of the Speaker", \$18,920;
 "Office of the Parliamentarian", \$12,275;
 "Compilation of precedents of House of Representatives", \$1,680;
 "Office of the Clerk", \$274,910;
 "Office of the Sergeant at Arms", \$387,965;
 "Office of the Doorkeeper", \$64,930;
 "Office of the Postmaster", \$53,360;
 "Committee employees", \$100,000;
 Special and minority employees:
 "Six minority employees", \$5,620;
 "House Democratic Steering Committee", \$1,515;
 "House Republican Conference", \$1,515;
 "Office of the majority floor leader", \$10,225;
 "Office of the minority floor leader", \$8,740;
 "Office of the majority whip", \$7,230;
 "Office of the minority whip", \$7,230;
 "Two printing clerks, majority and minority caucus rooms",
 \$2,175;
 "Technical assistant, Office of the Attending Physician", \$1,960;
 "Official reporters of debates", \$15,165;
 "Official reporters to committees", \$15,755;
 "Committee on Appropriations (investigations)", \$12,865;
 "Office of the Legislative Counsel", \$37,825;

MEMBERS' CLERK HIRE

"Members' clerk hire", \$4,715,500;

CONTINGENT EXPENSES OF THE HOUSE

"Government contributions", \$487,460;
 "Special and select committees", \$744,990;
 Leadership automobiles:
 "Speaker's automobile", \$1,395;
 "Majority leader's automobile", \$1,395;
 "Minority leader's automobile", \$1,395;

JOINT ITEMS

"Joint Committee on Reduction of Federal Expenditures", \$6,360,
 to remain available during the existence of the committee;
 "Joint Economic Committee", \$57,390;

June 8, 1974

- 21 -

Pub. Law 93-305 88 STAT. 215

"Joint Economic Committee—Subcommittee on Fiscal Policy",
\$15,505;

"Joint Committee on Printing", \$19,080;

"Joint Committee on Internal Revenue Taxation", \$58,460;

"Joint Committee on Defense Production", \$12,125;

"Joint Committee on Congressional Operations", \$43,290;

"Capitol Guide Service", \$23,540;

ARCHITECT OF THE CAPITOL

Office of the Architect of the Capitol: "Salaries", \$62,000;

"Capitol buildings", \$110,000;

"Capitol grounds", \$24,000;

"Senate office buildings", \$281,500;

"Senate garage", \$2,800;

"House office buildings", \$371,600;

"Capitol power plant", \$15,000;

"Library buildings and grounds: Structural and mechanical care",
\$37,000;

BOTANIC GARDEN

"Salaries and expenses", \$24,500;

LIBRARY OF CONGRESS

"Salaries and expenses", \$2,660,000;

Copyright Office: "Salaries and expenses", \$269,000;

Congressional Research Service: "Salaries and expenses", \$464,000;

Distribution of catalog cards: "Salaries and expenses", \$483,000;

Books for the blind and physically handicapped: "Salaries and
expenses", \$49,000;

Revision of annotated Constitution: "Salaries and expenses", \$2,900,
to remain available until expended;

Revision of Hinds' and Cannon's Precedents: "Salaries and
expenses", \$11,400;

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

"Salaries and expenses", \$400,000;

GENERAL ACCOUNTING OFFICE

"Salaries and expenses", \$5,600,000;

UNITED STATES TAX COURT

"Salaries and expenses", \$58,000;

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

"Salaries", \$190,000;

"Automobile for the Chief Justice", \$1,000;

"Care of the building and grounds", \$16,300;

CUSTOMS COURT

"Salaries and expenses", \$83,000;

COURT OF CLAIMS

"Salaries and expenses", \$40,000;

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

"Salaries of supporting personnel", \$6,550,000;

"Representation by court-appointed counsel and operation of defender organizations", \$175,000;

"Administrative Office of the United States Courts", \$302,000;

"Expenses of referees", \$640,000, to be derived from the Referees' salary and expense fund established in pursuance of said Act, and, to the extent of any deficiency in said fund, from any moneys in the Treasury not otherwise appropriated;

FEDERAL JUDICIAL CENTER

"Salaries and expenses", \$73,000;

EXECUTIVE OFFICE OF THE PRESIDENT

THE WHITE HOUSE OFFICE

"Salaries and expenses", \$650,000;

EXECUTIVE RESIDENCE

"Operating expenses", \$63,000;

SPECIAL ASSISTANCE TO THE PRESIDENT

"Special assistance to the President", \$17,000;

COUNCIL OF ECONOMIC ADVISERS

"Salaries and expenses", \$38,000;

COUNCIL ON INTERNATIONAL ECONOMIC POLICY

"Salaries and expenses", \$26,000;

OFFICE OF MANAGEMENT AND BUDGET

"Salaries and expenses", \$900,000;

OFFICE OF TELECOMMUNICATIONS POLICY

"Salaries and expenses", \$56,000;

SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

"Salaries and expenses", \$19,000;

June 8, 1974

- 23 -

Pub. Law 93-305 88 STAT. 217

FUNDS APPROPRIATED TO THE PRESIDENT

ECONOMIC STABILIZATION ACTIVITIES

"Salaries and expenses", \$3,395,000;

FOREIGN ASSISTANCE

ECONOMIC ASSISTANCE

"Administrative and other expenses", \$119,000, to be derived by transfer from other appropriations under the heading Economic assistance, fiscal year 1974;

DEPARTMENT OF AGRICULTURE

"Office of the Secretary", \$683,000;

"Office of the Inspector General", \$989,000, and in addition, \$284,000 shall be derived by transfer from the appropriation, "Food stamp program" and merged with this appropriation;

"Office of the General Counsel", \$572,000;

"Office of Management Services", \$308,000;

"Agricultural Research Service", \$12,353,000;

"Animal and Plant Health Inspection Service", \$17,651,000;

"Cooperative State Research Service", \$148,000, to be derived by transfer from the appropriation "Salaries and expenses", Agricultural Stabilization and Conservation Service, fiscal year 1974;

"Extension Service", for "Federal administration and coordination", \$308,000, to be derived by transfer from "payments for the nutrition and family education program for low-income areas under section 3(d) of the (Smith-Lever) Act";

"National Agricultural Library", \$242,000, to be derived by transfer from the appropriation for the "Cropland adjustment program", fiscal year 1974;

"Statistical Reporting Service", \$1,357,000, to be derived by transfer from the appropriation for the "Cropland adjustment program", fiscal year 1974;

"Economic Research Service", \$1,307,000;

"Commodity Exchange Authority", \$214,000, to be derived by transfer from the appropriation, "Salaries and expenses", Agricultural Stabilization and Conservation Service, fiscal year 1974;

"Packers and Stockyards Administration", \$276,000;

"Farmer Cooperative Service", \$141,000;

"Foreign Agricultural Service", \$881,000;

Federal Crop Insurance Corporation: "Administrative and operating expenses", \$1,008,000, which may be paid from premium income;

"Rural Development Service", \$28,000;

Rural Electrification Administration: "Salaries and expenses", \$769,000;

Farmers Home Administration: "Salaries and expenses", \$8,350,000;

Soil Conservation Service: "Conservation operations", \$5,457,000, to remain available until expended;

Agricultural Marketing Service: "Marketing services", \$2,222,000, to be derived by transfer from the appropriation "Salaries and expenses", Agricultural Stabilization and Conservation Service, fiscal year 1974;

"Funds for strengthening markets, income, and supply (section 32)" (increase of \$232,000 in the limitation on marketing agreements and orders);

FOREST SERVICE

"Forest protection and utilization", for "forest land management", \$13,400,000, of which \$55,000 for cooperative law enforcement shall remain available until expended; "Forest research", \$3,400,000; and "State and private forestry cooperation", \$262,000;
 "Forest roads and trails (Liquidation of contract authority)", \$5,500,000, to remain available until expended;

DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

"Salaries and expenses", \$550,000;
 "Administration of economic development assistance programs", \$1,100,000;

SOCIAL AND ECONOMIC STATISTICS ADMINISTRATION

"Salaries and expenses", \$2,700,000;
 "Periodic censuses and programs", \$1,300,000, to remain available until expended;

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

"Salaries and expenses", \$2,600,000;

FOREIGN DIRECT INVESTMENT REGULATION

"Salaries and expenses", \$100,000;

MINORITY BUSINESS ENTERPRISE

"Minority business development", \$450,000, to remain available until expended;

UNITED STATES TRAVEL SERVICE

"Salaries and expenses", \$100,000;

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

"Operations, research, and facilities", \$17,250,000, to remain available until expended, of which \$2,178,000 shall be derived by transfer from funds appropriated to support the vessel construction and subsidy program;
 "Administration of Pribilof Islands", \$155,000;

SCIENCE AND TECHNOLOGY

"Scientific and technical research and services", \$7,350,000, to remain available until expended;

MARITIME ADMINISTRATION

"Operations and training", \$1,800,000, to remain available until expended;

June 8, 1974

- 25 -

Pub. Law 93-305

88 STAT. 219

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

"Military personnel, Army", \$585,850,000;
 "Military personnel, Navy", \$308,650,000;
 "Military personnel, Marine Corps", \$113,834,000;
 "Military personnel, Air Force", \$564,950,000;
 "Reserve personnel, Army", \$23,092,000;
 "Reserve personnel, Navy", \$11,197,000;
 "Reserve personnel, Marine Corps", \$1,527,000;
 "Reserve personnel, Air Force", \$6,885,000;
 "National Guard personnel, Army", \$69,600,000;
 "National Guard personnel, Air Force", \$7,583,000;

OPERATION AND MAINTENANCE

"Operation and maintenance, Army", \$260,400,000;
 "Operation and maintenance, Navy", \$191,000,000;
 "Operation and maintenance, Marine Corps", \$13,500,000;
 "Operation and maintenance, Air Force", \$155,000,000;
 "Operation and maintenance, Defense Agencies", \$88,000,000;
 "Operation and maintenance, Army Reserve", \$10,200,000;
 "Operation and maintenance, Navy Reserve", \$3,300,000;
 "Operation and maintenance, Marine Corps Reserve", \$48,000;
 "Operation and maintenance, Air Force Reserve", \$7,700,000;
 "Operation and maintenance, Army National Guard", \$20,800,000;
 "Operation and maintenance, Air National Guard", \$16,375,000;
 "National Board for the Promotion of Rifle Practice, Army",
 \$10,000;
 "Court of Military Appeals, Defense", \$50,000;

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

"Research, development, test, and evaluation, Army", \$26,914,000,
 to remain available for obligation until June 30, 1975;
 "Research, development, test, and evaluation, Navy", \$28,885,000,
 to remain available for obligation until June 30, 1975;
 "Research, development, test, and evaluation, Air Force",
 \$22,093,000, to remain available for obligation until June 30, 1975;
 "Research, development, test, and evaluation, Defense agencies",
 \$3,761,000, to remain available for obligation until June 30, 1975;

FAMILY HOUSING

"Family housing, Defense", \$3,866,000 (and an increase of \$3,866,000
 in the limitation on Department of Defense, operation, maintenance);

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

"General expenses", \$2,200,000;

SOLDIERS' AND AIRMEN'S HOME

"Operation and maintenance", \$516,000;

THE PANAMA CANAL

CANAL ZONE GOVERNMENT

"Operating expenses", \$1,000,000.

PANAMA CANAL COMPANY

"Limitation on general and administrative expenses" (increase of \$1,294,000 in the limitation on general and administrative expenses);

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FOOD AND DRUG ADMINISTRATION

"Salaries and expenses", \$5,370,000, to be derived by transfer from the appropriation for "Health manpower", fiscal year 1974;

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

"Saint Elizabeths Hospital", \$3,784,000, to be derived by transfer from the appropriation for "Mental health", fiscal year 1974;

"Health services delivery", \$2,470,000, to be derived by transfer from the appropriation for "Health services planning and development", fiscal year 1974;

"Preventive health services", \$1,789,000, to be derived by transfer from the appropriation for "Health services planning and development", fiscal year 1974;

"National health statistics", \$1,024,000, to be derived by transfer from the appropriation for "Health services planning and development", fiscal year 1974;

"Office of the Administrator", \$945,000, to be derived by transfer from the appropriation for "Health services planning and development", fiscal year 1974;

"Indian health services", \$9,410,000, to be derived by transfer from the appropriation for "Mental health", fiscal year 1974;

NATIONAL INSTITUTES OF HEALTH

"National Library of Medicine", \$458,000 to be derived by transfer from the appropriation for "Research resources", fiscal year 1974;

"Office of the Director", \$903,000, to be derived by transfer from the appropriation for "Research resources", fiscal year 1974;

OFFICE OF THE ASSISTANT SECRETARY FOR EDUCATION

"Salaries and expenses, Assistant Secretary for Education", \$124,000, to be derived by transfer from the appropriation for "Library resources", fiscal year 1974;

OFFICE OF EDUCATION

"Salaries and expenses", \$1,500,000, to be derived by transfer from the appropriation for "Library resources", fiscal year 1974;

NATIONAL INSTITUTE OF EDUCATION

"National Institute of Education", \$700,000, to be derived by transfer from the appropriation for "Library resources", fiscal year 1974;

June 8, 1974

- 27 -

Pub. Law 93-305

88 STAT. 221

SOCIAL SECURITY ADMINISTRATION

"Special benefits for disabled coal miners", \$1,746,000, to be derived by transfer from the appropriation for "Elementary and secondary education", fiscal year 1974;

OFFICE OF THE SECRETARY

"Office for Civil Rights", \$1,302,000, to be derived by transfer from the appropriation for "Child development", fiscal year 1974;

"Office of Consumer Affairs", \$82,000, to be derived by transfer from the appropriation for "Child development", fiscal year 1974;

"Departmental management", \$5,096,000, to be derived by transfer from the appropriation for "Child development", fiscal year 1974;

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PRODUCTION AND MORTGAGE CREDIT

"Salaries and expenses, Housing production and mortgage credit programs", \$126,000;

"Limitation on administrative and nonadministrative expenses, Federal Housing Administration" (increase of \$365,000 in the limitation on administrative expenses and increase of \$945,000 in the limitation on nonadministrative expenses);

"Limitation on administrative expenses, Government National Mortgage Association" (increase of \$22,000 in the limitation on administrative expenses);

HOUSING MANAGEMENT

"Salaries and expenses, Housing management programs", \$621,000;

COMMUNITY PLANNING AND MANAGEMENT

"Salaries and expenses, Community planning and management programs", \$225,000;

COMMUNITY DEVELOPMENT

"Salaries and expenses, Community development programs", \$591,000;

RESEARCH AND TECHNOLOGY

"Research and technology" (increase of \$109,000 in the limitation on administrative expenses);

FAIR HOUSING AND EQUAL OPPORTUNITY

"Fair housing and equal opportunity", \$231,000;

DEPARTMENTAL MANAGEMENT

"General departmental management", \$119,000;

"Salaries and expenses, Office of general counsel", \$87,000;

"Salaries and expenses, Office of inspector general", \$174,000;

"Administration and staff services", \$190,000;

"Regional management and services", \$444,000;

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

"Management of lands and resources", \$5,000,000;

BUREAU OF INDIAN AFFAIRS

"Education and welfare services", \$10,400,000;

"Resources management", \$4,500,000;

"General administrative expenses", \$350,000;

BUREAU OF OUTDOOR RECREATION

"Salaries and expenses", \$300,000;

"Land and water conservation" (increase of \$350,000 in the limitation on administrative expenses);

GEOLOGICAL SURVEY

"Surveys, investigations, and research", \$9,500,000;

BUREAU OF MINES

"Mines and minerals", \$6,746,000;

BUREAU OF SPORT FISHERIES AND WILDLIFE

"Resource management", \$5,250,000;

NATIONAL PARK SERVICE

"Operation of the National Park System", \$10,700,000;

"Preservation of historic properties", \$283,000, to remain available until expended;

OFFICE OF WATER RESOURCES RESEARCH

"Salaries and expenses", \$80,000;

BUREAU OF RECLAMATION

"General administrative expenses", \$1,200,000, to be derived from the reclamation fund;

BONNEVILLE POWER ADMINISTRATION

"Operation and maintenance", \$1,833,000;

SOUTHWESTERN POWER ADMINISTRATION

"Operation and maintenance", \$67,000;

OFFICE OF THE SOLICITOR

"Salaries and expenses", \$590,000;

OFFICE OF THE SECRETARY

"Salaries and expenses", \$1,070,000;

"Departmental operations", \$340,000;

June 8, 1974

- 29 -

Pub. Law 93-305 89 STAT., 223

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES AND GENERAL ADMINISTRATION

"Salaries and expenses, general administration", \$900,000;
 "Salaries and expenses, general legal activities", \$3,250,000;
 "Salaries and expenses, Antitrust Division", \$1,010,000;
 "Salaries and expenses, United States attorneys and marshals",
 \$6,650,000;
 "Salaries and expenses, Community Relations Service", \$233,000;

FEDERAL BUREAU OF INVESTIGATION

"Salaries and expenses", \$25,788,000;

IMMIGRATION AND NATURALIZATION SERVICE

"Salaries and expenses", \$10,406,000;

FEDERAL PRISON SYSTEM

"Salaries and expenses, Bureau of Prisons", \$8,103,000;

FEDERAL PRISON INDUSTRIES, INCORPORATED

"Limitation on administrative and vocational training expenses, Federal Prison Industries, Incorporated" (increase of \$79,000 in the limitation on administrative expenses and of \$350,000 in the limitation on vocational training expenses);

DRUG ENFORCEMENT ADMINISTRATION

"Salaries and expenses", \$5,434,000;

DEPARTMENT OF LABOR

LABOR-MANAGEMENT SERVICES ADMINISTRATION

"Salaries and expenses", \$898,000;

EMPLOYMENT STANDARDS ADMINISTRATION

"Salaries and expenses", \$2,218,000;

BUREAU OF LABOR STATISTICS

"Salaries and expenses", \$1,235,000, of which \$444,000 shall be available, in addition to the amount heretofore made available, for expenses of revising the Consumer Price Index;

DEPARTMENTAL MANAGEMENT

"Salaries and expenses", \$1,249,000, of which \$24,000 shall be available, in addition to the amount heretofore made available, for the President's Committee on Employment of the Handicapped.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

"Salaries and expenses", \$13,130,000;
 "Acquisition, operation, and maintenance of buildings abroad",
 \$185,000, to remain available until expended;

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

"Missions to international organizations", \$226,000;
 "International trade negotiations", \$44,000;

INTERNATIONAL COMMISSIONS

International Boundary and Water Commission, United States and
 Mexico: "Salaries and expenses", \$311,000;
 "American sections, international commissions", \$53,000;
 "International fisheries commissions", \$58,000;

EDUCATIONAL EXCHANGE

"Mutual educational and cultural exchange activities", \$787,000;

OTHER

"Migration and refugee assistance", \$25,000;

DEPARTMENT OF TRANSPORTATION

COAST GUARD

"Operating expenses", \$39,500,000;
 "Reserve training", \$1,770,000;

FEDERAL AVIATION ADMINISTRATION

"Operations", \$82,000,000;
 "Operation and maintenance, National Capital Airports", \$342,000;

FEDERAL HIGHWAY ADMINISTRATION

"Salaries and expenses", \$300,000 and in addition, not to exceed
 \$5,000,000 shall be transferred from the appropriation for "Federal-
 aid highways (liquidation of contract authorization) (Trust fund)";

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

"Traffic and highway safety", \$1,000,000, to be derived by transfer
 from the appropriation "Emergency Rail Facilities Restoration";

FEDERAL RAILROAD ADMINISTRATION

"Office of the Administrator, salaries and expenses", \$200,000, to be
 derived by transfer from the appropriation "Emergency Rail Facilities
 Restoration";

"Railroad Safety", \$448,000, of which \$111,000 is to be derived by
 transfer from the appropriation "Emergency Rail Facilities Restora-
 tion";

June 8, 1974

- 31 -

Pub. Law 93-305 88 STAT. 225

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

"Limitation on administrative expenses, Saint Lawrence Seaway Development Corporation", (increase of \$26,000 in the limitation on administrative expenses);

NATIONAL TRANSPORTATION SAFETY BOARD

"Salaries and expenses", \$280,000;

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

"Salaries and expenses", \$950,000;

FEDERAL LAW ENFORCEMENT TRAINING CENTER

"Salaries and expenses", \$50,000;

BUREAU OF ACCOUNTS

"Salaries and expenses", \$1,300,000;

BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

"Salaries and expenses", \$5,448,000;

BUREAU OF CUSTOMS

"Salaries and expenses", \$15,500,000;

BUREAU OF THE MINT

"Salaries and expenses", \$1,915,000;

BUREAU OF THE PUBLIC DEBT

"Administering the public debt", \$1,880,000;

INTERNAL REVENUE SERVICE

"Salaries and expenses", \$2,400,000;

"Accounts, collection and taxpayer service", \$36,000,000, including \$5,240,000 for temporary employment in addition to that heretofore authorized;

"Compliance", \$44,000,000;

OFFICE OF THE TREASURER

"Salaries and expenses", \$800,000;

UNITED STATES SECRET SERVICE

"Salaries and expenses", \$3,350,000;

ATOMIC ENERGY COMMISSION

"Operating expenses", \$11,200,000, to remain available until expended;

ENVIRONMENTAL PROTECTION AGENCY

"Research and development", \$1,200,000;
 "Abatement and control", \$2,300,000;
 "Enforcement", \$1,000,000;
 "Agency and regional management", \$1,100,000;

GENERAL SERVICES ADMINISTRATION

PUBLIC BUILDING SERVICE

"Operating expenses", \$11,250,000;

FEDERAL SUPPLY SERVICE

"Operating expenses", \$5,950,000;

NATIONAL ARCHIVES AND RECORD SERVICE

"Operating expenses", \$850,000;
 "Records declassification", \$85,000;

AUTOMATED DATA AND TELECOMMUNICATIONS SERVICE

"Operating expenses", \$500,000;

PROPERTY MANAGEMENT AND DISPOSAL SERVICE

"Operating expenses", \$1,700,000;

OFFICE OF THE ADMINISTRATOR

"Salaries and expenses", \$200,000;
 "Consumer Information Center", \$30,000;
 "Indian tribal claims", \$90,000;
 "Administrative Operations Fund", In addition to the amount available for obligation in this account, \$2,957,000 shall also be available for such obligation;

EMERGENCY PREPAREDNESS

"Salaries and expenses", \$250,000;
 "Defense mobilization functions of Federal agencies", \$260,000;

NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION

"Research and program management", \$37,600,000;

VETERANS ADMINISTRATION

"Medical care", \$143,377,000;
 "Medical administration and miscellaneous operating expenses", \$1,463,000;
 "General operating expenses", \$21,623,000;
 "Construction, minor projects", \$315,000, to remain available until expended;

June 8, 1974

- 33 -

Pub. Law 93-305

88 STAT. 227

OTHER INDEPENDENT AGENCIES

ACTION

"Operating expenses, domestic programs", \$899,000;
 "International Programs, Peace Corps", \$1,000,000;

AMERICAN BATTLE MONUMENTS COMMISSION

"Salaries and expenses", \$300,000;

ARMS CONTROL AND DISARMAMENT AGENCY

"Arms control and disarmament activities", \$330,000;

CIVIL AERONAUTICS BOARD

"Salaries and expenses", \$770,000;

CIVIL SERVICE COMMISSION

"Salaries and expenses", \$4,700,000; together with an additional amount of \$1,016,800 for current fiscal year administrative expenses for the retirement and insurance programs to be transferred from the appropriate trust funds of the Commission in amounts determined by the Commission without regard to other statutes;

FEDERAL LABOR RELATIONS COUNCIL

"Salaries and expenses", \$57,000;

COMMISSION OF FINE ARTS

"Salaries and expenses", \$10,000;

COMMISSION ON CIVIL RIGHTS

"Salaries and expenses", \$250,000;

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"Salaries and expenses", \$1,400,000;

FARM CREDIT ADMINISTRATION

"Limitation on administrative expenses" (increase of \$126,000 in the limitation on administrative expenses);

FEDERAL COMMUNICATIONS COMMISSION

"Salaries and expenses", \$295,000;

FEDERAL HOME LOAN BANK BOARD

"Limitation on administrative and nonadministrative expenses, Federal Home Loan Bank Board" (increase of \$450,000 in the limitation on administrative expenses and increase of \$430,000 in the limitation on nonadministrative expenses);

FEDERAL MARITIME COMMISSION

"Salaries and expenses", \$385,000;

FEDERAL MEDIATION AND CONCILIATION SERVICE

"Salaries and expenses", \$770,000;

FEDERAL POWER COMMISSION

"Salaries and expenses", \$1,500,000;

FEDERAL TRADE COMMISSION

"Salaries and expenses", \$1,896,000;

FOREIGN CLAIMS SETTLEMENT COMMISSION

"Salaries and expenses", \$42,000;

HISTORICAL AND MEMORIAL COMMISSIONS

American Revolution Bicentennial Administration

"Salaries and expenses", \$130,000;

INDIAN CLAIMS COMMISSION

"Salaries and expenses", \$78,000;

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

"Salaries and expenses", \$70,000;

INTERSTATE COMMERCE COMMISSION

"Salaries and expenses", \$2,340,000;

NATIONAL CAPITAL PLANNING COMMISSION

"Salaries and expenses", \$100,000;

NATIONAL COUNCIL ON INDIAN OPPORTUNITY

"Salaries and expenses", \$7,000.

NATIONAL LABOR RELATIONS BOARD

"Salaries and expenses", \$1,007,000;

NATIONAL MEDIATION BOARD

"Salaries and expenses", \$63,000;

NATIONAL SCIENCE FOUNDATION

"Salaries and expenses", \$1,860,000: (and an increase of \$1,860,000 in the limitation on program development and management);

June 8, 1974

- 35 -

Pub. Law 93-305

88 STAT. 229

RAILROAD RETIREMENT BOARD

"Limitation on salaries and expenses" (increase in the limitation on salaries and expenses of \$1,387,000, to be derived from the railroad retirement accounts);

RENEGOTIATION BOARD

"Salaries and expenses", \$115,000;

SECURITIES AND EXCHANGE COMMISSION

"Salaries and expenses", \$2,200,000, of which \$160,000 shall be available for expenses of travel.

SELECTIVE SERVICE SYSTEM

"Salaries and expenses", \$4,250,000;

SMALL BUSINESS ADMINISTRATION

"Salaries and expenses", \$4,300,000, of which \$3,450,000 shall be derived by transfer from the "Business loan and investment fund", from the "Disaster loan fund", and from the "Lease and surety bond guarantees revolving fund";

SMITHSONIAN INSTITUTION

"Salaries and expenses", \$3,105,000;

"Science information exchange", \$45,000;

"Salaries and expenses, National Gallery of Art", \$370,000;

TARIFF COMMISSION

"Salaries and expenses", \$300,000;

UNITED STATES INFORMATION AGENCY

"Salaries and expenses", \$7,062,000;

"Special international exhibitions", \$138,000, to remain available until expended;

DISTRICT OF COLUMBIA

(OUT OF DISTRICT OF COLUMBIA FUNDS)

"General operating expenses", \$1,437,000, of which \$16,321 shall be payable from the highway fund (including \$4,102 from the motor vehicle parking account), \$2,663 from the water fund, and \$1,155 from the sanitary sewage works fund;

"Public safety", \$1,398,000;

"Education", \$1,261,000;

"Recreation", \$240,000;

"Human Resources", \$2,737,000;

"Highways and Traffic", \$394,000, of which \$340,721 shall be payable from the highway fund;

"Environmental Services", \$1,191,000, of which \$333,830 shall be payable from the water fund, and \$247,863 from the sanitary sewage works fund.

DIVISION OF EXPENSES

The sums appropriated herein for the District of Columbia shall be paid out of the general fund of the District of Columbia, except as otherwise specifically provided.

ANNEXED BUDGETS

EXPORT-IMPORT BANK OF THE UNITED STATES

"Limitation on administrative expenses" (Increase of \$525,000 in the limitation on administrative expenses).

TITLE III

FISCAL YEAR 1973 RETROACTIVE PAY COSTS

SEC. 301. For costs arising from the fiscal year 1973 pay increases granted by or pursuant to the Federal Pay Comparability Act of 1970 and the Act of December 16, 1967 (81 Stat. 649), for any branch of the Federal Government or the municipal government of the District of Columbia, to be available immediately, such amounts as may be necessary, to be determined as hereinafter provided in this title, but no appropriation, fund, limitation, or authorization may be increased pursuant to the provisions of this title in an amount in excess of the cost to such appropriation, fund, limitation, or authorization related to increased compensation pursuant to such statutes.

SEC. 302. Whenever any officer referred to in section 303 of this title shall determine that he has exhausted the possibilities of meeting the cost of pay increases, first, through the use of the unobligated balances of the fiscal year 1973 appropriations, funds, limitations, or authorizations properly chargeable with the costs in fiscal year 1973, which are hereby restored and made available for this purpose, and, secondly, through the use of the corresponding appropriations, funds, limitations, or authorizations for the fiscal year 1974, he shall certify the additional amount required to meet such costs for each appropriation, fund, limitation, or authorization under his administrative control, and with respect to retired pay he shall certify the additional amount required for the fiscal year 1974 costs resulting from such pay increases in fiscal year 1973, and the amounts so certified shall be added to the pertinent appropriation, fund, limitation, or authorization for the fiscal year 1974: *Provided*, That any certification made under the authority of this section by an officer in or under the executive branch of the Federal Government shall be valid only when approved by the Director of the Office of Management and Budget.

SEC. 303. For the purposes of the certifications authorized by section 302 of this title, the following officers shall be deemed to have administrative control of appropriations, funds, limitations, or authorizations available within their respective organization units—

- (a) The legislative branch:
 - The Clerk of the House;
 - The Secretary of the Senate;

June 8, 1974

- 37 -

Pub. Law 93-305

86 STAT. 231

The Librarian of Congress;
 The Architect of the Capitol;
 The Public Printer;
 The Comptroller General of the United States;
 The Chief Judge of the United States Tax Court;
 The chairman of any commission in or under the legislative branch.

- (b) For the Judiciary:
 The Administrative Officer of the United States Courts;
 The Marshal of the Supreme Court.
- (c) For the executive branch:
 The head of each department, agency, or corporation in or under the executive branch.
- (d) For the municipal government of the District of Columbia:
 The Commissioner of the District of Columbia.

SEC. 304. Obligations or expenditures incurred for pay increases and related costs pursuant to this title, shall not be regarded or reported as violations of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665).

SEC. 305. (a) Amounts made available by this title shall be derived from the same source as the appropriation, fund, limitation, or authorization to which such amounts are added.

(b) Appropriations made pursuant to this title shall be recorded on the books of the Government as of June 30, 1974: *Provided*, That no appropriation made by this title shall be warranted after August 15, 1974.

(c) A complete report of the appropriations made by or pursuant to this title shall be made not later than September 15, 1974, by the officers described in section 303 to the Director of the Office of Management and Budget, who shall compile and transmit to the Congress a consolidated report not later than October 15, 1974.

Report to
Congress.

SEC. 306. With respect to the application of Executive Order Numbered 11691 of December 15, 1972, as amended by Executive Order Numbered 11777 of April 12, 1974, relating to the change from January 1, 1973, to October 1, 1972, as the effective date for certain adjustments of rates of pay of certain statutory pay systems, the Clerk of the House of Representatives, in the administration of and in accordance with section 5 of the Federal Pay Comparability Act of 1970 (84 Stat. 1952-53; Public Law 91-656), with respect to each employee or former employee who was on the employment rolls of the House for any period occurring on or after October 1, 1972, and ending at the close of December 31, 1972, whose pay was disbursed in such period by the Clerk of the House, may make adjustments in the rate of pay of such employee or former employee for such period who was then on the employment rolls of the House, if, in the determination of the Clerk, the pay fixing authority governing the adjustment of pay under such Executive Order Numbered 11691, as in effect on January 1, 1973, has changed.

5 USC 5332
note.

86 Stat. 146.
2 USC 60a note.

TITLE IV

GENERAL PROVISIONS

Fiscal year
limitation.

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

88 STAT. 231
88 STAT. 232

SEC. 402. Except where specifically increased or decreased elsewhere in this Act, the restrictions contained within appropriations, or provisions affecting appropriations or other funds, available during the fiscal year 1974, limiting the amounts which may be expended for personal services, or for purposes involving personal services, or amounts which may be transferred between appropriations or authorizations available for or involving such services, are hereby increased to the extent necessary to meet increased pay costs authorized by or pursuant to law.

Retroactive
pay increases.

SEC. 403. Applicable appropriations or funds available for the fiscal year 1974 shall also be available for payment of prior fiscal year obligations for retroactive pay increases granted pursuant to 5 U.S.C. 5341.

86 Stat. 564.
North Vietnam
reconstruction funds,
prohibition.
U.S. combat
activities in
Southeast Asia,
funds, prohibition.

SEC. 404. No funds appropriated in this Act shall be expended to aid or assist in the reconstruction of the Democratic Republic of Vietnam (North Vietnam).

SEC. 405. None of the funds herein appropriated may be obligated or expended to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia.

SEC. 406. Appropriations and authority provided in this Act shall be available from June 1, 1974, and all obligations incurred in anticipation of the appropriations and authority provided in this Act are hereby ratified and confirmed if otherwise in accordance with the provisions of this Act.

Approved June 8, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-977 (Comm. on Appropriations) and No. 93-1070 (Comm. of Conference).

SENATE REPORT No. 93-814 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 120 (1974):

Apr. 10, considered and passed House.

May 6, 7, considered and passed Senate, amended.

June 4, House agreed to conference report;
resolved amendments in disagreement.

June 5, Senate agreed to conference report;
resolved amendments in disagreement.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 10, No. 24:
June 11, Presidential statement.



Public Law 93-307
93rd Congress, H. R. 12565
June 8, 1974

An Act

88 STAT. 233

To authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, and other weapons and research, development, test and evaluation for the Armed Forces, and to authorize construction at certain installations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Department of Defense Supplemental Appropriation Authorization Act, 1974.

TITLE I—PROCUREMENT

SEC. 101. In addition to the funds authorized to be appropriated under Public Law 93-155 there is hereby authorized to be appropriated during fiscal year 1974 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, and other weapons authorized by law, in amounts as follows:

87 Stat. 605.

Aircraft

For aircraft: for the Army, \$15,000,000; for the Navy and the Marine Corps, \$201,200,000; for the Air Force, \$187,800,000.

Missiles

For missiles: for the Army, \$76,600,000; for the Navy, \$17,000,000; for the Marine Corps, \$22,300,000; for the Air Force, \$39,000,000.

Naval Vessels

For naval vessels: for the Navy, \$24,800,000.

Tracked Combat Vehicles

For tracked combat vehicles: For the Army, \$63,400,000.

Other Weapons

For other weapons: For the Army, \$8,200,000.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. In addition to the funds authorized to be appropriated under Public Law 93-155, there is hereby authorized to be appropriated during the fiscal year 1974, for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army \$35,898,000;

For the Navy (including the Marine Corps), \$38,528,000,

For the Air Force, \$29,466,000, and

For the Defense agencies, \$5,991,000.

TITLE III—MILITARY CONSTRUCTION

87 Stat. 661. SEC. 301. In addition to the funds authorized to be appropriated under Public Law 93-166, there is hereby authorized to be appropriated during the fiscal year 1974, for use by the Secretary of Defense, or his designee, for military family housing, for operating expenses and maintenance of real property in support of military family housing, an amount not to exceed \$3,866,000.

SEC. 302. Authorizations contained in this title shall be subject to the authorizations and limitations of the Military Construction Authorization Act, 1974 (Public Law 93-166), in the same manner as if such authorizations had been included in that Act.

TITLE IV—GENERAL PROVISIONS

Enlistment. SEC. 401. No volunteer for enlistment into the Armed Forces shall be denied enlistment solely because of his not having a high school diploma.

Short title. SEC. 402. This Act may be cited as the "Department of Defense Supplemental Appropriation Authorization Act, 1974".

Approved June 8, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-934 (Comm. on Armed Services) and No. 93-1064 (Comm. of Conference).

SENATE REPORT No. 93-781 accompanying S. 2999 (Comm. on Armed Services). CONGRESSIONAL RECORD, Vol. 120 (1974):

Apr. 4, considered and passed House.

May 6, S. 2999 considered and passed Senate.

May 7, considered and passed Senate, amended.

June 4, House agreed to conference report.

June 5, Senate agreed to conference report.



Public Law 93-308
93rd Congress, H. R. 12925
June 8, 1974

An Act

88 STAT. 234

To amend the Act to authorize appropriations for the fiscal year 1974 for certain maritime programs of the Department of Commerce.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 10, 1973 (87 Stat. 168; Public Law 93-70) is amended by striking out in paragraph (b), section 1, the figure "\$221,515,000" and inserting in lieu thereof the figure "\$244,515,000".

Commerce Department maritime programs. Appropriation authorization.

Approved June 8, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-930 (Comm. on Merchant Marine and Fisheries).

SENATE REPORT No. 93-882 (Comm. on Commerce).

CONGRESSIONAL RECORD, Vol. 120 (1974):

Apr. 2, considered and passed House.

May 30, considered and passed Senate.



Public Law 93-312
93rd Congress, H. R. 12466
June 8, 1974

An Act

To amend the Department of State Appropriations Authorization Act of 1973 to authorize additional appropriations for the fiscal year 1974, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Department of
State Appro-
priations Author-
ization Act of
1973, amendments.

AUTHORIZATION OF APPROPRIATIONS

SECTION 1. Section 2(a) (1) of the Department of State Appropriations Authorization Act of 1973 (87 Stat. 451), providing authorization of appropriations for the Administration of Foreign Affairs, is amended by striking out "\$282,565,000" and inserting in lieu thereof "\$304,568,000".

SEC. 2. Section 2(a) (2) of such Act (87 Stat. 451), providing authorization of appropriations for International Organizations and Conferences, is amended by striking out "\$211,279,000" and inserting in lieu thereof "\$212,777,000".

SEC. 3. Section 2(a) (3) of such Act (87 Stat. 451), providing authorization of appropriations for International Commissions, is amended by striking out "\$15,568,000" and inserting in lieu thereof "\$12,528,000".

SEC. 4. Section 2(a) (4) of such Act (87 Stat. 451), providing authorization of appropriations for Educational Exchange, is amended by striking out "\$59,800,000" and inserting in lieu thereof "\$57,170,000".

SEC. 5. Section 2(b) (1) of such Act (87 Stat. 451), providing authorization of appropriations for increases in salary, pay, retirement, or other employee benefits authorized by law, is amended by striking out "\$9,328,000" and inserting in lieu thereof "\$16,711,000".

SEC. 6. Section 2(b) (2) of such Act (87 Stat. 451), providing authorization of appropriations for additional overseas costs resulting from the devaluation of the dollar, is amended by striking out "\$12,307,000" and inserting in lieu thereof "\$9,905,000".

SEC. 7. Section 2(c) of such Act (87 Stat. 451), providing authorization of appropriations for protection of personnel and facilities from threats or acts of terrorism, is amended by striking out "\$40,000,000" and inserting in lieu thereof "\$20,000,000".

INTERNATIONAL COMMITTEE OF THE RED CROSS

SEC. 8. (a) The Act entitled "An Act to authorize a contribution by the United States to the International Committee of the Red Cross", approved October 1, 1965 (79 Stat. 901), is amended by striking out "\$50,000" and inserting in lieu thereof "\$500,000".

(b) The amendment made by subsection (a) shall apply with respect to contributions to be made commencing in 1974.

88 STAT. 237
88 STAT. 238

Pub. Law 93-312

- 2 -

June 8, 1974

88 STAT. 238

BUREAU OF OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC
AFFAIRS

22 USC 2655a.

SEC. 9. Section 9 of such Act (87 Stat. 453), providing for an additional Assistant Secretary to head the Bureau of Oceans and International Environmental and Scientific Affairs, is amended by inserting "(a)" immediately after "Sec. 9." and by adding at the end thereof the following new subsections:

86 Stat. 1488.

"(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(99) Assistant Secretary for Oceans and International Environmental and Scientific Affairs, Department of State."

Repeal.

80 Stat. 466.

"(c) Paragraph (109) of section 5316 of title 5, United States Code, relating to the Director of International Scientific Affairs, Department of State, is repealed."

Approved June 8, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-812 (Comm. on Foreign Affairs).
SENATE REPORT No. 93-754 (Comm. on Foreign Relations).
CONGRESSIONAL RECORD, Vol. 120 (1974):
Mar. 13, considered and passed House.
Mar. 29, considered and passed Senate, amended.
May 29, House concurred in Senate amendment.



Public Law 93-316
93rd Congress, H. R. 13998
June 22, 1974

An Act

88 STAT. 240

To authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration:

National Aeronautics and Space Administration Authorization Act, 1975.
Research and development.

(a) For "Research and development," for the following programs:

- (1) Space Shuttle, \$805,000,000;
- (2) Space flight operations, \$313,300,000;
- (3) Advanced missions, \$1,500,000;
- (4) Physics and astronomy, \$140,515,000;
- (5) Lunar and planetary exploration, \$266,000,000;
- (6) Launch vehicle procurement, \$143,500,000;
- (7) Space applications, \$196,300,000, of which \$2,000,000 is designated for research on Short Term Weather Phenomena; and \$1,000,000 is designated for research on ground propulsion systems;
- (8) Aeronautical research and technology, \$171,500,000;
- (9) Space and nuclear research and technology, \$79,700,000, of which \$1,000,000 is designated for research on hydrogen production and utilization systems;
- (10) Tracking and data acquisition, \$250,000,000;
- (11) Technology utilization, \$5,500,000;

(b) For "Construction of facilities," including land acquisition, as follows: Construction of facilities.

- (1) Addition to flight and guidance simulation laboratory, Ames Research Center, \$3,660,000;
- (2) Rehabilitation and modification of science and applications laboratories, Goddard Space Flight Center, \$890,000;
- (3) Modifications for fire protection and safety, Goddard Space Flight Center, \$1,220,000;
- (4) Acquisition of land, Jet Propulsion Laboratory, \$150,000;
- (5) Addition to systems development laboratory, Jet Propulsion Laboratory, \$4,880,000;
- (6) Addition for integrated systems testing facility, Jet Propulsion Laboratory, \$3,790,000;
- (7) Modification of water supply system, Lyndon B. Johnson Space Center, \$935,000;
- (8) Modification of 6,000 pounds per square inch air storage system, Langley Research Center, \$515,000;
- (9) Rehabilitation of 16-foot transonic wind tunnel, Langley Research Center, \$2,990,000;
- (10) Modification of propulsion systems laboratory, Lewis Research Center, \$2,580,000;
- (11) Modification of rocket engine test facility, Lewis Research Center, \$660,000;
- (12) Construction of X-ray telescope facility, Marshall Space Flight Center, \$4,060,000;
- (13) Modification of beach protection system, Wallops Station, \$1,370,000;
- (14) Construction of infrared telescope facility, Mauna Kea, Hawaii, \$6,040,000;
- (15) Modifications for fire protection and safety at various tracking and data stations, \$1,430,000;

- (16) Space Shuttle facilities at various locations as follows:
- (A) Construction of Orbiter landing facilities, John F. Kennedy Space Center, \$15,880,000;
 - (B) Construction of Orbiter processing facility, John F. Kennedy Space Center, \$13,380,000;
 - (C) Modifications to launch complex 39, John F. Kennedy Space Center, \$37,690,000;
 - (D) Modifications for dynamic test facilities, Marshall Space Flight Center, and National Aeronautics and Space Administration Industrial Plant, Downey, California, \$3,920,000;
 - (E) Construction of Orbiter horizontal flight test facilities, Flight Research Center, \$3,940,000;
 - (F) Modifications for crew training facilities, Lyndon B. Johnson Space Center, \$420,000;
 - (G) Modification of the vibration and acoustic test facility, Lyndon B. Johnson Space Center, \$410,000;
 - (H) Construction of materials test facility, White Sands Test Facility, \$790,000;
 - (I) Modifications for solid rocket booster structural test facilities, Marshall Space Flight Center, \$2,590,000;
- (17) Rehabilitation and modification of facilities at various locations, not in excess of \$500,000 per project, \$14,900,000;
- (18) Minor construction of new facilities and additions to existing facilities at various locations not in excess of \$250,000 per project, \$4,500,000;
- (19) Facility planning and design not otherwise provided for, \$10,900,000.

Research and
program man-
agement.

Program
specifica-
tions.

(c) For "Research and program management," \$749,624,000, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

(d) Notwithstanding the provisions of subsection 1 (g), appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities, and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds \$250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

Notice to
Speaker of
the House,
President of
the Senate
and congress-
sional com-
mittees.

June 22, 1974

- 3 -

Pub. Law 93-316

88 STAT., 242

(e) When so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed \$35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

Scientific
consultations
or extraordinary
expenses.

(g) Of the funds appropriated pursuant to subsections 1(a) and 1(c), not in excess of \$10,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and not in excess of \$25,000 for each project, including collateral equipment, may be used for rehabilitation or modification of facilities: *Provided*, That of the funds appropriated pursuant to subsection 1(a), not in excess of \$250,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

Limitations.

(h) The authorization for the appropriation to the National Aeronautics and Space Administration of \$10,900,000, which amount represents that part of the authorization provided for in section 1(b) (12) (I) of the National Aeronautics and Space Administration Authorization Act, 1974, for which appropriations have not been made, shall expire on the date of the enactment of this Act.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (18), inclusive, of subsection 1(b) may, in the discretion of the Administrator or his designee, be varied upward 10 per centum to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

87 Stat., 171.
Unappropriated
1974 funds, ex-
piration date.
Cost variations,
authority of
Administrator.

SEC. 3. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with \$10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (19) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next Authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost

Unforeseen pro-
gram changes,
transfer of re-
search funds
to construc-
tion.

Report to
Speaker of the
House, Presi-
dent of the
Senate and con-
gressional com-
mittees.

88 STAT. 243

thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Use of funds,
restriction.

SEC. 4. Notwithstanding any other provision of this Act--

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

Notice to
Speaker of the
House, Presi-
dent of the
Senate and
congressional
committees.

unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Research
funds, geo-
graphical
distribution.
42 USC 2459
note.

SEC. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

72 Stat. 429.

SEC. 6. Section 203(b) (9) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2473(b) (9)), is amended to read as follows:

"(9) to obtain services as authorized by section 3109 of title 5, United States Code, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18;"

80 Stat. 416.
5 USC 5332
note.

Satellite
services, con-
tract authori-
zation.
42 USC 2463.

SEC. 7. The National Aeronautics and Space Administration is authorized, when so provided in an appropriation Act, to enter into a contract for tracking and data relay satellite services. Such services shall be furnished to the National Aeronautics and Space Administration in accordance with applicable authorization and appropriation Acts. The Government shall incur no costs under such contract prior to the furnishing of such services except that the contract may provide for the payment for contingent liability of the Government which may accrue in the event the Government should decide for its convenience to terminate the contract before the end of the period of the contract. Title to any facilities which may be required in the performance of the contract and constructed on Government-owned land shall vest in the United States upon the termination of the contract. The Administrator shall in January of each year report to the Committee on Science and Astronautics and the Committee on Appropriations of the House of Representatives and the Committee on Aeronautical and Space Sciences and the Committee on Appropriations of the Senate the projected aggregate contingent liability of the Government under

Report to
congressional
committees.

June 22, 1974

- 5 -

Pub. Law 93-316

88 STAT. 244

termination provisions of any contract authorized in this section through the next fiscal year. The authority of the National Aeronautics and Space Administration to enter into and to maintain the contract authorized hereunder shall remain in effect as long as provision therefor is included in Acts authorizing appropriations to the National Aeronautics and Space Administration for subsequent fiscal years.

SEC. 8. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1975".

Approved June 22, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-983 (Comm. on Science and Astronautics)
and No. 93-1078 (Comm. of Conference).

SENATE REPORTS: No. 93-818 (Comm. on Aeronautical and Space Sciences)
and No. 93-886 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 120 (1974):

Apr. 25, considered and passed House.

May 9, considered and passed Senate, amended.

May 30, Senate agreed to conference report.

June 12, House agreed to conference report.



Public Law 93-321
93rd Congress, H. J. Res. 1061
June 30, 1974

Joint Resolution

88 STAT. 275

Making further urgent supplemental appropriations for the fiscal year ending June 30, 1974, for the Veterans Administration, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1974, namely:

Veterans
Administration.
Supplemental
appropriation.

VETERANS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for Compensation and Pensions, \$100,000,000, to remain available until expended.

READJUSTMENT BENEFITS

For an additional amount for Readjustment Benefits, \$77,000,000, to remain available until expended.

GENERAL OPERATING EXPENSES

For an additional amount for General Operating Expenses, \$2,000,000.

Approved June 30, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-1136 (Comm. on Appropriations).

SENATE REPORT No. 93-963 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 120 (1974):

June 24, considered and passed House.

June 26, considered and passed Senate.



Public Law 93-322
93rd Congress, H. R. 14434
June 30, 1974

An Act

88 STAT. 276

Making appropriations for energy research and development activities of certain departments, independent executive agencies, bureaus, offices, and commissions for the fiscal year ending June 30, 1975, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for energy research and development activities of certain departments, independent executive agencies, bureaus, offices, and commissions for the fiscal year ending June 30, 1975, and for other purposes, namely:

Special Energy
Research and
Development
Appropriation
Act, 1975.

TITLE I

CHAPTER I

ENVIRONMENTAL PROTECTION AGENCY

ENERGY RESEARCH AND DEVELOPMENT

For energy research and development activities, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; uniforms, or allowances therefor, as authorized by section 5901-5902, United States Code, title 5; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate of GS-18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members: \$54,000,000, to remain available until expended.

80 Stat. 508;
81 Stat. 206.
80 Stat. 416.
5 USC 5332 note.

CHAPTER II

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses of the National Aeronautics and Space Administration relating to programs and other activities in research and development, including services as authorized by 5 U.S.C. 3109, \$4,435,000, to remain available until expended.

NATIONAL SCIENCE FOUNDATION

SALARIES AND EXPENSES

For expenses necessary to carry out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), title IX of the National Defense Education Act of 1958 (42 U.S.C. 1876-1879), including award of graduate fellowships; services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchases of flight services for research support; hire of passenger motor vehicles; not to exceed \$2,200,000 for program development and management; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); rental of conference rooms in the District

64 Stat. 149.

72 Stat. 1601;
82 Stat. 367.

of Columbia; and reimbursement of the General Services Administration for security guard services; \$101,800,000, to remain available until expended, to be used for programs and other activities in support of energy related basic and applied research.

CHAPTER III

DEPARTMENT OF THE INTERIOR

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses related to the energy activities of the Geological Survey, \$43,125,000.

ADMINISTRATIVE PROVISION

The amount appropriated for the Geological Survey shall be available for the acquisition of one additional aircraft and for contracting for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest.

BUREAU OF MINES

MINES AND MINERALS

For expenses necessary to enable the Bureau of Mines to perform research and development programs relating to the extraction, processing, and utilization of energy resources without objectionable social and environmental costs; to foster and encourage private enterprise in the development of energy resources; and for other related purposes as authorized by law; \$142,298,000 of which \$103,500,000 shall remain available until expended: *Provided*, That no part of the sum herein appropriated shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

ADMINISTRATIVE PROVISION

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided*, That the Bureau of Mines is authorized during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts.

OFFICE OF COAL RESEARCH

SALARIES AND EXPENSES

For necessary expenses to encourage and stimulate the production and conservation of coal in the United States through research and development, as authorized by law (30 U.S.C. 661-668), \$261,278,000, to remain available until expended, of which not to exceed \$6,541,000 shall be available for administration and supervision.

June 30, 1974

- 3 -

| Pub. Law 93-322

88 STAT. 278

FUEL ALLOCATION, OIL AND GAS PROGRAMS

SALARIES AND EXPENSES

For necessary expenses to enable the Secretary to discharge his responsibilities with respect to oil and gas, including cooperation with the petroleum and natural gas industries and State and local authorities in the production, processing, and utilization of petroleum and its products, and natural gas, \$69,590,000, of which \$10,000,000, to remain available until expended, shall be available for reimbursement of State and local public agencies as authorized by Public Law 93-275, section 7(d).

Ante, p. 100.

OFFICE OF THE SECRETARY

ENERGY CONSERVATION AND ANALYSIS

For necessary expenses to support energy conservation research, data collection, and analysis, \$26,875,000.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this chapter shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 686): *Provided*, That reimbursements for costs of supplies, materials and equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

Warehouses and garages.

47 Stat. 417.

SEC. 102. Appropriations made to the Department of the Interior in this chapter shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

Experts and consultants.
80 Stat. 416.

SEC. 103. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

Uniforms.

80 Stat. 508;
81 Stat. 206.
43 Stat. 175.

CHAPTER IV

ATOMIC ENERGY COMMISSION

OPERATING EXPENSES

For necessary operating expenses of the Commission in carrying out the purposes of the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by 5 U.S.C. 3109; hire, maintenance, and operation of aircraft; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; reimbursement of the General Services Administration for security guard services; hire of passenger motor vehicles; \$1,032,690,000 and any moneys (except sums received from disposal of property under

68 Stat. 919.
42 USC 2011
note.

88 STAT. 279

69 Stat. 471.

the Atomic Energy Community Act of 1955, as amended (42 U.S.C. 2301)) received by the Commission, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), to remain available until expended: *Provided*, That from this appropriation transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That no part of the sum herein appropriated shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

PLANT AND CAPITAL EQUIPMENT

68 Stat. 919.
42 USC 2011
note.

For expenses of the Commission, as authorized by law, in connection with the purchase and construction of plant and the acquisition of capital equipment and other expenses incidental thereto necessary in carrying out the purposes of the Atomic Energy Act of 1954, as amended, including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; \$453,970,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

BONNEVILLE POWER ADMINISTRATION

CONSTRUCTION

For construction and acquisition of transmission lines, substations, and appurtenant facilities, as authorized by law, \$5,500,000, to remain available until expended.

OFFICE OF THE SECRETARY

UNDERGROUND AND OTHER ELECTRIC POWER TRANSMISSION RESEARCH

For necessary expenses of research and development in underground and other electric power transmission, \$8,498,000, to remain available until expended.

CHAPTER V

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For necessary expenses of the National Oceanic and Atmospheric Administration to reactivate, equip, and operate certain oceanographic research vessels for the purpose of conducting assessments of energy-related offshore environmental problems associated with energy activities, \$6,630,000, to remain available until expended.

June 30, 1974

- 5 -

Pub. Law 93-322

88 STAT. 280

CHAPTER VI

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, and development activities, including the collection of national transportation statistics, to remain available until expended, \$6,400,000.

CHAPTER VII

FEDERAL ENERGY OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Office established by Executive Order Numbered 11748, dated December 4, 1973, including hire of passenger motor vehicles, reimbursements to the Emergency Fund of the President for allocations to the Office, and services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent of the rate for grade GS-18, \$19,000,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

15 USC 754
note.

80 Stat. 416.
5 USC 5332
note.

TITLE II

GENERAL PROVISIONS

SEC. 201. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Fiscal year
limitation.

SEC. 202. No part of any appropriation contained in this Act shall be available for paying to the Administrator of the General Services Administration in excess of 90 per centum of the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, for space and services.

GSA standard
level user
charges, pay-
ment, limita-
tion.
86 Stat. 219.
40 USC 490.
Short title.

This Act may be cited as the "Special Energy Research and Development Appropriation Act, 1975".

Approved June 30, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-1010 (Comm. on Appropriations) and No. 93-1123 (Comm. of Conference).

SENATE REPORT No. 93-903 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 120 (1974):

Apr. 30, considered and passed House.

June 10, 12, considered and passed Senate, amended.

June 24, House and Senate agreed to conference report; resolved amendments in disagreement.



Public Law 93-324
93rd Congress, H. J. Res. 1062
June 30, 1974

Joint Resolution

88 STAT., 281

Making continuing appropriations for the fiscal year 1975, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1975, namely:

Continuing
appropriations,
1975.

SEC. 101. (a) (1) Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution or other enacted Appropriation Acts for the fiscal year 1975) which were conducted in the fiscal year 1974 and for which appropriations, funds, or other authority would be available in the following Appropriation Acts for the fiscal year 1975:

Agriculture-Environmental and Consumer Protection Appropriation Act;

District of Columbia Appropriation Act;

Department of Housing and Urban Development; Space, Science, Veterans, and Certain Other Independent Agencies Appropriation Act;

Departments of Labor, and Health, Education, and Welfare, and Related Agencies Appropriation Act;

Legislative Branch Appropriation Act;

Public Works for Water and Power Development and Atomic Energy Commission Appropriation Act;

Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, notwithstanding section 701 of the United States Information and Educational Exchange Act of 1948, as amended;

86 Stat., 35.
22 USC 1476.

Department of Transportation and Related Agencies Appropriation Act; and

Treasury, Postal Service, and General Government Appropriation Act including not to exceed one quarter of the "Payment to the Postal Service Fund".

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent Appropriation Act.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed by the House as of July 1, 1974, is different from that which would be available or granted under such Act as passed by the Senate as of July 1, 1974, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority: *Provided*, That no provision in any Appropriation Act for the fiscal year 1975; which makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation, shall be effective before the date set forth in section 102(c) of this joint resolution.

(4) Whenever an Act listed in this subsection has been passed by only one House as of July 1, 1974, or where an item is included in only one version of an Act as passed by both Houses as of July 1, 1974, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower: *Provided*, That no provision which is included in an Appropriation Act enumerated in this

88 STAT. 282

subsection but which was not included in the applicable appropriation Act for 1974, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and the Senate: *Provided further*, That with respect to appropriations, including any activity, program, or project, contained in the Departments of Labor, and Health, Education, and Welfare, and Related Agencies Appropriation Act, 1974 (Public Law 93-192), the current rate for operations shall be that permitted by the specific provisions set forth in the enacting clause of Public Law 93-192.

87 Stat. 746.

(b) Such amounts as may be necessary for continuing projects or activities (not otherwise provided for in this joint resolution or other enacted Appropriation Acts for the fiscal year 1975) which were conducted in the fiscal year 1974 and are listed in this subsection at a rate for operations not in excess of the current rate or the rate provided for in the budget estimate, whichever is lower, and under the more restrictive authority—

87 Stat. 429.

activities for which provision was made in the Department of Interior and Related Agencies Appropriation Act, 1974;

87 Stat. 766.

activities for which provision was made in the Military Construction Appropriation Act, 1974;

87 Stat. 1026.
South Vietnam-
ese military
forces, fund
for support.

activities for which provision was made in the Department of Defense Appropriation Act, 1974: *Provided*, That the continuation of support for South Vietnamese military forces shall be administered and accounted for from one fund, at an annual rate of \$1,000,000,000, to be obligated only by the issuance of orders by the Secretary of Defense for such support: *Provided further*, That the fund for support of Vietnamese military forces shall be deemed obligated at the time the Secretary of Defense issues orders authorizing support of any kind, which obligations shall in the case of non-excess materials and supplies to be furnished from the inventory of Department of Defense be equal to the replacement costs thereof at the time such obligation is incurred and in the case of excess materials and supplies be equal to the actual value thereof at the time such obligation is incurred: *Provided further*, That none of the activities for support of South Vietnamese military forces contained in this paragraph should be funded at a rate exceeding one quarter of the annual rate as provided by this joint resolution;

87 Stat. 1049,

84 Stat. 2055.

22 USC 2412.

86 Stat. 29.

22 USC 2415.

activities for which provision was made in the Foreign Assistance and Related Programs Appropriations Act, 1974, notwithstanding section 10 of Public Law 91-672, and section 655(c) of the Foreign Assistance Act of 1961, as amended: *Provided*, That in computing the current rate of operations of military assistance there shall be included: (1) the amount of contract authority used during the fiscal year 1974 pursuant to section 506(a) of the Foreign Assistance Act of 1961, as amended, for military assistance to Cambodia, and (2) the amount of obligations incurred in Department of Defense appropriations during the fiscal year 1974 for military assistance to Laos;

75 Stat. 436;

87 Stat. 721.

22 USC 2318.

The following activities for which provision was made in the Departments of Labor and Health, Education, and Welfare Appropriation Act, 1974, the Supplemental Appropriations Act, 1974, or the Second Supplemental Appropriations Act, 1974:

87 Stat. 746.

87 Stat. 1071.

Ante, p. 195.

42 USC 241, 242b,

242c, 242h, 246,

254b.

42 USC 280b, 300.

activities under sections 301(h), 304, 305, 310, 314 (d) and (e) and 329 of the Public Health Service Act, as amended; activities under title III, part J, and title X of the Public Health Service Act, as amended;

June 30, 1974

- 3 -

Pub. Law 93-324

88 STAT. 283.

- activities under title VII of the Elementary and Secondary Education Act of 1965, as amended;
- activities under the Education of the Handicapped Act;
- activities under the Economic Opportunity Act of 1964, as amended;
- activities under section 1113 of the Social Security Act, as amended;
- activities under the Developmental Disabilities Services and Facilities Construction Act;
- activities under the Youth Development and Delinquency Prevention Act;
- activities under title VII of the Older Americans Act;
- and
- activities for "Health resources" as set forth in the 1975 budget;
- activities of the American Revolution Bicentennial Administration;
- activities of the Cabinet Committee on Opportunities for Spanish-Speaking People;
- activities under the Natural Gas Pipeline Safety Act of 1968, as amended;
- activities of the Federal Railroad Administration for Grants to National Railroad Passenger Corporation;
- activities of the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped; and
- activities of the Council on International Economic Policy.
- (c) Such amounts as may be necessary for continuing the following activities, but at a rate for operations not in excess of the budget estimate—
- activities under title XVI of the Social Security Act, as amended;
- activities related to terminating the economic stabilization program;
- activities of the Veterans' Administration's program to provide representatives on college campuses;
- activities necessary for studies related to oil and gas leasing on the Outer Continental Shelf; and
- activities necessary to respond to energy-related right-of-way requests across public lands including such features as oil and gas pipelines, power transmission lines, railroad, and tramroads.
- (d) Such amounts as may be necessary for continuing the following activities, but at a rate for operations not in excess of the current rate—
- The following activities for which provision was made in the Departments of Labor and Health, Education, and Welfare Appropriations Act, 1974, the Supplemental Appropriations Act, 1974, or the Second Supplemental Appropriations Act, 1974:
- health planning activities under section 314 of the Public Health Service Act, as amended;
- activities under titles VI and IX, and sections 306, 309, 720, 792-794, 801, 805(b), 806, 810(d), and 821(a) of the Public Health Service Act;
- construction under section 201 of the Community Mental Health Centers Act;
- activities under the Drug Abuse Education Act;
- training under section 707 of the Social Security Act;
- activities under part B of the Education of the Handicapped Act;
- activities under the Adult Education Act;

81 Stat. 816.
20 USC 880b.
84 Stat. 175.
20 USC 1401

note.
78 Stat. 508.
42 USC 2701
note.
73 Stat. 142.
42 USC 1313.
84 Stat. 1327.
42 USC 2661

note.
86 Stat. 532.
42 USC 3801
note.
86 Stat. 88.
42 USC 3045.

82 Stat. 720.
49 USC 1671
note.

86 Stat. 1465.
42 USC 1381.

87 Stat. 746.
87 Stat. 1071.

42 USC 246.
42 USC 291, 299,
242d, 242g, 293,
295h-1-295h-3,
296, 296d, 296e,
296i, 297.
42 USC 2681.
21 USC 1001
note.
42 USC 908.
20 USC 1411.
20 USC 1201.
note.

88 STAT. 284

20 USC 821
 note, 821,
 841, 861,
 881, 900,
 72 Stat. 1588;
 86 Stat. 345.
 20 USC 441.
 86 Stat. 354.
 20 USC 1601
 note.
 72 Stat. 548.
 20 USC 631.
 64 Stat. 1100.
 20 USC 236.
 86 Stat. 334.
 20 USC 241aa.

activities under titles I, II, III, V, VIII, and IX of the Elementary and Secondary Education Act of 1965, as amended: *Provided*, That distribution of funds under title I shall be based upon the provisions contained in title I of H.R. 69 as passed by the Senate;

activities under title III of the National Defense Education Act of 1958;

activities under the Emergency School Aid Act; school assistance in federally affected areas authorized by Public Law 81-815 and Public Law 81-874;

all remaining activities except titles I and III (B) under the Economic Opportunity Act of 1964, as amended;

activities of the National Council on Indian Opportunity; activities under Part A of the Indian Education Act; and notwithstanding the fourth clause of subsection (b) of this section, activities of the Department of Health, Education, and Welfare for assistance to refugees in the United States (Cuban program) shall be funded at not to exceed the annual rate for obligations of \$100,000,000.

86 Stat. 219.

(e) Applicable appropriations made by this joint resolution shall be available in such amounts as may be necessary for departments, agencies, corporations, and other organizational units of the Government to pay not in excess of 90 per centum of the amount contained in the budget estimates for fiscal year 1975 of the first quarter standard level user charges pursuant to section 210(j), of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j)).

(f) Such amounts as may be necessary for continuing projects or activities for which disbursements are made by the Secretary of the Senate, and the Senate items under the Architect of the Capitol, to the extent and in the manner which would be provided for in the budget estimates for fiscal year 1975.

(g) Such amount as may be necessary for continuing activities of the Parliamentarian of the House of Representatives for compiling the precedents of the House of Representatives to the extent and in the manner which would be provided for in the budget estimates for the fiscal year 1975.

(h) Such amount as may be necessary for continuing activities of the Subcommittee on Fiscal Policy of the Joint Economic Committee to the extent and manner as provided in the Legislative Branch Appropriations Act, 1975, as passed by the Senate.

Sec. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall be available from July 1, 1974, and shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) September 30, 1974, whichever first occurs.

Sec. 103. Appropriations and funds made available or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in subsection (d) (2) of section 3679 of the Revised Statutes, as amended, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

Sec. 104. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

31 USC 665.

June 30, 1974

- 5 -

Pub. Law 93-324

88 STAT. 285

Sec. 105. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

Sec. 106. Except as provided in section 101(e) no appropriation or fund made available or authority granted pursuant to this joint resolution shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1974.

Ante, p. 284.

Sec. 107. Any appropriation for the fiscal year 1975 required to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, may be apportioned on a basis indicating the need (to the extent any such increases cannot be absorbed within available appropriations) for a supplemental or deficiency estimate of appropriation to the extent necessary to permit payment of such pay increases as may be granted pursuant to law to civilian officers and employees and to active and retired military personnel. Each such appropriation shall otherwise be subject to the requirements of section 3679 of the Revised Statutes, as amended.

31 USC 665.

Sec. 108. All obligations incurred in anticipation of the appropriations and authority provided in this joint resolution are hereby ratified and confirmed if otherwise in accordance with the provisions of this joint resolution.

Sec. 109. None of the funds herein made available shall be expended to aid or assist in the reconstruction of the Democratic Republic of Vietnam (North Vietnam).

North Vietnam,
reconstruction,
funds, prohibi-
tion.
Southeast Asia,
combat activi-
ties, funds,
prohibition.

Sec. 110. None of the funds herein made available shall be obligated or expended to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia.

Sec. 111. Any provision of law which requires unexpended funds to return to the general fund of the Treasury at the end of the fiscal year shall not be held to affect the status of any lawsuit or right of action involving the right to those funds.

Approved June 30, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-1119 (Comm. on Appropriations) and
No. 93-1158 (Comm. of Conference).

SENATE REPORT No. 93-951 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 120 (1974):

June 20, considered and passed House.

June 24, considered and passed Senate, amended.

June 27, House and Senate agreed to conference report.



Public Law 93-332
93rd Congress, H. R. 12799
July 8, 1974

An Act

88 STAT. 289

To amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 41(d) of the Arms Control and Disarmament Act (22 U.S.C. 2581(d)) is amended by

Arms Control
and Disarma-
ment Act,
amendments.
75 Stat. 635.

(1) deleting "as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates not to exceed \$100 per diem for individuals," and substituting therefor "as authorized by section 3109 of title 5 of the United States Code,";

80 Stat. 416.

(2) deleting "section 5 of said Act, as amended (5 U.S.C. 73b-2)" and substituting therefor "section 5703 of such title"; and

80 Stat. 499;

(3) deleting from the first proviso thereof "one hundred days" and substituting therefor "130 days".

83 Stat. 190.

(b) Section 49(a) of such Act (22 U.S.C. 2589(a)) is amended by inserting in the second sentence thereof immediately after "\$22,000,000," the following: "and for the fiscal year 1975, the sum of \$10,100,000,".

86 Stat. 494.

Approved July 8, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-904 (Comm. on Foreign Affairs) and No. 93-1125 (Comm. of Conference).

SENATE REPORT No. 93-836 (Comm. on Foreign Relations).

CONGRESSIONAL RECORD, Vol. 120 (1974):

Apr. 23, 24, considered and passed House.

May 15, considered and passed Senate, amended.

June 21, Senate agreed to conference report.

June 26, House agreed to conference report.



Public Law 93-342
93rd Congress, H. R. 13221
July 10, 1974

An Act

To authorize appropriations for the saline water program for fiscal year 1975, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is authorized to be appropriated to carry out the provisions of the Saline Water Conversion Act of 1971 (85 Stat. 159) during fiscal year 1975, the sum of \$13,910,000 to remain available until expended as follows:

- (1) Research expense, not more than \$2,300,000;
- (2) Development expense, not more than \$6,084,000;
- (3) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion test beds and test facilities, not more than \$2,626,000;
- (4) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion modules, not more than \$900,000; and
- (5) Administration and coordination, not more than \$2,000,000.

(b) Expenditures and obligations under paragraphs (1), (2), (3), and (4) of subsection (a) of this section may be increased by not more than 10 per centum and expenditures and obligations under paragraph (5) of subsection (a) of this section may be increased by not more than 2 per centum, if any such increase under any paragraph is accompanied by an equal decrease in expenditures and obligations under one or more of the other paragraphs.

Sec. 2. In addition to the sums authorized to be appropriated by section 1 of this Act there are also authorized to be appropriated such additional sums or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law or other nondiscretionary costs.

Approved July 10, 1974.

Saline water
program, 1975.
Appropriation
authorization.
42 USC 1959
note.
88 STAT. 295
88 STAT. 296

Limitations.

Additional
sums.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-1047 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 93-958 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 120 (1974):

May 21, considered and passed House.

June 26, considered and passed Senate.



Public Law 93-345
93rd Congress, S. 2137
July 12, 1974

An Act

88 STAT. 339

To amend the Act of October 15, 1966 (80 Stat. 953, 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(a) (4) of the National Museum Act of 1966 (20 U.S.C. 65a) is amended by inserting immediately before the semicolon the following: “, with emphasis on museum conservation and the development of a national institute for museum conservation”.

National
Museum.
Appropriation
authorization.
80 Stat. 953.

SEC. 2. Section 2(b) of such Act is amended to read as follows:
“(b) There are authorized to be appropriated to the Smithsonian Institution such sums as may be necessary to carry out the purposes of this Act: *Provided*, That no more than \$1,000,000 shall be appropriated annually through fiscal year 1977, of which no less than \$200,000 annually shall be allocated and used to carry out the purposes of section 2(a) (4) of this Act.”.

84 Stat. 1875.

Approved July 12, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-1162 (Comm. on House Administration).
SENATE REPORT No. 93-868 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 120 (1974):

May 28, considered and passed Senate.
July 1, considered and passed House.



Public Law 93-351
93rd Congress, H. R. 11105
July 12, 1974

An Act

88 STAT. 357

To amend title VII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 708 of the Older Americans Act is amended by striking out the word "and" before "\$150,000,000" and by inserting before the period a comma and the following: "\$150,000,000 for the fiscal year ending June 30, 1975, \$200,000,000 for the fiscal year ending June 30, 1976, and \$250,000,000 for the fiscal year ending June 30, 1977".

Older Americans
Act of 1965,
amendments.
86 Stat. 94.
42 USC 3045g.

SEC. 2. (a) Section 201(a) of the Older Americans Act (42 U.S.C. 3011) is amended by striking out everything in such section that follows the word "Commissioner" the second time it appears in the fourth sentence of such section and inserting in lieu thereof a period.

87 Stat. 30.

(b) Any delegation of the functions of the Commissioner on Aging in effect on the date of enactment of this Act, issued pursuant to section 201(a) of such Act, shall be modified by the Commissioner to comply with the provisions of the amendment made by this section.

Commissioner,
delegation of
functions, mod-
ification.
42 USC 3011
note.
87 Stat. 36.
42 USC 3021.

SEC. 3. Title III of the Older Americans Act of 1965 (42 U.S.C. 3021ff.) is amended by adding the following new section:

"TRANSPORTATION PROJECTS

"SEC. 309. (a) There are authorized to be appropriated \$35,000,000 for the fiscal year ending June 30, 1975, to carry out the purposes of this section. From sums appropriated under this section, the Commissioner is authorized to make grants to each State having a State plan approved under section 305 for the purpose of paying up to 75 per centum of the costs of meeting the transportation needs of older persons, with special emphasis on providing supportive transportation in connection with nutrition projects operated pursuant to title VII of this Act. Sums appropriated under this section shall be allotted to the States in accordance with the allotment formula contained in section 303.

Appropriation.
42 USC 3029.

"(b) The allotment to a State under this section shall remain available until December 31, 1975, for grants and contracts to area agencies on aging, organized under section 305(b), or to other public or non-profit private agencies that the State agency determines have the capacity to meet the transportation needs of older persons and to provide supportive transportation services in connection with nutrition projects operated under title VII. In making grants and contracts under this section, State agencies shall give priority to applicants proposing to serve areas in which there is no public transportation or in which existing public transportation is inadequate to meet the special needs of older persons.

42 USC 3025.

86 Stat. 88.
42 USC 3045.
State allot-
ments.
42 USC 3023.
Allotments,
availability.

"(c) Within ninety days following the enactment of legislation appropriating funds as authorized by this section, the Commissioner shall issue final regulations for implementation of the program herein authorized.

Applicants
granted prior-
ity.

Final regula-
tions.

"(d) The Commissioner is authorized and directed to request the technical assistance and cooperation of the Secretary of Transportation and such other departments and agencies of the Federal Government as may be appropriate for the proper and effective administration of this section."

Technical
assistance.

SEC. 4. Section 201 of Public Law 93-113 (87 Stat. 401, October 1, 1973) is amended by inserting the following new subsection (b) after

42 USC 5001.

Local contri-
butions, re-
quired pro-
portion.

subsection (a) and redesignating the present subsection (b) as subsection (c):

"(b) In no event shall the required proportion of the local contribution (including in-kind contributions) for a grant or contract made under this section be more than 10 per centum in the first year of assistance under this section, 20 per centum in the second such year, 30 per centum in the third such year, 40 per centum in the fourth such year, and 50 per centum in any subsequent such years: *Provided, however,* That the Director may make exceptions in cases of demonstrated need, determined (in accordance with regulations which the Director shall prescribe) on the basis of the financial capability of a particular recipient of assistance under this section, to permit a lesser local contribution proportion than any required contribution proportion established by the Director in generally applicable regulations."

87 Stat. 56.
42 USC 3045f.
Level of
assistance.

SEC. 5. Section 707 of the Older Americans Act of 1965 is amended by adding at the end thereof the following new subsections:

"(d) In donating commodities pursuant to this section, the Secretary of Agriculture shall maintain an annually programed level of assistance of not less than 10 cents per meal: *Provided,* That this amount shall be adjusted on an annual basis each fiscal year after June 30, 1975, to reflect changes in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor. Such adjustment shall be computed to the nearest one-fourth cent. Among the commodities delivered under this section, the Secretary shall give special emphasis to high protein foods, meat, and meat alternates. The Secretary of Agriculture, in consultation with the Commissioner, is authorized to prescribe the terms and conditions respecting the donating of commodities pursuant to this section, and, within ninety days after the date of enactment of this subsection (d), the Secretary of Agriculture shall issue regulations governing the donation of such commodities.

Food stamps,
regulations.

"(e) The Secretary of Agriculture in consultation with the Commissioner shall, within ninety days after the date of enactment of this subsection, issue regulations clarifying the use of food stamps under this title."

Approved July 12, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-914 (Comm. on Education and Labor).
SENATE REPORT No. 93-932 (Comm. on Labor and Public Welfare).
CONGRESSIONAL RECORD, Vol. 120 (1974):

Mar. 19, considered and passed House.

June 19, considered and passed Senate, amended.

June 26, House concurred in Senate amendments with an amendment.

June 27, Senate concurred in House amendment.



Public Law 93-362
93rd Congress, H. R. 11295
July 30, 1974

An Act

88 STAT. 398

To amend the Anadromous Fish Conservation Act in order to extend the authorization for appropriations to carry out such Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Anadromous Fish Conservation Act (16 U.S.C. 757b) is amended by striking out the semicolon at the end of clause (3) thereof, and inserting the following new language: “, and for the control of the sea lamprey;”.

Anadromous Fish
Conservation
Act, amendments.
79 Stat. 1125.

SEC. 2. Section 4(a) of the Anadromous Fish Conservation Act (16 U.S.C. 757d(a)) is amended by striking out “the fiscal year ending June 30, 1974” and inserting in lieu thereof the following: “each of the fiscal years ending June 30, 1974, June 30, 1975, June 30, 1976, June 30, 1977, June 30, 1978, and June 30, 1979”.

84 Stat. 214.

SEC. 3. (a) Subsection (c) of the first section of the Anadromous Fish Conservation Act (16 U.S.C. 757a(c)) is amended by striking out “60 per centum” and inserting in lieu thereof “66⅔ per centum”.

(b) Section 4(a) of the Anadromous Fish Conservation Act (16 U.S.C. 757d(a)) (as amended by section 2 of this Act) is further amended by striking out “\$10,000,000” and inserting in lieu thereof “\$20,000,000”.

Approved July 30, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-752 (Comm. on Merchant Marine and Fisheries) and No. 93-1190 (Comm. of Conference).

SENATE REPORT No. 93-892 (Comm. on Commerce).

CONGRESSIONAL RECORD, Vol. 120 (1974):

Jan. 22, considered and passed House.

June 5, considered and passed Senate, amended.

July 15, Senate agreed to conference report.

July 16, House agreed to conference report.



Public Law 93-365
93rd Congress, H. R. 14592
August 5, 1974

An Act

To authorize appropriations during the fiscal year 1975 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1975 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army, \$320,300,000; for the Navy and the Marine Corps, \$2,866,200,000; for the Air Force, \$3,286,300,000 of which (1) \$104,900,000 shall be used only for the procurement of A-7D aircraft for the Air National Guard of the United States, and (2) \$405,100,000 shall be available only for procurement in connection with the Airborne Warning and Control System, and shall be available for that purpose only if and after the Secretary of Defense determines and certifies such determination to the Congress that such system is cost effective and meets the mission needs and requirements of the Department of Defense, except that the foregoing certification requirement shall not apply with respect to the procurement of long lead time items for such system.

MISSILES

For missiles: for the Army, \$436,500,000; for the Navy, \$634,500,000; for the Marine Corps, \$74,100,000; for the Air Force, \$1,579,200,000.

NAVAL VESSELS

For Naval vessels: for the Navy, \$3,156,400,000, of which sum \$1,166,800,000 shall be used only for the Trident program; \$502,500,000 shall be used only for the SSN-688 nuclear attack submarine; \$244,300,000 shall be used only for the DLGN nuclear powered guided missile frigate program; \$457,100,000 shall be used only for the DD-963 program; \$16,000,000 shall be used only for the sea control ship program; \$92,300,000 shall be used only for the patrol hydrofoil missile program; \$186,000,000 shall be used only for the patrol frigate program; \$81,400,000 shall be used only for the fleet oiler; \$116,700,000 shall be used only for a destroyer tender; \$10,800,000 shall be used only for a fleet ocean tug; \$104,600,000 shall be used only for the Poseidon conversion of fleet ballistic-missile submarines; \$18,300,000 shall be used only for conversion of a submarine tender; \$22,000,000 shall be used only for craft; \$10,400,000 shall be used only for pollution abatement craft; \$55,300,000 shall be used only for outfitting material and post delivery; \$71,900,000 shall be used only for escalation on prior year programs.

Department of
Defense
Appropriation
Authorization
Act, 1975.

88 STAT. 399

88 STAT. 400

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, \$300,600,000; for the Marine Corps, \$74,200,000.

TORPEDOES

For torpedoes and related support equipment: for the Navy, \$187,700,000.

88 STAT. 400
88 STAT. 401

OTHER WEAPONS

For other weapons: for the Army, \$52,200,000; for the Navy, \$25,500,000; for the Marine Corps, \$500,000.

TITLE II—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1975 for the use of the Armed Forces of the United States for research, development, test and evaluation, as authorized by law, in amounts as follows:

For the Army, \$1,878,397,000;

For the Navy (including the Marine Corps), \$3,153,006,000, of which \$57,500,000 shall be available only for application to surface naval gunnery (excluding the Close-In Weapon System), including gun fire control systems, gun mounts, unguided and guided ordnance, and fuzing;

For the Air Force, \$3,389,517,000; and

For the Defense Agencies, \$516,057,000, of which \$25,000,000 is authorized for the activities of the Director of Test and Evaluation, Defense.

TITLE III—ACTIVE FORCES

Reduction.

SEC. 301. For the fiscal year beginning July 1, 1974, and ending June 30, 1975, each component of the Armed Forces is authorized an end strength for active duty personnel as follows:

- (1) The Army, 785,000;
- (2) The Navy, 540,380;
- (3) The Marine Corps, 196,398;
- (4) The Air Force, 627,535.

U.S. military
forces in
Europe, de-
ployment.

SEC. 302. (a) The United States military forces in Europe can reduce headquarters and noncombat military personnel relative to the number of combat personnel located in Europe. Therefore, except in the event of imminent hostilities in Europe, the noncombat component of the total United States military strength in Europe authorized as of June 30, 1974, shall be reduced by 18,000. Such reduction shall be completed not later than June 30, 1976, and not less than 6,000 of such reduction shall be completed on or before June 30, 1975; however, the Secretary of Defense is authorized to increase the combat component strength of United States forces in Europe by the amount of any such reduction made in noncombat personnel. The Secretary of Defense shall report semi-annually to the Congress on all actions taken to improve the combat proportion of United States forces in Europe. The first report shall be submitted not later than March 31, 1975.

Reports to
Congress.

Army, Navy and
Air Force,
combat com-
ponents.

(b) For purposes of this section, the combat component of the Army includes only the infantry, cavalry, artillery, armored, combat engineers, special forces, attack assault helicopter units, air defense, and missile combat units of battalion or smaller size; the combat component of the Navy includes only the combat ships (aircraft carrier, cruiser, destroyer, submarine, escort and amphibious assault ships)

August 5, 1974

- 3 -

Pub. Law 93-365

88 STAT. 402

and combat aircraft wings (fighter, attack, reconnaissance, and patrol); the combat component of the Air Force includes only the tactical fighter reconnaissance, tactical airlift, fighter interceptor and bomber units of wing or smaller size.

(c) The Secretary of Defense shall undertake a specific assessment of the costs and possible loss of nonnuclear combat effectiveness of the military forces of the North Atlantic Treaty Organization countries caused by the failure of the North Atlantic Treaty Organization members, including the United States, to standardize weapons systems, ammunition, fuel, and other military impedimenta for land, air, and naval forces. The Secretary of Defense shall also develop a list of standardization actions that could improve the overall North Atlantic Treaty Organization nonnuclear defense capability or save resources for the alliance as a whole. He shall also evaluate the relative priority and effect of each such action. The Secretary shall submit the results of these assessments and evaluations to the Congress and subsequently shall also cause them to be brought before the appropriate North Atlantic Treaty Organization bodies in order that the suggested actions and recommendations can become an integral part of the overall North Atlantic Treaty Organization review of force goals and development of force plans. The Secretary of Defense shall report semiannually to the Congress on the specific assessments and evaluations made under the above provisions as well as the results achieved with the North Atlantic Treaty Organization allies. The first such report shall be submitted to Congress not later than January 31, 1975.

(d) The total number of United States tactical nuclear warheads located in Europe on the date of enactment of this Act shall not be increased until after June 30, 1975, except in the event of imminent hostilities in Europe. The Secretary of Defense shall study the overall concept for use of tactical nuclear weapons in Europe; how the use of such weapons relates to deterrence and to a strong conventional defense; reductions in the number and type of nuclear warheads which are not essential for the defense structure for Western Europe; and the steps that can be taken to develop a rational and coordinated nuclear posture by the North Atlantic Treaty Organization Alliance that is consistent with proper emphasis on conventional defense forces. The Secretary of Defense shall report to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives on the results of the above study on or before April 1, 1975.

NATO members,
weapons sys-
tems, stand-
ardization,
assessment and
evaluation.

Submittal to
Congress.

Reports to
Congress.

U.S. tactical
nuclear war-
heads in
Europe.
Use and re-
duction,
study.

Report to
congressional
committees.

TITLE IV—RESERVE FORCES

SEC. 401. For the fiscal year beginning July 1, 1974, and ending June 30, 1975, the Selected Reserve of each Reserve component of the Armed Forces will be programed to attain an average strength of not less than the following:

- (1) The Army National Guard of the United States, 400,000;
- (2) The Army Reserve, 225,000;
- (3) The Naval Reserve, 117,000;
- (4) The Marine Corps Reserve, 36,703;
- (5) The Air National Guard of the United States, 95,000;
- (6) The Air Force Reserve, 51,319;
- (7) The Coast Guard Reserve, 11,700.

SEC. 402. The average strength prescribed by section 401 of this title for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component

88 STAT. 403

which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

Air National
Guard.

SEC. 403. (a) The average strength prescribed by section 401 of this title for the Air National Guard of the United States shall be used to man a force which shall include not less than 91 flying units in the Air National Guard during the fiscal year beginning July 1, 1974.

Strategic
airlift crew
ratio in-
crease, study.

(b) It is the policy of Congress that any increase in the ratio of aircrew to aircraft for the strategic airlift mission of the Air Force above the present ratio of crewmembers per aircraft should be achieved to the maximum extent possible through the components of the Selected Reserve and not by increasing the active duty force level of the Air Force. To carry out such policy the Secretary of Defense is directed to study the possibility of increasing the strategic airlift crew ratio per aircraft to the required levels by utilizing jointly the resources of the Air National Guard and the Air Force Reserve. Such study shall specifically include: (1) restructuring the missions of Air National Guard units so as to retain an effective strategic airlift capability within the Air National Guard and the Air Force Reserve; (2) the utilization of Air National Guard units now in existence so as to avoid the loss of existing skills in those units; (3) alternatives, including, but not limited to, transfer, rotation, "hybridization", and "association", for making available to the Air National Guard and the Air Force Reserve strategic airlift aircraft in numbers sufficient to support an effective capability; and (4) the desirability of new statutory authority for the limited selective mobilization of members of the Air National Guard under circumstances not leading to a declaration of a national emergency by the Congress or the President. The Secretary shall submit his study to the Congress not later than 180 days after the date of enactment of this Act, and before the implementation thereof, together with an evaluation of such study, a proposed schedule for its possible implementation, and such recommendations for legislative action relating to the subject matter of this section as he may deem appropriate.

Submittal to
Congress.

TITLE V—CIVILIAN PERSONNEL

Reduction.

SEC. 501. (a) (1) For the fiscal year beginning July 1, 1974, and ending June 30, 1975, the Department of Defense is authorized an end strength for civilian personnel as follows:

(A) The Department of the Army, 358,717;

(B) The Department of the Navy, including the Marine Corps, 323,529;

(C) The Department of the Air Force, 269,709;

(D) Activities and agencies of the Department of Defense (other than the military departments), 75,372.

(2) The end strength for civilian personnel prescribed in paragraph (1) of this subsection for the fiscal year ending June 30, 1975, shall be reduced by 32,327. Such reduction shall be apportioned among the Army, Navy, Air Force, and activities and agencies of the Department of Defense as the Secretary of Defense shall prescribe. The

August 5, 1974

- 5 -

Pub. Law 93-365

88 STAT. 404

Report to
Congress.

Secretary of Defense shall report to Congress within 60 days after the date of enactment of this Act on the manner in which this reduction is to be apportioned among the military services and the activities and agencies of the Department of Defense and among the mission categories described in the Manpower Requirements Report. This report shall include the rationale for each reduction.

(b) In computing the authorized end strength for civilian personnel there shall be included all direct-hire civilian personnel employed to perform military functions administered by the Department of Defense (other than those performed by the National Security Agency) whether in permanent or temporary positions and whether employed on a full-time, part-time, or intermittent basis, but excluding special employment categories for students and disadvantaged youth such as the stay-in-school campaign, the temporary summer aid program and the Federal junior fellowship program and personnel participating in the worker-trainee opportunity program. Whenever a function, power, or duty or activity is transferred or assigned to a department or agency of the Department of Defense from a department or agency outside of the Department of Defense or from a department or agency within the Department of Defense, the civilian personnel end strength authorized for such departments or agencies of the Department of Defense affected shall be adjusted to reflect any increases or decreases in civilian personnel required as a result of such transfer or assignment.

(c) When the Secretary of Defense determines that such action is necessary in the national interest, he may authorize the employment of civilian personnel in excess of the number authorized by subsection (a) of this section, but such additional number may not exceed one half of one per centum of the total number of civilian personnel authorized for the Department of Defense by subsection (a) of this section. The Secretary of Defense shall promptly notify the Congress of any authorization to increase civilian personnel strength under the authority of this subsection.

Personnel in-
crease, limi-
tation.Notification
to Congress.

Sec. 502. It is the sense of Congress that the Department of Defense shall use the least costly form of manpower that is consistent with military requirements and other needs of the Department of Defense. Therefore, in developing the annual manpower authorization requests to the Congress and in carrying out manpower policies, the Secretary of Defense shall, in particular, consider the advantages of converting from one form of manpower to another (military, civilian, or private contract) for the performance of a specified job. A full justification of any conversion from one form of manpower to another shall be contained in the annual manpower requirements report to the Congress required by section 138(c)(3) of title 10, United States Code.

Manpower con-
version.
10 USC 138
note.

87 Stat. 612.

TITLE VI—MILITARY TRAINING STUDENT LOADS

SEC. 601. (a) For the fiscal year beginning July 1, 1974, and ending June 30, 1975, each component of the Armed Forces is authorized an average military training student load as follows:

- (1) The Army, 97,638;
- (2) The Navy, 71,279;
- (3) The Marine Corps, 26,262;
- (4) The Air Force, 52,900;
- (5) The Army National Guard of the United States, 12,111;
- (6) The Army Reserve, 6,673;
- (7) The Naval Reserve, 2,536;
- (8) The Marine Corps Reserve, 3,403;
- (9) The Air National Guard of the United States, 2,359; and
- (10) The Air Force Reserve, 1,126.

(b) The average military training student loads for the Army, the Navy, the Marine Corps, and the Air Force and the Reserve components prescribed in subsection (a) of this section for the fiscal year ending June 30, 1975, shall be adjusted consistent with the manpower strengths provided in title III, title IV, and title V of this Act. Such adjustment shall be apportioned among the Army, the Navy, the Marine Corps, and the Air Force and the Reserve Components in such manner as the Secretary of Defense shall prescribe.

TITLE VII—GENERAL PROVISIONS

SEC. 701. (a) Paragraph (1) of section 401(a) of Public Law 89-367, approved March 15, 1966 (80 Stat. 37), as amended, is amended to read as follows:

"(1) There is authorized to be appropriated as a single appropriation to the Department of Defense for the fiscal year ending June 30, 1975, the sum of \$1,000,000,000, including \$263,860,000 for procurement of aircraft, missiles, tracked combat vehicles, and other weapons, to support South Vietnamese military forces. Such appropriation shall be administered and accounted for as one fund and may be obligated only by the issuance of orders by the Secretary of Defense for such support. Funds appropriated pursuant to this section shall be deemed obligated at the time the Secretary of Defense issues orders authorizing support of any kind to South Vietnamese military forces. No support herein authorized may be made available in any manner unless pursuant to a specific order issued by the Secretary."

(b) That portion of paragraph (2) of such section 401(a) which precedes clause (A) is amended to read as follows:

"(2) No defense article may be furnished to the South Vietnamese forces with funds authorized under this or any other Act unless the Government of the Republic of South Vietnam shall have agreed that—"

(c) Section 401 of such Public Law 89-367 is amended by striking out subsections (b), (c), and (d) and inserting in lieu thereof the following:

"(b) No funds authorized by this or any other Act to or for use by the Department of Defense may be obligated in the fiscal year ending June 30, 1975, for support of South Vietnamese military forces in any amount in excess of the amount of \$1,000,000,000.

"(c) Any obligation incurred against funds authorized under this section shall, in the case of nonexcess materials and supplies furnished from the inventory of the Department of Defense, be equal to the replacement cost thereof at the time such obligation is incurred, and in the case of excess materials and supplies, be equal to the actual value thereof at the time such obligation is incurred.

"(d) No funds authorized by this section may be used in any way to support Vietnamese or other forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos.

"(e) Within 30 days after the end of each quarter of the fiscal year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a written report regarding actual obligations incurred against funds appropriated pursuant to this section. Such report shall indicate the different purposes for which such obligations were incurred and the amounts thereof, together with such other information as the Secretary determines appropriate."

SEC. 702. Subsection (b) of section 7307 of title 10, United States Code, is amended to read as follows:

Funds, availability for South Vietnamese forces.

Limitation.

Nonexcess and excess materials and supplies.

Cambodia and Laos.

Report to congressional committees.

Naval vessels, disposal restrictions.
70A Stat. 452.

August 5, 1974

- 7 -

Pub. Law 93-365

5d STAT. 406

"(b)(1) After the date of enactment of this paragraph, no naval vessel in excess of 2,000 tons or less than 20 years of age may be sold, leased, granted, loaned, bartered, transferred, or otherwise disposed of to another nation unless the disposition thereof has been approved by law enacted after such date of enactment.

"(2) After the date of enactment of this paragraph, any naval vessel not subject to the provisions of paragraph (1) may be sold, leased, granted, loaned, bartered, transferred, or otherwise disposed of to another nation in accordance with applicable provisions of law only after the Secretary of the Navy, or his designee, has notified the Committees on Armed Services of the Senate and the House of Representatives in writing of the proposed disposition and 30 days of continuous session of Congress have expired following the date on which notice was transmitted to such committees. For purposes of this paragraph, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of such 30-day period."

SEC. 703. Notwithstanding any other provision of law, no funds authorized to be appropriated pursuant to this Act may be used for research, testing, and/or evaluation of poisonous gases, radioactive materials, poisonous chemicals, or biological or chemical warfare agents upon dogs for the purpose of developing biological or chemical weapons.

SEC. 704. Section 204 of Public Law 93-166 is amended by adding at the end thereof a new subsection as follows:

"(e) Notwithstanding any other provision of law, the conduct by the Department of the Navy of training operations at the Culebra complex involving the firing of any shells, missiles, or other projectiles from ships or the dropping of any bombs, strafing, firing of rockets or missiles, or the launching of any other projectiles from aircraft at Culebra or at any keys within three nautical miles thereof is prohibited during any period of time that the negotiations required by subsection (b) have been ended on the initiative of the United States Government prior to the conclusion of a satisfactory agreement. In the conduct of the negotiations required by subsection (b) the Secretary of the Navy shall not agree to any relocation of training operations from the Island of Culebra which would be rendered ineffective by any international agreement on the law of the sea which may become international law within three years after the date of the enactment of this Act."

SEC. 705. Section 401 of the Department of Defense Supplemental Appropriations Authorization Act, 1974, is amended by striking out the period at the end of such section and inserting in lieu thereof the following: "when his enlistment is needed to meet established strength requirements."

SEC. 706. None of the funds authorized by this Act may be used for the purpose of carrying out any proposed flight test (including operational base launch) of the Minuteman missile from any place within the United States other than Vandenberg Air Force Base, Lompoc, California.

SEC. 707. (a) No funds authorized to be appropriated by this or any other Act may be obligated under a contract entered into by the Department of Defense after the date of the enactment of this Act for procurement of goods which are other than American goods unless, under regulations of the Secretary of Defense and subject to the determinations and exceptions contained in title III of the Act of

Notification to congressional committees.

Congressional session, continuity.

Dogs, use for research, prohibition.

Island of Culebra, naval training operations, restrictions.
87 Stat. 668.

Enlistment.
Ante, p. 234.

Minuteman missile flight test, restriction.

Foreign goods, procurement restrictions.

March 3, 1933, as amended (47 Stat. 1520; 41 U.S.C. 10a, 10b), popularly known as the Buy American Act, there is adequate consideration given to—

(1) the bids or proposals of firms located in labor surplus areas in the United States as designated by the Department of Labor which have offered to furnish American goods;

(2) the bids or proposals of small business firms in the United States which have offered to furnish American goods;

(3) the bids or proposals of all other firms in the United States which have offered to furnish American goods;

(4) the United States balance of payments;

(5) the cost of shipping goods which are other than American goods; and

(6) any duty, tariff, or surcharge which may enter into the cost of using goods which are other than American goods.

"Goods which are other than American goods."

(b) For purposes of this section, the term "goods which are other than American goods" means (1) an end product which has not been mined, produced, or manufactured in the United States, or (2) an end product manufactured in the United States but the cost of the components thereof which are not mined, produced, or manufactured in the United States exceeds the cost of components mined, produced, or manufactured in the United States.

70A Stat. 234.
10 USC 4301.

SEC. 708. (a) Chapter 401 of title 10, United States Code, is amended—

(1) by adding the following new section at the end thereof:

"§ 4314. United States Army Command and General Staff College degree

"Under regulations prescribed by the Secretary of the Army, and with the approval of a nationally recognized civilian accrediting association approved by the Commissioner of Education, Department of Health, Education, and Welfare, the Commandant of the United States Army Command and General Staff College may upon recommendation by the faculty confer the degree of master of military art and science upon graduates of the college who have fulfilled the following degree requirements: a minimum of thirty semester hours of graduate credit, including a masters thesis of six to eight semester hours, and a demonstration of competence in the discipline of military art and science as evidenced by satisfactory performance on a general comprehensive examination. These requirements may be altered only with the approval of such association. The Secretary of the Army shall report annually to the Committees on Armed Services of the Senate and House of Representatives the following information: (1) the criteria which must be met to entitle a student to award of the degree, (2) whether such criteria have changed in any respect during the reporting year, (3) the number of students in the most recent resident course graduating class, (4) the number of such students who were enrolled in the master of military art and science program, and (5) the number of students successfully completing the master of military art and science program."; and

(2) by adding the following new item at the end of the analysis of such chapter:

"4314. United States Army Command and General Staff College degree."

Master of military art and science, degree requirements.

Report to congressional committees.

Retroactive degree conferral, limitation. 10 USC 4314 note.

(b) The Commandant of the United States Army Command and General Staff College may confer the degree of master of military art and science upon graduates of the college who have completed the requirements for that degree since 1964 but prior to the enactment of this Act; but the number of such degrees awarded for such period may not exceed two hundred.

August 5, 1974

- 9 -

Pub. Law 93-365

88 STAT. 408

SEC. 709. (a) The Congress finds that the defense posture of the United States may be seriously compromised if goods, technology, and industrial techniques which have been developed in whole or in part as a direct or indirect result of research and development programs or procurement programs financed in whole or in part with funds authorized by this or any other Act authorizing funds for the Department of Defense are exported to a controlled country without an adequate and knowledgeable assessment having been made to determine whether the export of such goods, technology, and techniques will significantly increase the present or potential military capability of any such country. It is the purpose of this section, therefore, to provide for such an assessment, to insure notice of proposed exports to the Secretary of Defense, and to authorize the Secretary of Defense to review the proposed export of goods, technology, or industrial techniques to any such country whenever he has reason to believe that the export of such goods, technology, or techniques will significantly increase the military capability of such country.

(b) Effective upon enactment of this section, any application for the export of any goods, technology, or industrial techniques described in subsection (a) shall, before being eligible for export to a controlled country, be reviewed and assessed by the Secretary of Defense for the purpose of determining whether the export of such goods, technology or techniques will significantly increase the present or potential military capability of such country.

(c) If the Secretary of Defense determines, after his review and assessment, that the export of such goods, technology or industrial techniques will in his judgment significantly increase the present or potential military capability of any controlled country, he shall recommend to the President that the application for export be disapproved. In any case in which the President disagrees with a recommendation made by the Secretary of Defense to prohibit the export of such goods, technology, or techniques to a controlled country, the President shall submit to the Congress a statement indicating his disagreement with the Secretary of Defense together with the recommendation of the Secretary of Defense. The application for the export of any such goods, technology, or techniques may be approved after submission by the President of his statement and the recommendation of the Secretary of Defense to the Congress and 60 days of continuous session of the Congress has elapsed following such submission unless within such 60 day period Congress has adopted a concurrent resolution disapproving the application for the export of such goods, technology, or techniques.

(d) As used in this section (1) the term "controlled country" means the Soviet Union, Poland, Romania, Hungary, Bulgaria, Czechoslovakia, the German Democratic Republic (East Germany), and such other countries as may be designated by the Secretary of Defense. and (2) the term "days of continuous session of the Congress" shall not include days on which either House of Congress is not in session because of an adjournment of more than three days.

(e) The Secretary of Defense shall submit to the Congress a written report on his implementation of this section not later than 30 days after the close of each quarter of each fiscal year. Each such report shall, among other things, identify each instance in which the Secretary recommended to the President that exports be disapproved and the action finally taken by the executive branch on the matter.

Proposed export of goods, technology and industrial techniques developed by DOD. 50 USC app. 2403-1.

Notice to Secretary; review authorization.

Export application, review and assessment.

Recommendation to President for disapproval. Presidential statement to Congress.

"Controlled country."

"Days of continuous session of the Congress." Report to Congress.

TITLE VIII—NUCLEAR POWERED NAVY

10 USC 7291
note.

88 STAT. 408
88 STAT. 409

"Major combatant vessels for the strike forces of the United States Navy."

10 USC 7291
note.

Report to
Congress.
10 USC 7291
note.

64 Stat. 832;
84 Stat. 1169.
Department of
Defense Five
Year Program.

10 USC 7291
note.

Short title.

SEC. 801. It is the policy of the United States of America to modernize the strike forces of the United States Navy by the construction of nuclear powered major combatant vessels and to provide for an adequate industrial base for the research, development, design, construction, operation, and maintenance for such vessels. New construction major combatant vessels for the strike forces of the United States Navy authorized subsequent to the date of the enactment of this Act becomes law shall be nuclear powered, except as provided in this title.

SEC. 802. For the purposes of this title, the term "major combatant vessels for the strike forces of the United States Navy" means—

(1) combatant submarines for strategic or tactical missions, or both;

(2) combatant vessels intended to operate in combat in aircraft carrier task groups (that is, aircraft carriers and the cruisers, frigates, and destroyers which accompany aircraft carriers); and

(3) those types of combatant vessels referred to in clauses (1) and (2) above designed for independent combat missions where essentially unlimited high speed endurance will be of significant military value.

SEC. 803. The Secretary of Defense shall submit to Congress each calendar year, at the same time the President submits the budget to Congress under section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11), a written report regarding the application of nuclear propulsion to major combatant vessels for the strike forces of the United States Navy. The report shall identify contract placement dates for their construction and shall identify the Department of Defense Five Year Defense Program for construction of nuclear powered major combatant vessels for the strike forces of the United States Navy.

SEC. 804. All requests for authorizations or appropriations from Congress for major combatant vessels for the strike forces of the United States Navy shall be for construction of nuclear powered major combatant vessels for such forces unless and until the President has fully advised the Congress that construction of nuclear powered vessels for such purpose is not in the national interest. Such report of the President to the Congress shall include for consideration by Congress an alternate program of nuclear powered ships with appropriate design, cost, and schedule information.

This Act may be cited as the "Department of Defense Appropriation Authorization Act, 1975".

Approved August 5, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-1035 (Comm. on Armed Services) and No. 93-1212 (Comm. of Conference).

SENATE REPORTS: No. 93-884 accompanying S. 3000 (Comm. on Armed Services) and No. 93-1038 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 120 (1974):

May 20, 22, considered and passed House.

June 3-7, 10, 11, considered and passed Senate, amended, in lieu of S. 3000.

July 29, House agreed to conference report.

July 30, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 10, No. 32:

Aug. 5, Presidential statement.



Public Law 93-381
93rd Congress, H. R. 15544
August 21, 1974

An Act

Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1975, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1975, and for other purposes, namely:

Treasury,
Postal Service,
and General
Government
Appropriation
Act, 1975.

TITLE I—TREASURY DEPARTMENT

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses in the Office of the Secretary, including the operation and maintenance of the Treasury Building and Annex thereof; hire of passenger motor vehicles: and not to exceed \$10,000 for official reception and representation expenses: \$25,850,000, of which not to exceed \$100,000 shall be available for unforeseen emergencies of a confidential character, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, and of which \$3,600,000 shall be for repairs and improvements to Treasury buildings and shall remain available until expended.

Treasury
Department
Appropriations
Act, 1975.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including purchase of six passenger motor vehicles for police-type use: and the hire of passenger motor vehicles: \$3,100,000.

98 STAT. 613
99 STAT. 614

CONSTRUCTION

For necessary expenses for preparation of plans and specifications, acquisition of land, and construction of facilities for the Federal Law Enforcement Training Center, \$18,915,000, to remain available until expended: *Provided*, That such sums as are necessary may be transferred to the General Services Administration for execution of the work.

EXPENSES FOR ECONOMIC STABILIZATION

(LIQUIDATING FUNCTIONS)

For expenses necessary to enable the Secretary of the Treasury to terminate and provide for an orderly phaseout by December 31, 1974, of the economic stabilization activities conducted under the Economic Stabilization Act of 1970, as amended, including services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent of the rate for GS-18, \$2,000,000: *Provided*, That advances, repayments or transfers may be made to any department or agency for expenses of such termination.

12 USC 1904
note.
90 Stat. 416.
5 USC 5332
note.

Pub. Law 93-381

- 2 -

August 21, 1974

BUREAU OF ACCOUNTS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Accounts, \$100,000,000.

PAYMENT OF GOVERNMENT LOSSES IN SHIPMENT

50 Stat. 479. For payment of Government losses in shipment, in accordance with section 2 of the Act approved July 8, 1937 (40 U.S.C. 722), \$600,000.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms including purchase of (not to exceed two hundred and forty for replacement only, for police-type use), and hire of passenger motor vehicles; hire of aircraft; and services of expert witnesses at such rates as may be determined by the Director; \$92,000,000.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

86 STAT. 614 For necessary expenses of the United States Customs Service, including purchase of eighty-nine passenger motor vehicles (of which
88 STAT. 615 ~~seventy-eight shall~~ be for replacement only), including seventy-nine for police-type use; acquisition (purchase of two), operation, and maintenance of aircraft; hire of passenger motor vehicles and aircraft; and awards of compensation to informers as authorized by the Act of August 13, 1953 (22 U.S.C. 401); \$284,800,000, of which not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations.

67 Stat. 577.

BUREAU OF THE MINT

SALARIES AND EXPENSES

For necessary expenses of the Bureau of the Mint, including purchase of one passenger motor vehicle for replacement only; and not to exceed \$2,500 for the expenses of the annual assay commission; \$32,000,000.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, \$88,500,000.

INTERNAL REVENUE SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Internal Revenue Service, not otherwise provided for, including executive direction, administrative support, and internal audit and security; hire of passenger motor vehicles; and services of expert witnesses at such rates as may be determined by the Commissioner; \$41,000,000.

August 21, 1974

- 3 -

Pub. Law 93-381

ACCOUNTS, COLLECTION AND TAXPAYER SERVICE

For necessary expenses of the Internal Revenue Service for processing tax returns, revenue accounting, providing assistance to taxpayers, securing unfiled tax returns, and collecting unpaid taxes; hire of passenger motor vehicles; and services of expert witnesses at such rates as may be determined by the Commissioner; including not to exceed \$10,000,000 for employees on temporary appointments and not to exceed \$183,000 for salaries of personnel engaged in preemployment training of data transcriber applicants; \$712,600,000.

COMPLIANCE

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities, and for investigation and enforcement activities, including purchase (not to exceed two hundred and three of which seventy-eight shall be for replacement only, for police-type use) and hire of passenger motor vehicles; and services of expert witnesses at such rates as may be determined by the Commissioner; \$791,000,000.

88 STAT. 615

83 STAT. 616

FEDERAL TAX LIEN REVOLVING FUND

For increased capitalization of the revolving fund for redemption of real property, established by the Federal Tax Lien Act of 1966 (26 U.S.C. 7810(a)), \$500,000.

80 Stat. 1145.

OFFICE OF THE TREASURER

SALARIES AND EXPENSES

For necessary expenses of the Office of the Treasurer, \$14,000,000.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Secret Service, including purchase (not to exceed eighty-eight for police-type use of which seventy-seven are for replacement only) and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments which may be provided without reimbursement; and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be necessary to perform protective functions; \$79,300,000; *Provided*, That funds appropriated to the United States Secret Service shall be available to provide protection to the immediate family of the Vice President of the United States and for the utilization of the Executive Protective Service to provide security at the official residence of the Vice President.

GENERAL PROVISIONS—TREASURY DEPARTMENT

Sec. 101. Appropriations in this Act to the Treasury Department shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-2) including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services as authorized by 5 U.S.C. 3109.

80 Stat. 508;

81 Stat. 206.

80 Stat. 416.

Citation of
title.

Postal Service
Appropriation
Act, 1975.

This title may be cited as the "Treasury Department Appropriations Act, 1975".

TITLE II—POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

84 Stat. 743.

For payment to the Postal Service Fund for public service costs and for revenue foregone on free and reduced-rate mail, pursuant to 39 U.S.C. 2401 (b) and (c), and for meeting the liabilities of the former Post Office Department to the Employees' Compensation Fund and to postal employees for earned and unused annual leave as of June 30, 1971, pursuant to 39 U.S.C. 2004, \$1,550,000,000.

84 Stat. 739.

Citation of
title.

88 STAT. 616

88 STAT. 617

Executive Office
Appropriation
Act, 1975.

This title may be cited as the "Postal Service Appropriation Act, 1975".

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT

COMPENSATION OF THE PRESIDENT

63 Stat. 4;

83 Stat. 3.

For compensation of the President, including an expense allowance at the rate of \$50,000 per annum as authorized by 3 U.S.C. 102, \$250,000.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

60 Stat. 23.

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), \$1,600,000.

COUNCIL ON INTERNATIONAL ECONOMIC POLICY

SALARIES AND EXPENSES

For necessary expenses of the Council on International Economic Policy, including personnel services without regard to the provisions of law regulating the employment and compensation of persons in the Government service, \$1,600,000 of which, an amount not to exceed \$1,000 may be expended for official entertainment.

DOMESTIC COUNCIL

SALARIES AND EXPENSES

60 Stat. 416.

5 USC 5332

note.

For necessary expenses of the Domestic Council, including services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent of the rate for grade GS-18; and other personal services without regard to the provisions of law regulating the employment and compensation of persons in the Government service; \$1,250,000.

UNANTICIPATED PERSONNEL NEEDS

For expenses necessary to enable the President to meet unanticipated personnel needs, for emergencies affecting the national interest, security, or defense which may arise at home or abroad during the current fiscal year, and to pay administrative expenses incurred with respect thereto, \$500,000.

August 21, 1974

- 5 -

Pub. Law 93-381

EXECUTIVE RESIDENCE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence, and official entertainment expenses of the President. \$1,695,000.

88 STAT. 617

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

88 STAT. 618

OPERATING EXPENSES

For the care, maintenance, repair and alteration, furnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, \$315,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

FEDERAL ENERGY OFFICE

SALARIES AND EXPENSES

No part of any appropriation contained in this or any other Act for the regulatory functions of the Federal Energy Administration under authority of Public Law 93-159, shall be obligated or expended beyond the expiration date of that Act except with explicit approval of the appropriations committees.

87 Stat. 627.

15 USC 751

note.

NATIONAL COMMISSION ON PRODUCTIVITY

SALARIES AND EXPENSES

For necessary expenses of the National Commission on Productivity, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$2,000,000.

80 Stat. 416.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For expenses necessary for the National Security Council, including services as authorized by 5 U.S.C. 3109, \$2,900,000.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For expenses necessary for the Office of Management and Budget, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, \$21,000,000.

OFFICE OF TELECOMMUNICATIONS POLICY

SALARIES AND EXPENSES

For expenses necessary for the conduct of telecommunications functions assigned to the Director of the Office of Telecommunications policy, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, \$8,450,000.

Pub. Law 93-381

- 6 -

August 21, 1974

SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

SALARIES AND EXPENSES

For necessary expenses of the Special Action Office for Drug Abuse Prevention, \$3,000,000.

PHARMACOLOGICAL RESEARCH

For necessary expenses in connection with activities authorized by section 224 of the Drug Abuse Office and Treatment Act of 1972 (Public Law 92-255), \$4,000,000.

66 Stat. 71.
21 USC 1134.

SPECIAL FUND FOR DRUG ABUSE

For the "Special fund" established by section 223 of the Drug Abuse Office and Treatment Act of 1972 (Public Law 92-255), \$11,000,000.

21 USC 1133.

SPECIAL ASSISTANCE TO THE PRESIDENT

For expenses necessary to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent of the rate for grade GS-18, compensation for one position at a rate not to exceed the rate of level II of the Executive schedule, and other personal services without regard to the provisions of law regulating the employment and compensation of persons in the Government service, including hire of passenger motor vehicles, \$910,000.

60 Stat. 416.

5 USC 5332
note.
63 Stat. 864.
5 USC 5313
note.

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For expenses necessary for the White House Office as authorized by law, including not to exceed \$3,850,000 for services as authorized by 5 U.S.C. 3109, at such per diem rates for individuals as the President may specify, and other personal services without regard to the provisions of law regulating the employment and compensation of persons in the Government service; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed \$100,000); and not to exceed \$10,000 for official entertainment expenses to be available for allocation within the Executive Office of the President; \$16,367,000.

Citation of
title.

Independent
Agencies
Appropriations
Act, 1975.

This title may be cited as the "Executive Office Appropriation Act, 1975".

TITLE IV—INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, established by the Administrative Conference Act, as amended (5 U.S.C. 571 et seq.), \$750,000.

60 Stat. 388;
63 Stat. 446.
68 STAT. 619
68 STAT. 620

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Act of September 24, 1959 (73 Stat. 703-706), \$1,075,000.

63 Stat. 1162.
42 USC 4271 et
seq.

August 21, 1974

- 7 -

Pub. Law 93-381

ADVISORY COMMITTEE ON FEDERAL PAY

SALARIES AND EXPENSES

For necessary expenses of the Advisory Committee on Federal Pay, established by 5 U.S.C. 5306, \$130,000.

84 Stat. 1949.

CIVIL SERVICE COMMISSION

SALARIES AND EXPENSES

For necessary expenses, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia; hire of passenger motor vehicles; not to exceed \$2,500 for official reception and representation expenses; and advances or reimbursements to applicable funds of the Commission and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended; \$90,000,000 together with not to exceed \$18,698,000 for current fiscal year administrative expenses for the retirement and insurance programs to be transferred from the appropriate trust funds of the Commission in amounts determined by the Commission without regard to other statutes: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds for administrative expenses of effecting statutory annuity adjustments. No part of the appropriation herein made to the Civil Service Commission shall be available for the salaries and expenses of the Legal Examining Unit of the Commission, established pursuant to Executive Order 9358 of July 1, 1943, or any successor unit of like purpose.

80 Stat. 416.

22 USC 287
note.3 CFR 1943-
1948 Comp.,
p. 256.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, \$264,817,000.

80 Stat. 599;
84 Stat. 869.
5 USC 8901.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special acts, to be credited to the Civil Service retirement and disability fund, \$882,287,000: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended (2 C.Z.C. 181) and the Act of August 19, 1950, as amended (33 U.S.C. 771-775) may hereafter be paid out of the Civil Service retirement and disability fund.

80 Stat. 584;
83 Stat. 137.
33 USC 776.64 Stat. 518,
520.88 STAT. 620
88 STAT. 621

FEDERAL LABOR RELATIONS COUNCIL

SALARIES AND EXPENSES

For expenses necessary to carry out functions of the Civil Service Commission under Executive Order No. 11491 of October 29, 1969, as amended, \$975,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government Service, and compensation as authorized by 5 U.S.C. 3109.

5 USC 7301
note.80 Stat. 499;
83 Stat. 190.

INTERGOVERNMENTAL PERSONNEL ASSISTANCE

84 Stat. 1909. as For grants to improve State and local personnel administration,
42 USC 4701 as authorized by the Intergovernmental Personnel Act of 1970,
note. \$15,000,000.

COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING

SALARIES AND EXPENSES

18 USC 1955 For expenses necessary to carry out functions of the Commission
note. on the Review of the National Policy Toward Gambling, established
by section 804 of the Organized Crime Control Act of 1970 (P.L.
91-452; 84 Stat. 938), \$1,000,000.

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

SALARIES AND EXPENSES

85 Stat. 77. For expenses necessary for the Committee for Purchase of Products
41 USC 48c. and Services of the Blind and Other Severely Handicapped, estab-
lished by the Act of June 23, 1971, Public Law 92-28, including hire
of passenger motor vehicles, \$252,000.

GENERAL SERVICES ADMINISTRATION

DISPOSAL OF SURPLUS REAL AND RELATED PERSONAL PROPERTY, OPERATING EXPENSES

78 Stat. 897; Not to exceed \$7,200,000 of any proceeds received by the General
84 Stat. 1084 Services Administration during the current fiscal year from transfers
of excess property and the disposal of surplus real and related personal
property shall be deposited to this appropriation, and shall be avail-
able for necessary expenses incurred in the Federal Buildings Fund in
carrying out surplus property functions, pursuant to the Land and
Water Conservation Act of 1965, as amended (16 U.S.C. 460 1-5).

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

88 STAT. 621 The revenues and collections deposited into a fund pursuant to Sec-
88 STAT. 622 tion 210(f) of the Federal Property and Administrative Services Act
of 1949, as amended (40 U.S.C. 490(f)), shall be available during the
current fiscal year for necessary expenses of real property manage-
ment and related activities not otherwise provided for, including
72 Stat. 1709. operation, maintenance, and protection of federally owned and leased
buildings; rental of buildings in the District of Columbia; restoration
of leased premises; moving Government agencies (including space
adjustments) in connection with the assignment, allocation and trans-
fer of space; contractual services incident to cleaning or servicing
buildings and moving; repair and alteration of federally owned build-
ings, including grounds, approaches and appurtenances; care and
safeguarding of sites; maintenance, preservation, demolition, and
equipment; acquisition of buildings and sites by purchase, condemna-
tion, or as otherwise authorized by law; conversion and extension of
federally owned buildings; preliminary planning and design of proj-
ects by contract or otherwise; construction of new buildings (including
equipment for such buildings); and payment of principal, interest,
taxes, and any other obligations for public buildings acquired by pur-
chase contract; in the aggregate amount of \$1,008,870,700 of which
(1) not to exceed \$25,000,000 shall be available for construction of
buildings as authorized by law including construction projects at loca-
tions and at maximum construction improvement costs (including
funds for sites and expenses) as follows:

August 21, 1974

- 9 -

Pub. Law 93-381

New Construction:

Arizona:

Lukeville Border Station, \$2,081,000

Texas:

Laredo Border Station, \$15,462,000

Washington:

Blaine, Pacific Highway Border Station, \$3,374,000

Extensions and conversions:

Colorado:

Denver, Federal Center Building #50, \$1,209,000

Denver, Federal Center Building #85, \$1,727,000

Ohio:

Dayton, Federal Depot, #4, \$1,147,000

Provided. That the immediately foregoing limits of costs may be exceeded to the extent that savings are effected in other such projects, but by not to exceed 10 per centum: (2) not to exceed \$26,244,000 for purchase contract payments; (3) not to exceed \$350,000,000 for rental of space; (4) not to exceed \$98,000,000 for alterations and major repairs; (5) not to exceed \$354,000,000 for real property operations; (6) not to exceed \$54,037,000 for program direction and centralized services; and (7) not to exceed \$101,589,700 of the amounts merged with the fund pursuant to section 210(f)(3) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(3)) of which (a) not to exceed \$69,995,700 for the construction of buildings as authorized by law including construction projects at locations and at maximum construction improvement costs (including funds for sites and expenses) as follows:

66 Stat. 594;
72 Stat. 1709.

88 STAT. 622
88 STAT. 623

Alabama:

Mobile Federal Office Building----- \$224, 000

Alaska:

Fairbanks Federal Office Building and Parking Facility----- 638, 500

Anchorage Court House, Federal Office Building, and Park Facility----- 2, 000, 000

Alaska Highway Border Station----- 839, 000

Juneau Post Office and Court House----- 12, 000

Petersburg Federal Office Building and Post Office----- 25, 000

Arizona:

Nogales Border Station #2----- 2, 670, 000

Arkansas:

Batesville Post Office, Court House, and Federal Office Building-- 86, 000

Fayetteville Court House and Federal Office Building----- 89, 000

California:

Los Angeles Federal Office Building and Multi-Parking Facility-- 1, 981, 000

San Diego Border Station----- 1, 724, 000

Hawthorne Federal Office Building----- 92, 000

Santa Rosa Federal Office Building----- 235, 000

Santa Ana Federal Office Building----- 18, 000

San Diego Federal Building----- 225, 000

Calexico Border Station----- 88, 000

Connecticut:

New Haven Federal Office Building----- 877, 000

Delaware:

Wilmington Court House, Customs Court, and Federal Office Building----- 151, 000

District of Columbia:

South Portal Site Federal Office Building----- 10, 631, 300

James Forrestal Federal Office Building----- 170, 700

Department of Labor Building----- 11, 083, 600

J. E. Hoover Federal Bureau of Investigation Building----- 514, 000

Florida:

Orlando Courthouse and Federal Office Building----- 99, 000

Tampa Motor Pool----- 15, 000

West Palm Beach Post Office and Courthouse----- 31, 000

Georgia:	
Atlanta, Richard B. Russell Federal Office Building-----	\$700,000
Augusta Post Office and Federal Office Building-----	99,000
Griffin Post Office and Federal Office Building-----	176,000
Rome Post Office and Courthouse-----	106,000
Waycross Courthouse and Federal Office Building-----	19,000
Hawaii:	
Honolulu Federal Office Building-----	115,000
Idaho:	
Sandpoint Federal Office Building-----	16,000
Illinois:	
Chicago Federal Supply Center and Parking Facility-----	312,000
Chicago Federal Archives and Records Center-----	15,000
Chicago Federal Office Building-----	1,194,000
Alton Courthouse and Federal Office Building-----	50,000
Carbondale Federal Office Building-----	261,000
Indiana:	
Indianapolis Federal Office Building-----	15,000
Indianapolis Post Office and Courthouse-----	10,000
Iowa:	
Iowa City Post Office and Federal Office Building-----	12,000
Kansas:	
Topeka Courthouse and Federal Office Building-----	662,500
Kentucky:	
Covington, Internal Revenue Service Center-----	79,000
Frankfort Courthouse and Federal Office Building-----	67,000
Louisville Federal Office Building-----	53,000
Louisiana:	
Houma, A. J. Ellender Post Office and Federal Office Building--	160,000
New Orleans Courthouse and Federal Office Building-----	30,000
Maryland:	
Baltimore, E. A. Garmatz Federal Office Building-----	22,000
Massachusetts:	
New Bedford, Hastings Keith Federal Building-----	204,000
Michigan:	
Ann Arbor, Federal Office Building-----	322,000
Detroit, Patrick V. McNamara Federal Office Building-----	49,000
Grand Rapids, Courthouse and Federal Building-----	57,000
Saginaw, Federal Office Building-----	448,000
Mississippi:	
Aberdeen, Federal Office Building-----	54,000
Hattiesburg, Federal Office Building-----	69,000
Oxford, Courthouse, Post Office, and Federal Office Building--	82,000
Nebraska:	
Lincoln, Courthouse, Federal Office Building, and Park Facility--	67,000
New Hampshire:	
Manchester Federal Office Building-----	456,000
New Mexico:	
Gallup Federal Office Building-----	137,000
New York:	
Buffalo Federal Office Building-----	950,000
Champlain Border Station-----	262,000
Hyde Park, F. D. Roosevelt Library Extension-----	65,000
New York, Customs Courthouse and Federal Office Building-----	113,500
Rochester, Customs Courthouse and Federal Office Building-----	70,000
New York, Foley Square Courthouse Annex-----	737,000
North Carolina:	
Winston-Salem, Courthouse and Federal Office Building-----	839,000
Ohio:	
Akron, Courthouse, Federal Office Building and Parking Facility-----	43,000
Akron, Post Office-----	13,000
Columbia, Federal Office Building-----	861,000
Dayton, Courthouse and Federal Office Building-----	42,000
Mansfield Post Office and Federal Office Building-----	348,000
Oklahoma:	
Oklahoma City, Federal Office Building-----	603,000
Oregon:	
Eugene, Courthouse and Federal Office Building-----	30,000
Portland, Federal Office Building-----	12,000
Pennsylvania:	
Philadelphia, J. A. Byrne Courthouse and W. J. Greene, Jr., Federal Office Building-----	10,624,000
Williamsport, Courthouse and Federal Office Building-----	335,000

98 STAT. 623

88 STAT. 624

August 21, 1974

- 11 -

Pub. Law 93-381

Puerto Rico:		
San Juan, Courthouse and Federal Office Building-----	\$25,000	
Rhode Island:		
Providence, Post Office and Federal Office Building-----	38,000	
South Carolina:		
Columbia, Courthouse, Federal Office Building, Parking Facility and Vehicle Maintenance Facility-----	955,000	
Florence, John L. McMillan Federal Building and Courthouse--	327,000	
South Dakota:		
Huron, Post Office and Federal Office Building-----	470,000	
Rapid City, Courthouse and Federal Office Building-----	31,000	88 STAT. 624
Tennessee:		
Nashville, Courthouse and Federal Office Building-----	130,000	88 STAT. 625
Texas:		
Dallas, Courthouse and Federal Office Building-----	31,000	
McAllen, Border Patrol Sector Headquarters-----	22,000	
Marfa, Border Patrol Headquarters-----	136,000	
Midland, Post Office, Courthouse, and Federal Office Building--	135,000	
San Antonio, Courthouse and Federal Office Building-----	594,000	
San Antonio, Post Office-----	73,000	
Vermont:		
Norton, Border Station-----	10,000	
Brattleboro, Post Office, Court House, and Federal Office Building-----	10,000	
Virginia:		
Quantico, Federal Bureau of Investigation Academy-----	555,000	
Roanoke, R. H. Poff Federal Office Building-----	37,000	
Virgin Islands:		
Charlotte Amalie, Courthouse and Federal Office Building-----	45,000	
Washington:		
Blaine, Peace Arch Border Station-----	3,081,000	
Seattle, Federal Office Building-----	2,503,600	
Seattle, Federal Center South-----	2,878,000	
West Virginia:		
Morgantown, Post Office and Federal Office Building-----	200,000	
Elkins, Post Office, Courthouse, and Federal Office Building---	454,000	
Wisconsin:		
Madison, Courthouse and Federal Office Building-----	680,000	
Total -----	69,995,700	

Provided, That the immediately foregoing limits of cost may be exceeded to the extent that they apply to construction projects previously included in the appropriation, Construction, Public Buildings Projects, to the extent that savings are affected in other such projects, but by not to exceed 10 per centum of the amounts previously appropriated for such projects under such appropriation; (b) not to exceed \$700,000 for repair and improvement of public buildings; (c) not to exceed \$5,245,000 for additional court facilities; (d) not to exceed \$16,149,000 for construction services of on-going construction projects; and (e) \$9,500,000 for the completion of buildings management projects, including charges for work for other agencies begun in prior years but not yet completed and \$2,571,000 to be deposited in the Treasury as miscellaneous receipts: *Provided further*, That for the purposes of this authorization, buildings constructed pursuant to the Public Buildings Purchase Contract Act of 1954 (40 U.S.C. 356), the Public Buildings Amendments of 1972 (40 U.S.C. 490) and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of General Services Administration shall be considered to be federally owned buildings: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under Section 210(f) (6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f) (6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret

68 Stat. 518.

86 Stat. 216.

40 USC 603 note.

86 Stat. 218.

86 STAT. §26

62 Stat. 818.

Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections: *Provided further*, That any revenues and collections and any other sums accruing to this Fund, excluding reimbursements under section 210(f) (6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)), in excess of \$1,088,870,700 shall be deposited in miscellaneous receipts of the Treasury of the United States.

86 Stat. 219.

FEDERAL SUPPLY SERVICE

OPERATING EXPENSES

For expenses, not otherwise provided, necessary for supply distribution (including contractual services incident to receiving, handling and shipping supply items), procurement, inspection, standardization, and supply management activities as authorized by law, transportation, public utilities, the utilization of excess property, the disposal of surplus property, the rehabilitation of personal property, the national stockpile established by the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h), the supplemental stockpile established by section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607), and the inventory maintained under the Defense Production Act of 1950, as amended (50 U.S.C. 2061-2166), including services as authorized by 5 U.S.C. 3109, \$165,500,000: *Provided*, That during the current fiscal year the General Services Administration is authorized to acquire leasehold interests in property, for periods not in excess of twenty years, for the storage, security, and maintenance of strategic, critical, and other materials in the national and supplemental stockpiles, provided said leasehold interests are at nominal cost to the Government: *Provided further*, That during the current fiscal year there shall be no limitation on the value of surplus strategic and critical materials which, in accordance with section 6 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e), may be transferred without reimbursement to the national stockpile: *Provided further*, That during the current fiscal year materials in the inventory maintained under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061-2166), and excess materials in the national stockpile and supplemental stockpile, the disposition of which is authorized by law, shall be available, without reimbursement, for transfer at fair market value to contractors as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, or otherwise beneficiating materials, or of rotating materials, pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b), and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093(d)).

60 Stat. 596;

85 Stat. 427.

80 Stat. 1528.

7 USC 1704.

64 Stat. 798.

50 USC App.

2061-2166.

80 Stat. 416.

60 Stat. 598.

64 Stat. 798.

60 Stat. 597.

65 Stat. 133.

NATIONAL ARCHIVES AND RECORDS SERVICE

OPERATING EXPENSES

For necessary expenses in connection with Federal records management and related activities, as provided by law, including reimbursement for security guard services, contractual services incident to movement or disposal of records, and acceptance and utilization of voluntary and uncompensated services, \$50,500,000, of which \$2,000,000 for allocations and grants for historical publications as authorized by 44 U.S.C. 2504, as amended, shall remain available until expended.

82 Stat. 1294.

August 21, 1974

- 13 -

Pub. Law 93-381

88 STAT. 627

RECORDS DECLASSIFICATION

For expenses necessary for the review and declassification of documents, and related records management activities, pursuant to Executive Order 11652, directives issued pursuant thereto, and other applicable authorities, including expenses not otherwise provided for, and acceptance and utilization of voluntary and uncompensated services, \$1,305,000.

50 USC 401 note.

AUTOMATED DATA AND TELECOMMUNICATIONS SERVICE

OPERATING EXPENSES

For expenses, not otherwise provided, necessary for carrying out Government-wide responsibilities relating to automated data management, telecommunications and related activities, as authorized by law, including services as authorized by 5 U.S.C. 3109, \$7,000,000.

80 Stat. 416.

PREPAREDNESS ACTIVITIES

OFFICE OF PREPAREDNESS

SALARIES AND EXPENSES

For expenses necessary for emergency preparedness functions and the disposal of excess materials in the national stockpile established by the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h), the supplemental stockpile established by section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607), and the inventory maintained under the Defense Production Act of 1950, as amended (50 U.S.C. 2061-2166), including services as authorized by 5 U.S.C. 3109 and expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency planning, \$7,650,000.

60 Stat. 596;
85 Stat. 427.
80 Stat. 1528.
7 USC 1704.
80 Stat. 416.

DEFENSE MOBILIZATION FUNCTIONS OF FEDERAL AGENCIES

For expenses necessary to assist other Federal agencies to perform civil defense mobilization functions, including payments by the Department of Labor to State employment security agencies for the full cost of administration of defense manpower mobilization activities, \$1,500,000.

GENERAL MANAGEMENT AND AGENCY OPERATIONS

SALARIES AND EXPENSES

For expenses of general management and agency operations of activities under the control of the General Services Administration, \$10,650,000: *Provided*, That not to exceed \$2,500 shall be available for reception and representation expenses.

FEDERAL MANAGEMENT POLICY

SALARIES AND EXPENSES

For expenses, not otherwise provided, necessary for Government-wide policy functions in the areas of financial management, procurement management, property management, automatic data processing management, and management systems development, pursuant to Executive Order 11717, dated May 9, 1973, \$1,730,000.

31 USC 16 note.

INDIAN TRIBAL CLAIMS

For expenses necessary to provide accounting records management, and other support incident to adjudication of Indian Tribal claims by the Indian Claims Commission, \$2,523,000.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

72 Stat. 838;
84 Stat. 1963.

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), \$60,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provision of sections (a) and (e) of such Act.

ADMINISTRATIVE AND STAFF SUPPORT SERVICES

SALARIES AND EXPENSES

47 Stat. 417;
57 Stat. 219.

For administrative expenses necessary in providing general administrative and staff support services within the General Services Administration, not otherwise provided for, \$47,978,000: *Provided*, That this appropriation shall be available, subject to reimbursement by the applicable agency, for services performed for other agencies pursuant to section 601 of the Economy Act of 1932, as amended (31 U.S.C. 686).

GENERAL PROVISIONS—GENERAL SERVICES ADMINISTRATION

61 Stat. 589.

SEC. 1. The appropriate appropriation or fund available to the General Services Administration shall be credited with (1) cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129): and (2) appropriations or funds available to other agencies, and transferred to the General Services Administration, in connection with property transferred to the General Services Administration pursuant to the Act of July 2, 1948 (50 U.S.C. 451ff), and such appropriations or funds may be so transferred, with the approval of the Office of Management and Budget.

62 Stat. 1225.
50 USC 451 and
note.

SEC. 2. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

79 Stat. 1127.
40 USC 759.

SEC. 3. None of the funds available under this Act or under section 111 of the Federal Property and Administrative Services Act of 1949 shall be obligated or expended for the procurement by purchase, lease or any other arrangement, in whole or in part, of any or all the automatic data processing system, data communications network, or related software and services for the joint General Services Administration-Department of Agriculture MCS project 97-72 contained in the Request for Proposal CDPA 74-14, any successor to such project, or any other common user shared facilities authorized under section 111 of the Federal Property and Administrative Services Act of 1949.

SEC. 4. Not to exceed 2 per centum of any appropriations made available to the General Services Administration, excluding the Federal Buildings Fund, for the current fiscal year by this Act may be transferred to any other such appropriation, but no such appropriation shall be increased thereby more than 2 per centum: *Provided*, That such transfers shall apply only to operating expenses, and shall not exceed in the aggregate the amount of \$2,000,000.

August 21, 1974

- 15 -

Pub. Law 93-381

88 STAT. 629

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract stenographic reporting, and other services as authorized by 5 U.S.C. 3109, \$6,285,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

26 USC 7443
note.

DEPARTMENT OF DEFENSE

DEFENSE CIVIL PREPAREDNESS AGENCY

OPERATION AND MAINTENANCE

For expenses, not otherwise provided for, necessary for carrying out civil defense activities, including the hire of motor vehicles; and financial contributions to the States for civil defense purposes, as authorized by law; \$63,400,000: *Provided*, That not to exceed \$28,600,000 shall be available for allocation under section 205 of the Federal Civil Defense Act of 1950, as amended.

72 Stat. 533;
82 Stat. 175.
50 USC app.
2286.

RESEARCH, SHELTER SURVEY, AND MARKING

For expenses, not otherwise provided for, necessary for studies and research to develop measures and plans for civil defense; continuing shelter surveys, marking, and equipping surveyed spaces; and financial contributions to the States under section 201(i) of the Federal Civil Defense Act, which shall be equally matched, for emergency operating centers and civil defense equipment; \$18,600,000.

64 Stat. 1248;
75 Stat. 820.
50 USC app. 2281.

GENERAL PROVISIONS—CIVIL DEFENSE

SEC. 1. Appropriations contained in this Act for carrying out civil defense activities shall not be available in excess of the limitations on appropriations contained in section 408 of the Federal Civil Defense Act, as amended (50 U.S.C. App. 2260).

SEC. 2. No part of any appropriation in this Act shall be available for the construction of warehouses or for the lease of warehouse space in any building which is to be constructed specifically for civil defense activities.

This title may be cited as the "Independent Agencies Appropriations Act, 1975".

72 Stat. 534;
86 Stat. 503.Citation of
title.

TITLE V—GENERAL PROVISIONS

THIS ACT

SEC. 501. Where appropriations in this Act are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Veterans Administration; or to payments to interagency motor pools where separately set forth in the budget schedules.

88 STAT. 630

Employees,
military leave,
position res-
toration.

SEC. 502. No part of any appropriation contained in this Act shall be available to pay the salary of any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within ninety days after his release from such service or from hospitalization continuing after discharge for a period of not more than one year made application for restoration to his former position and has been certified by the Civil Service Commission as still qualified to perform the duties of his former position and has not been restored thereto.

Offices outside
D.C., limita-
tion.

SEC. 503. No part of any appropriation made available in this Act shall be used for the purchase or sale of real estate or for the purpose of establishing new offices outside the District of Columbia: *Provided*, That this limitation shall not apply to programs which have been approved by the Congress and appropriations made therefor.

Fiscal year
limitation.

SEC. 504. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Foreign-made
tools, pro-
curement
restriction.

SEC. 505. No part of any appropriation contained in this Act shall be available for the procurement of or for the payment of the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions or except in accordance with procedures prescribed by section 6-104.4 (b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970. This section shall be applicable to all solicitations for bids opened after its enactment.

Space and service
charges

SEC. 506. No part of any appropriation contained in this Act shall be available for paying to the Administrator of the General Services Administration in excess of 90 per centum of the standard level user charge established pursuant to section 210j of the Federal Property and Administrative Services Act of 1949, as amended, for space and services.

86 Stat. 219.
40 USC 490.

Administrative
expenses for
purchase con-
tracts.
86 Stat. 219.
40 USC 602a.

SEC. 507. None of the funds available under this Act shall be available for administrative expenses in connection with the execution of purchase contracts pursuant to section 5 of the Public Buildings Amendments of 1972 (Public Law 92-313) in excess of the aggregate amount of \$300,000,000 (based on approved prospectuses) during the fiscal year ending June 30, 1975.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

Motor vehicle
purchase.
31 USC 638c
note.
31 USC 638a.

SEC. 601. Unless otherwise specifically provided the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses and ambulances), is hereby fixed at \$2,100 except station wagons for which the maximum shall be \$2,400: *Provided*, That these limits may be exceeded by not to exceed \$900 for police-type vehicles.

Police-type
vehicles.
Citizenship
requirement for
employees.

SEC. 602. Unless otherwise specified and during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the

August 21, 1974

- 17 -

Pub. Law 93-381

88 STAT. 631

Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act, who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, or (4) is an alien from Cuba, Poland, or the Baltic countries lawfully admitted to the United States for permanent residence: *Provided*, That, for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined not more than \$4,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal-clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

SEC. 603. Appropriations of the executive departments and independent establishments for the current fiscal year, available for expenses of travel or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-5924.

Quarters
allowances.

SEC. 604. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

Nominees not
approved.

SEC. 605. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to the Government Corporation Control Act, as amended (31 U.S.C. 841), shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

Administrative
expense funds.

59 Stat. 597.

80 Stat. 416.

SEC. 606. Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662), foreign credits (including currencies) owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned: *Provided*, That such credits received as exchange allowances or proceeds of sales of personal property may be used in whole or part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.

Foreign
credits.
31 USC 724.

88 STAT. 632

Publicity or
propaganda.U.S. Postal
Service Service
employees,
communication
with Congress.Interdepart-
mental groups,
expenses.

59 Stat. 134.

Space and ser-
vice charges
and building
improvements.73 Stat. 479.
40 USC 601 note.
40 USC 603 note.
"U.S. or Postal
Service guards,
funds."
40 USC 603 note.
84 Stat. 739.

SEC. 607. (a) No part of any appropriation contained in this or any other Act, or of the funds available for expenditure by any corporation or agency, shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before Congress.

(b) No part of any appropriation contained in this Act shall be available for the payment of the salary of any officer or employee of the United States Postal Service, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any Member or committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the United States Postal Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of such Member or committee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or contact of such officer or employee with any Member or committee of Congress as described in paragraph (1) of this subsection.

SEC. 608. No part of any appropriation contained in this or any other Act, shall be available to finance interdepartmental boards, commissions, councils, committees, or similar groups under section 214 of the Independent Offices Appropriations Act, 1946 (31 U.S.C. 691) which do not have prior and specific congressional approval of such method of financial support.

SEC. 609. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements, performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 610. Funds made available by this or any other Act to the fund created by the Public Buildings Amendments of 1972 (86 Stat. 216), and the "Postal Service fund" (39 U.S.C. 2003), shall be available for employment of guards for all buildings and areas owned or occupied by the United States or the Postal Service and under the charge and control of the General Services Administration or the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318), but shall not be restricted to certain Federal property as otherwise required by the proviso contained in said section, and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318a, 318b) attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318c).

August 21, 1974

- 19 -

Pub. Law 93-381

88 STAT. 633

SEC. 611. None of the funds available under this Act shall be available for administrative expenses in connection with the transfer of any functions, personnel, facilities, equipment, or funds out of the United States Customs Service unless such transfers have been specifically authorized by the Congress.

U.S. Customs
Service
functions, etc.

SEC. 612. None of the funds available under this Act shall be available for administrative expenses for the purpose of transferring the border control activities of the Bureau of Customs to any other agency of the Federal Government.

Bureau of
Customs ac-
tivities

This Act may be cited as the "Treasury, Postal Service, and General Government Appropriation Act, 1975".

Short title.

Approved August 21, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-1132 (Comm. on Appropriations) and No. 93-1262 (Comm. of Conference).

SENATE REPORT No. 93-1028 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 120 (1974):

June 25, considered and passed House.

July 31, considered and passed Senate, amended.

Aug. 13, House agreed to conference report.

Aug. 15, Senate agreed to conference report.



Public Law 93-391
93rd Congress, H. R. 15405
August 28, 1974

An Act

Making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1975, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending June 30, 1975, and for other purposes, namely:

Department of
Transportation
and Related
Agencies Ap-
propriation Act,
1975.

88 STAT. 768
88 STAT. 769

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of Transportation, including not to exceed \$27,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine, \$31,000,000: *Provided*, That not to exceed \$882,900 of the funds provided under this Act shall be available to enable the Office of the Secretary to lease and maintain automobile parking facilities in the Nassif Building for employees of the Department.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, and development activities, including the collection of national transportation statistics, to remain available until expended, \$28,000,000.

GRANTS-IN-AID FOR NATURAL GAS PIPELINE SAFETY

For grants-in-aid to carry out a pipeline safety program, as authorized by section 5 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1674), \$1,200,000, to remain available until expended.

82 Stat. 722;
86 Stat. 616.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed sixteen passenger motor vehicles, for replacement only; and recreation and welfare; \$618,144,448, of which \$179,448 shall be applied to Capehart Housing debt reduction: *Provided*, That the number of aircraft on hand at any one time shall not exceed one hundred and seventy-nine exclusive of planes and parts stored to meet future attrition: *Provided further*, That, without regard to any provisions of law or Executive order prescribing minimum flight requirements, Coast Guard regulations which establish proficiency standards and maximum and minimum flying hours for this purpose may provide for the payment of flight pay at the rates prescribed in section 301 of title 37, United States Code, to certain members of the Coast Guard otherwise entitled to receive flight pay during the current fiscal year (1) who

14 USC 92 note.

have held aeronautical ratings or designations for not less than fifteen years, or (2) whose particular assignment outside the United States or in Alaska, makes it impractical to participate in regular aerial flights, or who have been assigned to a course of instruction of 90 days or more: *Provided further*, That amounts equal to the obligated balances against the appropriations for "Operating expenses" for the two preceding years, shall be transferred to and merged with this appropriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for the payment of obligations properly incurred against such prior year appropriations and against this appropriation.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; \$112,307,000, to remain available until June 30, 1977.

ALTERATION OF BRIDGES

For necessary expenses for alteration of obstructive bridges; \$6,800,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans; \$95,850,000.

RESERVE TRAINING

For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; \$29,000,000: *Provided*, That amounts equal to the obligated balances against the appropriations for "Reserve training" for the two preceding years shall be transferred to and merged with this appropriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for the payment of obligations properly incurred against such prior year appropriations and against this appropriation.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for basic and applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$17,500,000, to remain available until expended.

STATE BOATING SAFETY ASSISTANCE

For financial assistance for State boating safety programs in accordance with the provisions of the Federal Boat Safety Act of 1971 (46 U.S.C. 1474-1480), \$6,000,000, to remain available until expended.

85 Stat. 213.

88 STAT. 770

88 STAT. 771

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including administrative expenses for

August 28, 1974

- 3 -

Pub. Law 93-391

research and development and for establishment of air navigation facilities, and carrying out the provisions of the Airport and Airway Development Act; purchase of four passenger motor vehicles for replacement only; and purchase and repair of skis and snowshoes; \$1,375,500,000: *Provided*, That there may be credited to this appropriation, funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the maintenance and operation of air navigation facilities. 84 Stat. 219.
49 USC 1701
note.

FACILITIES, ENGINEERING AND DEVELOPMENT

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, and for acquisition and modernization of facilities and equipment and service testing in accordance with the provisions of the Federal Aviation Act (49 U.S.C. 1301-1542), including construction of experimental facilities and acquisition of necessary sites by lease or grant, \$12,250,000, to remain available until expended: *Provided*, That there may be credited to this appropriation, funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for engineering and development. 72 Stat. 731.

FACILITIES AND EQUIPMENT (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for: for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities, including initial acquisition of necessary sites by lease or grant; engineering and service testing including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available, and purchase of six aircraft; \$235,521,000, to be derived from the Airport and Airway Trust Fund, to remain available until June 30, 1977: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That no part of the foregoing appropriation shall be available for the construction of a new wind tunnel, or to purchase any land for or in connection with the National Aviation Facilities Experimental Center, or to remote or decommission any existing flight service station.

RESEARCH, ENGINEERING AND DEVELOPMENT (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided, for research, engineering and development in accordance with the provisions of the Federal Aviation Act (49 U.S.C. 1301-1542), including construction of experimental facilities and acquisition of necessary sites by lease or grant; \$60,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering and development. 72 Stat. 731.
88 STAT. 771
88 STAT. 772

Pub. Law 93-391

- 4 -

August 28, 1974

GRANTS-IN-AID FOR AIRPORTS (AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for airport development under authority contained in section 14 of Public Law 91-258, as amended, to be derived from the Airport and Airway Trust Fund and to remain available until expended, \$280,000,000.

84 Stat. 224;
87 Stat. 89.
49 USC 1714.

OPERATION AND MAINTENANCE, NATIONAL CAPITAL AIRPORTS

For expenses incident to the care, operation, maintenance, improvement, and protection of the federally owned civil airports in the vicinity of the District of Columbia, including purchase of ten passenger motor vehicles for police type use, for replacement only; purchase, cleaning, and repair of uniforms; and arms and ammunition: \$16,000,000.

CONSTRUCTION, NATIONAL CAPITAL AIRPORTS

For necessary expenses for construction at the federally owned civil airports in the vicinity of the District of Columbia, \$5,700,000, to remain available until June 30, 1977.

AVIATION WAR RISK INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures, within the limits of funds available pursuant to section 1306 of the Act of August 23, 1958 (49 U.S.C. 1536), and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for aviation war risk insurance activities under said Act.

72 Stat. 803.

61 Stat. 584.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

Necessary expenses for administration, operation, and research of the Federal Highway Administration not to exceed \$129,200,000 shall be paid, in accordance with law, from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided*, That not to exceed \$30,600,000 of the amount provided herein shall remain available until expended.

MOTOR CARRIER SAFETY

For necessary expenses to carry out motor carrier safety functions of the Secretary, as authorized by the Department of Transportation Act (80 Stat. 939-40), \$6,130,000: *Provided*, That not to exceed \$500,000 of the amount appropriated herein shall remain available until expended and not to exceed \$805,000, shall be available for "Limitation on general operating expenses."

88 STAT. 772
88 STAT. 773

HIGHWAY SAFETY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out provisions of title 23, United States Code, including section 206(b) of the "Highway Safety Act of 1973," to be derived from the Highway Trust Fund, \$9,000,000, to remain available until expended.

87 Stat. 285.
23 USC 151
note.

August 28, 1974

- 5 -

Pub. Law 93-391

HIGHWAY BEAUTIFICATION (LIQUIDATION OF CONTRACT AUTHORIZATION)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, sections 131, 136, and 319(b), \$25,000,000 to remain available until expended, together with \$1,000,000 for necessary administrative expenses for carrying out such provisions of title 23, United States Code, as authorized by section 104(a) of the Federal-Aid Highway Act of 1973. 84 Stat. 1726.

HIGHWAY-RELATED SAFETY GRANTS (LIQUIDATION OF CONTRACT AUTHORIZATION)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 402, administered by the Federal Highway Administration, to remain available until expended, \$12,000,000 of which \$7,500,000 shall be derived from the Highway Trust Fund: *Provided*, That not to exceed \$498,000 of the amount appropriated herein shall be available for "Limitation on General operating expenses." 84 Stat. 1740.

RAIL CROSSINGS—DEMONSTRATION PROJECTS

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 322, to remain available until expended, \$3,000,000, of which \$2,000,000 shall be derived from the Highway Trust Fund.

RAILROAD-HIGHWAY CROSSINGS DEMONSTRATION PROJECTS

For necessary expenses of railroad-highway crossings demonstration projects, as authorized by section 163 of the Federal-Aid Highway Act of 1973, to remain until expended, \$11,000,000, to be derived by transfer from amounts available for obligation under sections 203 and 230 of the Highway Safety Act of 1973. 87 Stat. 280.
23 USC 130 note.

RURAL HIGHWAY PUBLIC TRANSPORTATION DEMONSTRATION PROGRAM

For necessary expenses in carrying out the provisions of the "Federal-Aid Highway Act of 1973," section 147, to remain available until expended, \$10,000,000, of which \$7,000,000 shall be derived from the Highway Trust Fund. 87 Stat. 283,
293.
23 USC 130 note, 405.

TERRITORIAL HIGHWAYS (LIQUIDATION OF CONTRACT AUTHORIZATION)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, sections 215, 402, and 405, \$4,000,000 to remain available until expended.

88 STAT. 773
88 STAT. 774

DARIEN GAP HIGHWAY

For necessary expenses for construction of the Darien Gap Highway in accordance with the provisions of section 216 of title 23 of the United States Code, \$20,000,000, to remain available until expended.

ALASKA HIGHWAY

For necessary expenses to carry out the provisions of section 218 of title 23 of the United States Code, \$5,000,000 to remain available until expended.

Pub. Law 93-391

- 6 -

August 28, 1974

FEDERAL-AID HIGHWAYS (LIQUIDATION OF CONTRACT AUTHORIZATION)
(TRUST FUND)

For carrying out the provisions of title 23, United States Code, which are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of section 308, title 23, United States Code, \$4,575,840,000 or so much thereof as may be available in and derived from the "Highway trust fund", to remain available until expended.

HIGHWAY SAFETY CONSTRUCTION PROGRAMS (LIQUIDATION OF
CONTRACT AUTHORIZATION) (TRUST FUND)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, sections 130, 144, 151, 152, 153, and 405, \$110,000,000, to be derived from the Highway Trust Fund, to remain available until expended.

RIGHT-OF-WAY REVOLVING FUND (LIQUIDATION OF CONTRACT AUTHORIZATION) (TRUST FUND)

82 Stat. 819. For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 108(c), as authorized by section 7(c) of the Federal-Aid Highway Act of 1968, to remain available until expended, \$20,000,000, to be derived from the "Highway Trust Fund" at such times and in such amounts as may be necessary to meet current withdrawals.

FOREST HIGHWAYS (LIQUIDATION OF CONTRACT AUTHORIZATION)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 204, pursuant to contract authorization granted by title 23, United States Code, section 203, to remain available until expended, \$12,450,000.

PUBLIC LANDS HIGHWAY (LIQUIDATION OF CONTRACT AUTHORIZATION)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 209, pursuant to the contract authorization granted by title 23, United States Code, section 203, \$8,270,000, to remain available until expended.

88 STAT. 774

88 STAT. 775

BALTIMORE-WASHINGTON PARKWAY

84 Stat. 1739. For necessary expenses, not otherwise provided, to carry out the provisions of the Federal-Aid Highway Act of 1970, for the Baltimore-Washington Parkway, to remain available until expended, \$1,600,000 to be derived from the "Highway Trust Fund" and to be withdrawn therefrom at such times and in such amounts as may be necessary.
23 USC 101
note.

NATIONAL HIGHWAY TRAFFIC SAFETY
ADMINISTRATION

TRAFFIC AND HIGHWAY SAFETY

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety and functions under the Motor Vehicle Information and Cost Savings Act (Public Law 92-513), \$73,445,000, of which \$29,130,000 shall be derived from the Highway Trust Fund; *Provided*, That not to exceed \$34,800,000 shall
86 Stat. 947.
15 USC 1901
note.

August 28, 1974

- 7 -

Pub. Law 93-391

remain available until expended for the contractual and State grant requirements of the Motor Vehicle Information and Cost Savings Act, and the contractual requirements of Research and Analysis activities.

STATE AND COMMUNITY HIGHWAY SAFETY
(LIQUIDATION OF CONTRACT AUTHORIZATION)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 402, to remain available until expended, \$96,000,000, of which \$85,140,000 shall be derived from the Highway Trust Fund.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, \$3,800,000.

RAILROAD SAFETY

For necessary expenses in connection with railroad safety, not otherwise provided for, \$10,170,000.

GRANTS-IN-AID FOR RAILROAD SAFETY

For grants-in-aid to carry out a railroad safety program, \$1,000,000, to remain available until expended: *Provided*, That the unobligated balance of this appropriation for fiscal year 1974 is hereby continued available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for research, development, and demonstrations in high-speed ground transportation and in rail matters generally, \$50,000,000, to remain available until expended.

88 STAT. 775

88 STAT. 776

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation, \$135,000,000, to remain available until expended, of which \$119,800,000 shall be available only upon the enactment into law of authorizing legislation by the Congress.

THE ALASKA RAILROAD

ALASKA RAILROAD REVOLVING FUND

The Alaska Railroad Revolving Fund shall continue available until expended for the work authorized by law, including operation and maintenance of oceangoing or coastwise vessels by ownership, charter, or arrangement with other branches of the Government service, for the purpose of providing additional facilities for transportation of freight, passengers, or mail, when deemed necessary for the benefit and development of industries or travel in the area served; and payment of compensation and expenses as authorized by 5 U.S.C. 8146, to be reimbursed as therein provided: *Provided*, That no employee shall be paid an annual salary out of said fund in excess of the salaries prescribed by the Classification Act of 1949, as amended, for grade GS-15, except the general manager of said railroad, one assistant general

80 Stat. 553.

5 USC 5332
note.

Pub. Law 93-391

- 8 -

August 28, 1974

manager at not to exceed the salaries prescribed by said Act for GS-17, and five officers at not to exceed the salaries prescribed by said Act for grade GS-16.

PAYMENT TO THE ALASKA RAILROAD REVOLVING FUND

For payment to the Alaska Railroad Revolving Fund for capital replacements, improvements, and maintenance, \$6,250,000, to remain available until expended.

URBAN MASS TRANSPORTATION ADMINISTRATION

URBAN MASS TRANSPORTATION FUND

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the urban mass transportation program authorized by the Urban Mass Transportation Act of 1964 (49 U.S.C. 1601 et seq., as amended by Public Law 91-453) and the Federal-Aid Highway Act of 1973 (Public Law 93-87) in connection with the activities, including uniforms and allowances therefor, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicle; and services as authorized by 5 U.S.C. 3109; \$6,000,000: *Provided, however,* That there be a 3.5 per centum reduction in new budget (obligational) authority across the board of the total appropriations contained in this Act except for the appropriations for Coast Guard, operating expenses; Coast Guard, retired pay; Federal Aviation Administration, operations; National Transportation Safety Board, salaries and expenses; Civil Aeronautics Board, salaries and expenses; Civil Aeronautics Board, payments to aircarriers; Interstate Commerce Commission, salaries and expenses; and except for all limitations: *Provided further,* That the appropriation for Darien Gap Highway is reduced by an additional \$6,000,000.

78 Stat. 302;
84 Stat. 962.
87 Stat. 250.
23 USC 101
note.
80 Stat. 508;
81 Stat. 206.
80 Stat. 416.

68 STAT. 776
88 STAT. 777

RESEARCH, DEVELOPMENT, AND DEMONSTRATIONS AND UNIVERSITY RESEARCH AND TRAINING

For an additional amount for the urban mass transportation program, as authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), to remain available until expended; \$45,130,000: *Provided,* That \$41,880,000 shall be available for research, development, and demonstrations, \$2,250,000 shall be available for university research and training, and not to exceed \$1,000,000 shall be available for managerial training as authorized under the authority of the said act.

78 Stat. 302;
84 Stat. 962.

LIQUIDATION OF CONTRACT AUTHORIZATION

For payment to the urban mass transportation fund, for liquidation of contractual obligations incurred under authority of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1601 et seq., as amended by Public Law 91-453), \$400,000,000, to remain available until expended.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard

August 28, 1974

- 9 -

Pub. Law 93-391

to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such Corporation except as hereinafter provided.

61 Stat. 584.
31 USC 849.

**LIMITATION ON ADMINISTRATIVE EXPENSES, SAINT
LAWRENCE SEAWAY DEVELOPMENT CORPORATION**

Not to exceed \$886,000 shall be available for administrative expenses which shall be computed on an accrual basis, including not to exceed \$3,000 for official entertainment expenses to be expended upon the approval or authority of the Secretary of Transportation: *Provided*, That Corporation funds shall be available for the hire of passenger motor vehicles and aircraft, operation and maintenance of aircraft, uniforms or allowances therefor for operation and maintenance personnel, as authorized by law (5 U.S.C. 5901-5902), and \$15,000 for services as authorized by 5 U.S.C. 3109.

80 Stat. 508;
81 Stat. 206.

**TITLE II
RELATED AGENCIES**

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, \$9,450,000.

88 STAT. 777
88 STAT. 778

CIVIL AERONAUTICS BOARD

SALARIES AND EXPENSES

For necessary expenses of the Civil Aeronautics Board, including hire of aircraft; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); and not to exceed \$1,000 for official reception and representation expenses, \$17,150,000.

80 Stat. 416.

PAYMENTS TO AIR CARRIERS

For payments to air carriers of so much of the compensation fixed and determined by the Civil Aeronautics Board under section 406 of the Federal Aviation Act of 1958 (49 U.S.C. 1376), as is payable by the Board, \$67,728,000, to remain available until expended.

72 Stat. 763.

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, \$43,000,000, of which \$150,000 shall be available for valuation of pipelines: *Provided*, That Joint Board members and cooperating State commissioners may use Government transportation requests when traveling in connection with their duties as such.

49 USC 305a.

THE PANAMA CANAL

CANAL ZONE GOVERNMENT

OPERATING EXPENSES

For operating expenses necessary for the Canal Zone Government, including operation of the Postal Service of the Canal Zone; hire of passenger motor vehicles; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); expenses incident to conducting hearings on the Isthmus; expenses of special training of employees of the Canal Zone Government as authorized by 5 U.S.C. 4101-4118, contingencies of the Governor, residence for the Governor; medical aid and support of the insane and of lepers and aid and support of indigent persons legally within the Canal Zone, including expenses of their deportation when practicable; and maintaining and altering facilities of other Government agencies in the Canal Zone for Canal Zone Government use, \$62,700,000.

80 Stat. 508;
81 Stat. 206.
80 Stat. 432.

CAPITAL OUTLAY

For acquisition of land and land under water and acquisition, construction, and replacement of improvements, facilities, structures, and equipment, as authorized by law (2 C.Z. Code, sec. 2; 2 C.Z. Code, sec. 371), including the purchase of not to exceed sixteen passenger motor vehicles of which fourteen are for replacement only; improving facilities of other Government agencies in the Canal Zone for Canal Zone Government use; and expenses incident to the retirement of such assets; \$6,000,000, to remain available until expended.

76A Stat. 7,
26.

88 STAT. 778
88 STAT. 779

PANAMA CANAL COMPANY

CORPORATION

The Panama Canal Company is hereby authorized to make such expenditures within the limits of funds and borrowing authority available to it and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation, including maintaining and improving facilities of other Government agencies in the Canal Zone for Panama Canal Company use.

61 Stat. 584.

LIMITATION ON GENERAL AND ADMINISTRATIVE
EXPENSES

Not to exceed \$23,837,000 of the funds available to the Panama Canal Company shall be available for obligation during the current fiscal year for general and administrative expenses of the Company, including operation of tourist vessels and guide services. Funds available to the Panama Canal Company for obligation shall be available for the purchase of not to exceed twenty-nine passenger motor vehicles, including one medium sedan, for replacement only, and for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902).

WASHINGTON METROPOLITAN AREA TRANSIT
AUTHORITY

FEDERAL CONTRIBUTION

To enable the Department of Transportation to pay the Washington Metropolitan Area Transit Authority, as part of the Federal contribution toward expenses necessary to design, engineer, construct,

August 28, 1974

- 11 -

Pub. Law 93-391

and equip a rail rapid transit system, as authorized by the National Capital Transportation Act of 1969 (Public Law 91-143) as amended, including acquisition of rights-of-way, land, and interest therein, to remain available until expended, \$52,724,000 for the fiscal year 1976, and for the fiscal year 1975, \$19,400,000 for the design and construction of facilities for the handicapped as authorized by Public Law 93-87.

83 Stat. 320;
86 Stat. 1004.
D.C. Code 1-
1441 note.
87 Stat. 250.
23 USC 101
note.

INTEREST SUBSIDY

To enable the Department of Transportation to pay the Washington Metropolitan Area Transit Authority the interest subsidy authorized by Public Law 92-349, \$17,750,000, to remain available until expended.

86 Stat. 464.

TITLE III

GENERAL PROVISIONS

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 302. None of the funds provided in this Act shall be available for the planning or execution of programs the obligations for which are in excess of \$45,000,000 for "Highway Beautification" in fiscal year 1975.

80 Stat. 508;
81 Stat. 206.
88 Stat. 779
88 STAT. 780

SEC. 303. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of \$45,000,000 for "Highway Beautification" in fiscal year 1975.

SEC. 304. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of \$100,000,000 in fiscal year 1975 for "State and Community Highway Safety" and "Highway-Related Safety Grants".

SEC. 305. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of \$4,600,000 in fiscal year 1975 for "Territorial Highways".

SEC. 306. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for the Urban Mass Transportation Act of 1964, as amended, aggregating more than \$1,445,250,000 in fiscal year 1975.

SEC. 307. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Fiscal year
limitation.

SEC. 308. None of the funds provided under this Act shall be available for the planning or execution of programs for any further construction of the Miami jetport or of any other air facility in the State of Florida lying south of the Okeechobee Waterway and in the drainage basins contributing water to the Everglades National Park until it has been shown by an appropriate study made jointly by the Department of the Interior and the Department of Transportation that such an airport will not have an adverse environmental effect on the ecology of the Everglades and until any site selected on the basis of such study is approved by the Department of the Interior and the Department of Transportation: *Provided*, That nothing in this section shall affect the availability of such funds to carry out this study.

Everglades
National Park,
Fla.
Ecology study.

SEC. 309. The Governor of the Canal Zone is authorized to employ services as authorized by 5 U.S.C. 3109, in an amount not exceeding \$150,000.

80 Stat. 416.

SEC. 310. Funds appropriated for operating expenses of the Canal Zone Government may be apportioned notwithstanding section 3679

of the Revised Statutes, as amended (31 U.S.C. 665), to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law which are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the Government in comparable positions.

FAA and Coast
Guard per-
sonnel, de-
pendents'
school ex-
penses.
20 USC 241
note.
88 STAT. 780
88 STAT. 781

Sec. 311. Funds appropriated under this Act for expenditure by the Federal Aviation Administration and the Coast Guard shall be available (1) for expenses of primary and secondary schooling for dependents of Federal Aviation Administration and Coast Guard personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents and (2) for transportation of said dependents between schools serving the area which they attend and their places of residence when the Secretary, under such regulations as he may prescribe, determines that such schools are not accessible by public means of transportation on a regular basis.

80 Stat. 416.
5 USC 5332
note.

Sec. 312. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18.

Sec. 313. None of the funds in this Act shall be available for the implementation or execution of a program in the Department of Transportation to collect fees, charges or prices for approvals, tests, authorizations, certificates, permits, registrations, and ratings which are in excess of the levels in effect on January 1, 1973, or which did not exist as of January 1, 1973, until such program is reviewed and approved by the appropriate committees of the Congress.

Space and
service
charges.

86 Stat. 219.
40 USC 490.

Mass trans-
portation
facilities.

Sec. 314. No part of any appropriation contained in this Act shall be available for paying to the Administrator of the General Services Administration in excess of 90 percent of the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, for space and services.

Sec. 315. None of the funds provided under this Act shall be available for the purchase of passenger rail or subway cars, for the purchase of motor buses or for the construction of related facilities unless such cars, buses and facilities are designed to meet the mass transportation needs of the elderly and the handicapped.

Short title.

This Act may be cited as the "Department of Transportation and Related Agencies Appropriation Act, 1975".

Approved August 28, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-1111 (Comm. on Appropriations) and No. 1270 (Comm. of Conference).

SENATE REPORT No. 93-1048 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 120 (1974):

June 19, considered and passed House.

Aug. 2, considered and passed Senate, amended.

Aug. 13, House agreed to conference report.

Aug. 15, Senate agreed to conference report.



Public Law 93-393
93rd Congress, H. R. 15155
August 28, 1974

An Act

86 STAT. 782

Making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1975, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1975, for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions, and for other purposes, namely:

Public Works
for Water and
Power Develop-
ment and
Atomic Energy
Commission
Appropriation
Act, 1975.

TITLE I—ATOMIC ENERGY COMMISSION

OPERATING EXPENSES

For necessary operating expenses of the Commission in carrying out the purposes of the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by 5 U.S.C. 3109; hire, maintenance, and operation of aircraft; publication and dissemination of atomic information; purchase, repair and cleaning of uniforms; official entertainment expenses (not to exceed \$30,000); reimbursement of the General Services Administration for security guard services; hire of passenger motor vehicles; \$1,411,960,000 and any moneys (except sums received from disposal of property under the Atomic Energy Community Act of 1955, as amended (42 U.S.C. 2301)) received by the Commission, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), to remain available until expended: *Provided*, That the amount appropriated for "Operating expenses" in the Special Energy Research and Development Appropriation Act, 1975, shall be merged, without limitation, with this appropriation: *Provided further*, That from this appropriation transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred.

68 Stat. 919.
42 USC 2611
note.
80 Stat. 416.

69 Stat. 471.

Ante, p. 278.

PLANT AND CAPITAL EQUIPMENT

For expenses of the Commission, as authorized by law, in connection with the purchase and construction of plant and the acquisition of capital equipment and other expenses incidental thereto necessary in carrying out the purposes of the Atomic Energy Act of 1954, as amended, including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of not to exceed three hundred and ninety-five for replacement only, and hire of passenger motor vehicles; purchase of three for replacement only, and hire of aircraft; \$330,705,000 to remain available until expended: *Provided*, That the amount appropriated for "Plant and capital equipment" in the Special Energy

Research and Development Appropriation Act, 1975, shall be merged, without limitation, with this appropriation.

GENERAL PROVISIONS

Transfer of funds; report to congressional committees.

SEC. 101. Not to exceed 5 per centum of appropriations made available for the current fiscal year for "Operating expenses" and "Plant and capital equipment" may be transferred between such appropriations, but neither such appropriation, except as otherwise provided herein, shall be increased by more than 5 per centum by any such transfers, and any such transfers shall be reported promptly to the Appropriations Committees of the House and Senate.

TITLE II—DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes:

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, and when authorized by law, surveys and studies of projects prior to authorization for construction, \$65,284,000, to remain available until expended: *Provided*, That \$1,490,000 of this appropriation shall be transferred to the United States Fish and Wildlife Service for studies, investigations, and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563-565), to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs of the Department of the Army.

16 USC 661
note.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by law; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction): \$973,681,000, to remain available until expended: *Provided*, That no part of this appropriation shall be used for projects not authorized by law or which are authorized by law limiting the amount to be appropriated therefor, except as may be within the limits of the amount now or hereafter authorized to be appropriated: *Provided further*, That \$1,800,000 of this appropriation shall be transferred to the United States Fish and Wildlife Service for studies, investigations, and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563-565) to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs of the Department of the Army.

August 28, 1974

- 3 -

Pub. Law 93-393

88 STAT. 784

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), \$161,948,000, to remain available until expended: *Provided*, That not less than \$250,000 shall be available for bank stabilization measures as determined by the Chief of Engineers to be advisable for the control of bank erosion of streams in the Yazoo Basin, including the foothill area, and where necessary such measures shall complement similar works planned and constructed by the Soil Conservation Service and be limited to the areas of responsibility mutually agreeable to the District Engineer and the State Conservationist.

45 Stat. 534;
49 Stat. 1511.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; administration of laws pertaining to preservation of navigable waters; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation; \$446,577,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act, approved August 18, 1941, as amended, \$15,000,000, to remain available until expended.

69 Stat. 186;
76 Stat. 1194.
33 USC 701n.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Board of Engineers for Rivers and Harbors and the Coastal Engineering Research Center; commercial statistics; and miscellaneous investigations; \$38,800,000.

SPECIAL RECREATION USE FEES

For construction, operation, and maintenance of outdoor recreation facilities, including collection of special recreation use fees, to remain available until expended, \$700,000, to be derived from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601): *Provided*, That not more than 40 per centum of the foregoing amount shall be available for the enhancement of the fee collection system established by section 4 of such Act, including the promotion and enforcement thereof.

86 Stat. 459.
16 USC 4601-6a.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for expenses of attendance by military personnel at meetings in the manner authorized by 5 U.S.C. 4110, uniforms, and allowances therefor, as authorized by law (5 U.S.C. 5901-5902), and for printing, either during a recess or ses-

80 Stat. 436,
80 Stat. 508;
81 Stat. 206.

sion of Congress, of survey reports authorized by law, and such survey reports as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress; and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed two hundred and forty-three for replacement only), and hire of passenger motor vehicles: *Provided*, That the total capital of the revolving fund shall not exceed \$228,000,000.

TITLE III—DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau, as follows:

43 USC 371
and note.

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, \$19,427,000: *Provided*, That none of this appropriation shall be used for more than one-half of the cost of an investigation requested by a State, municipality, or other interest: *Provided further*, That \$400,000 of this appropriation shall be transferred to the United States Fish and Wildlife Service for studies, investigations, and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563-565) to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs of the Bureau of Reclamation.

16 USC 661
note.

CONSTRUCTION AND REHABILITATION

For construction and rehabilitation of authorized reclamation projects or parts thereof (including power transmission facilities) and for other related activities, as authorized by law, to remain available until expended, \$244,123,000, of which \$115,000,000 shall be derived from the reclamation fund: *Provided*, That no part of this appropriation shall be used to initiate the construction of transmission facilities within those areas covered by power wheeling service contracts which include provision for service to Federal establishments and preferred customers, except those transmission facilities for which construction funds have been heretofore appropriated, those facilities which are necessary to carry out the terms of such contracts or those facilities for which the Secretary of the Interior finds the wheeling agency is unable or unwilling to provide for the integration of Federal projects or for service to a Federal establishment or preferred customer: *Provided further*, That the final point of discharge for the interceptor drain for the San Luis Unit shall not be determined until development by the Secretary of the Interior and the State of California of a plan, which shall conform with the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

August 28, 1974

- 5 -

Pub. Law 93-393

86 STAT. 786

UPPER COLORADO RIVER STORAGE PROJECT

For the Upper Colorado River Storage Project, as authorized by the Act of April 11, 1956, as amended (43 U.S.C. 620d), to remain available until expended, \$24,621,000, of which \$22,967,000 shall be available for the "Upper Colorado River Basin Fund" authorized by section 5 of said Act of April 11, 1956, and \$1,654,000 shall be available for construction of recreational and fish and wildlife facilities authorized by section 8 thereof, and may be expended by bureaus of the Department through or in cooperation with State or other Federal agencies, and advances to such Federal agencies are hereby authorized: *Provided*, That no part of the funds herein approved shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any national monument.

70 Stat. 107.

43 USC 620g.

COLORADO RIVER BASIN PROJECT

For advances to the Lower Colorado River Basin Development Fund, as authorized by section 403 of the Act of September 30, 1968 (82 Stat. 894), for the construction, operation, and maintenance of projects authorized by title III of said Act, to remain available until expended \$55,800,000, of which \$32,800,000 is for liquidation of contract authority provided by section 303(b) of said Act.

43 USC 1543.

43 USC 1521.

43 USC 1523.

COLORADO RIVER BASIN SALINITY CONTROL PROJECTS

For construction, operation and maintenance of projects authorized by the Act of June 24, 1974, Public Law 93-320, to remain available until expended, \$27,650,000.

Ante, p. 266.

OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, \$97,000,000, of which \$80,730,000 shall be derived from the reclamation fund and \$3,218,000 shall be derived from the Colorado River Dam fund: *Provided*, That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same objects and in the same manner as sums appropriated herein may be expended, and the unexpended balances of such advances shall be credited to the appropriation for the next succeeding fiscal year: *Provided further*, That no part of the funds appropriated herein shall be used directly or indirectly for the operation of the Newlands Reclamation project in the State of Nevada.

LOAN PROGRAM

For loans to irrigation districts and other public agencies for construction of distribution systems on authorized Federal reclamation projects, and for loans and grants to non-Federal agencies for construction of projects, as authorized by the Acts of July 4, 1955, as amended (43 U.S.C. 421a-421d), and August 6, 1956 (43 U.S.C. 422a-422k), as amended, including expenses necessary for carrying out the program, \$13,825,000, to remain available until expended: *Provided*, That any contract under the Act of July 4, 1955 (69 Stat. 244), as amended, not yet executed by the Secretary, which calls for the mak-

86 Stat. 804.

70 Stat. 1044;

85 Stat. 488.

ing of loans beyond the fiscal year in which the contract is entered into shall be made only on the same conditions as those prescribed in section 12 of the Act of August 4, 1939 (53 Stat. 1187, 1197).

EMERGENCY FUND

For an additional amount for the "Emergency fund", as authorized by the Act of June 26, 1948 (43 U.S.C. 502), to remain available until expended for the purposes specified in said Act, \$600,000, to be derived from the reclamation fund.

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the offices of the Commissioner of Reclamation and in the regional offices of the Bureau of Reclamation, \$20,300,000, to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377) : *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

SPECIAL FUNDS

Sums herein referred to as being derived from the Reclamation fund, the Colorado River Dam Fund, or the Colorado River development fund, are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391), the Act of December 21, 1928 (43 U.S.C. 617a), and the Act of July 19, 1940 (43 U.S.C. 618a) respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the heads "Operation and Maintenance" and "General Administrative Expenses" shall revert and be credited to the special fund from which derived.

ADMINISTRATIVE PROVISIONS

Appropriations to the Bureau of Reclamation shall be available for purchase of not to exceed thirty-four passenger motor vehicles for replacement only; purchase of one aircraft for replacement only; payment of claims for damages to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation; payment, except as otherwise provided for, of compensation and expenses of persons on the rolls of the Bureau of Reclamation appointed as authorized by law to represent the United States in the negotiations and administration of interstate compacts without reimbursement or return under the reclamation laws; rewards for information or evidence concerning violations of law involving property under the jurisdiction of the Bureau of Reclamation; performance of the functions specified under the head "Operation and Maintenance Administration", Bureau of Reclamation, in the Interior Department Appropriation Act, 1945; preparation and dissemination of useful information including recordings, photographs, and photographic prints; and studies of recreational uses of reservoir areas, and investigation and recovery of archeological and paleontological remains in such areas in the same manner as provided for in the Act of August 21, 1935 (16 U.S.C. 461-467) : *Provided*, That no part of any appropriation made herein shall be available pursuant to the Act of April 19, 1945 (43

August 28, 1974

- 7 -

Pub. Law 93-393

88 STAT. 788

59 Stat. 54.

U.S.C. 377), for expenses other than those incurred on behalf of specific reclamation projects except "General Administrative Expenses" and amounts provided for reconnaissance, basin surveys, and general engineering and research under the head "General Investigations".

Sums appropriated herein which are expended in the performance of reimbursable functions of the Bureau of Reclamation shall be returnable to the extent and in the manner provided by law.

No part of any appropriation for the Bureau of Reclamation, contained in this Act or in any prior Act, which represents amounts earned under the terms of a contract but remaining unpaid, shall be obligated for any other purpose, regardless of when such amounts are to be paid: *Provided*, That the incurring of any obligation prohibited by this paragraph shall be deemed a violation of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665).

No funds appropriated to the Bureau of Reclamation for operation and maintenance, except those derived from advances by water users, shall be used for the particular benefits of lands (a) within the boundaries of an irrigation district, (b) of any member of a water users' organization, or (c) of any individual when such district, organization, or individual is in arrears for more than twelve months in the payment of charges due under a contract entered into with the United States pursuant to laws administered by the Bureau of Reclamation. 43 USC 377a.

Not to exceed \$225,000 may be expended from the appropriation "Construction and Rehabilitation" for work by force account on any one project or Pick-Sloan Missouri Basin Program unit and then only when such work is unsuitable for contract or no acceptable bid has been received and, other than otherwise provided in this paragraph or as may be necessary to meet local emergencies, not to exceed 12 per centum of the construction allotment for any project from the appropriation "Construction and Rehabilitation" contained in this Act, shall be available for construction work by force account: *Provided*, That this paragraph shall not apply to work performed under the Rehabilitation and Betterment Act of 1949 (63 Stat. 724).

64 Stat. 11.
43 USC 504
and note.

ALASKA POWER ADMINISTRATION

GENERAL INVESTIGATIONS

For engineering and economic investigations to promote the development and utilization of the water, power, and related resources of Alaska, \$540,000, to remain available until expended: *Provided*, That \$10,000 of this appropriation shall be transferred to the United States Fish and Wildlife Service for studies, investigations, and reports thereon, as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563-565).

16 USC 661 note.

OPERATION AND MAINTENANCE

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, \$760,000.

BONNEVILLE POWER ADMINISTRATION

CONSTRUCTION

For construction and acquisition of transmission lines, substations, and appurtenant facilities, as authorized by law, \$128,000,000, to remain available until expended: *Provided*, That the amount appropri-

Ante, p. 279.

ated for "Construction" in the Special Energy Research and Development Appropriation Act, 1975, shall be merged, without limitation, with this appropriation.

OPERATION AND MAINTENANCE

For necessary expenses of operation and maintenance of the Bonneville transmission system and of marketing electric power and energy, \$38,500,000.

ADMINISTRATIVE PROVISIONS

Appropriations of the Bonneville Power Administration shall be available to carry out all the duties imposed upon the Administrator pursuant to law. Appropriations made herein to the Bonneville Power Administration shall be available in one fund, except that the appropriation herein made for operation and maintenance shall be available only for the service of the current fiscal year.

Other than as may be necessary to meet local emergencies, not to exceed 12 per centum of the appropriation for construction herein made for the Bonneville Power Administration shall be available for construction work by force account or on a hired-labor basis.

SOUTHEASTERN POWER ADMINISTRATION

OPERATION AND MAINTENANCE

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$946,000.

SOUTHWESTERN POWER ADMINISTRATION

CONSTRUCTION

For construction and acquisition of transmission lines, substations, and appurtenant facilities, and for administrative expenses connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, \$620,000, to remain available until expended.

OPERATION AND MAINTENANCE

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, including purchase of not to exceed one passenger motor vehicle for replacement only, \$5,795,000.

GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

Emergency reconstruction.

SEC. 301. Appropriations in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

August 28, 1974

- 9 -

Pub. Law 93-393

88 STAT. 790

SEC. 302. The Secretary may authorize the expenditure or transfer (within each bureau or office) of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior. Fire prevention.

SEC. 303. Appropriations in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency, or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 686): *Provided*, That reimbursements for costs of supplies, materials, and equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received. Warehouses, garages, etc.
47 Stat. 417.

SEC. 304. No part of any funds made available by this Act to the Southwestern Power Administration may be made available to any other agency, bureau, or office for any purposes other than for services rendered pursuant to law to the Southwestern Power Administration. Southwestern Power Administration.

TITLE IV—INDEPENDENT OFFICES

APPALACHIAN REGIONAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Cochairman and his alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$1,740,000. 80 Stat. 416.

FUNDS APPROPRIATED TO THE PRESIDENT

APPALACHIAN REGIONAL DEVELOPMENT PROGRAMS

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, except expenses authorized by section 105 of said Act, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, to remain available until expended, \$293,500,000, of which \$160,000,000 shall be available for the Appalachian Development Highway System, but no part of any appropriation in this Act shall be available for expenses in connection with commitments for contracts or grants for the Appalachian Development Highway System in excess of the total amount herein and heretofore appropriated. 79 Stat. 5.
40 USC app. 1.

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), \$77,500.

CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), \$238,000.

FEDERAL POWER COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the work of the Commission, as authorized by law, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, and not to exceed \$1,000 for official reception and representation expenses, \$32,100,000.

80 Stat. 416.

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), as amended by the Act of September 25, 1970 (Public Law 91-407), \$52,000.

84 Stat. 856.
33 USC 567b-1.

SUSQUEHANNA RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1541), \$77,500.

CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1530, 1531), \$150,000.

TENNESSEE VALLEY AUTHORITY

PAYMENT TO TENNESSEE VALLEY AUTHORITY FUND

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C., ch. 12A), including hire, maintenance, and operation of aircraft, and hire of passenger motor vehicles, \$77,400,000, to remain available until expended: *Provided*, That this appropriation and other funds available to the Tennessee Valley Authority shall be available for the purchase of not to exceed one aircraft for replacement only, and the purchase of not to exceed two hundred and twenty-four passenger motor vehicles for replacement only.

48 Stat. 58.
16 USC 831.

WATER RESOURCES COUNCIL

WATER RESOURCES PLANNING

For expenses necessary in carrying out the provisions of the Water Resources Planning Act of 1965 (42 U.S.C. 1962-1962d-3), including services as authorized by 5 U.S.C. 3109, but at rates not to exceed \$100 per diem for individuals (42 U.S.C. 1962a-4(5)), and hire of passenger motor vehicles (42 U.S.C. 1962a-4(6)), \$9,775,000, to remain available until expended, including \$1,242,000, for carrying out the

79 Stat. 244.

August 28, 1974

- 11 -

Pub. Law 93-393

88 STAT. 792

provisions of title I and administering the provisions of titles II, III, and IV of the Act (42 U.S.C. 1962d(b)), \$2,183,000, for preparation of assessments and management of plans (42 U.S.C. 1962d(c)), \$1,350,000, for expenses of river basin commissions under title II of the Act (42 U.S.C. 1962d(a)), and \$5,000,000 for grants to States under title III of the Act (42 U.S.C. 1962c(a)): *Provided*, That the share of the expenses of any river basin commission borne by the Federal Government pursuant to title II of the Act shall not exceed \$250,000 annually for recurring operating expenses, including the salary and expenses of the chairman.

86 Stat. 578;
87 Stat. 140.

79 Stat. 251.

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Fiscal year
limitation.

SEC. 502. No part of any appropriation contained in this Act shall be available for paying to the Administrator of the General Services Administration in excess of 90 per centum of the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, for space and services.

Space and
service charges.

86 Stat. 219.
40 USC 490.

This Act may be cited as the "Public Works for Water and Power Development and Atomic Energy Commission Appropriation Act, 1975".

Short title.

Approved August 28, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-1077 (Comm. on Appropriations) and No. 93-1274 (Comm. of Conference).

SENATE REPORT No. 93-1032 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 120 (1974):

June 6, considered and passed House.

Aug. 1, considered and passed Senate, amended.

Aug. 13, House agreed to conference report.

Aug. 15, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 10, No. 35:

Aug. 29, Presidential statement.



Public Law 93-404
93rd Congress, H. R. 16027
August 31, 1974

An Act

88 STAT. 803

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1975, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending June 30, 1975, and for other purposes, namely:

Department
of the Interior
and Related
Agencies Approp-
riation Act,
1975.

TITLE I—DEPARTMENT OF THE INTERIOR

LAND AND WATER RESOURCES

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, \$141,096,000.

CONSTRUCTION AND MAINTENANCE

For acquisition, construction and maintenance of buildings, appurtenant facilities, and other improvements, and maintenance of access roads, \$6,725,000, to remain available until expended.

PUBLIC LANDS DEVELOPMENT ROADS AND TRAILS (LIQUIDATION OF CONTRACT AUTHORITY)

For liquidation of obligations incurred pursuant to authority contained in title 23, United States Code, section 203, \$4,070,000, to remain available until expended.

72 Stat. 906;
76 Stat. 1147.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of rights-of-way and of existing connecting roads on or adjacent to such lands; an amount equivalent to 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands, to remain available until expended: *Provided*, That the amount appropriated herein for the purposes of this appropriation on lands administered by the Forest Service shall be transferred to the Forest Service, Department of Agriculture: *Provided further*, That the amount appropriated herein for road construction on lands other than those administered by the Forest Service shall be transferred to the Federal Highway Administration, Department of Transportation: *Provided further*, That the amount appropriated herein is hereby made a reimbursable charge against the Oregon and California land grant

88 STAT. 804

43 USC 1181f.

fund and shall be reimbursed to the general fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

RANGE IMPROVEMENTS

48 Stat. 1270;

61 Stat. 790.

43 USC 315b,

315i.

49 Stat. 1978;

68 Stat. 151.

43 USC 315m.

For construction, purchase, and maintenance of range improvements pursuant to the provisions of section 3 and 10 of the Act of June 28, 1934, as amended (43 U.S.C. 315), sums equal to the aggregate of all moneys received, during the current fiscal year, as range improvements fees under section 3 of said Act, 25 per centum of all moneys received, during the current fiscal year, under section 15 of said Act, and the amount designated for range improvements from grazing fees from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, to remain available until expended.

RECREATION DEVELOPMENT AND OPERATION OF RECREATION FACILITIES

16 USC 4601-5
note.

16 USC 4601-6a.

For construction, operation, and maintenance of outdoor recreation facilities, including collection of special recreation use fees, to remain available until expended, \$242,000, to be derived from the special receipt accounts established by section 1(b) of the Act of July 15, 1968 (82 Stat. 354), and section 4(e) of the Act of July 11, 1972 (86 Stat. 461): *Provided*, That not more than 40 per centum of the amount credited pursuant to section 4(e) of the Act of July 11, 1972, shall be available for the enhancement of the fee collection system established by section 4 of such Act, including the promotion and enforcement thereof.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for acquisition of two new aircraft for replacement only; purchase, erection, and dismantlement of temporary structures; and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title: *Provided*, That of appropriations herein made for the Bureau of Land Management expenditures in connection with the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands (other than expenditures made under the appropriation "Oregon and California grant lands") shall be reimbursed to the general fund of the Treasury from the 25 per centum referred to in subsection (c), title II, of the Act approved August 28, 1937 (50 Stat. 876), of the special fund designated the "Oregon and California land grant fund" and section 4 of the Act approved May 24, 1939 (53 Stat. 754), of the special fund designated the "Coos Bay Wagon Road grant fund": *Provided further*, That appropriations herein made may be expended on a reimbursable basis for (1) surveys of lands other than those under the jurisdiction of the Bureau of Land Management and (2) protection and leasing of lands and mineral resources for the State of Alaska.

OFFICE OF WATER RESOURCES RESEARCH

SALARIES AND EXPENSES

78 Stat. 329;

85 Stat. 493.

42 USC 1961

note.

For expenses necessary in carrying out the provisions of the Water Resources Research Act of 1964, as amended (42 U.S.C. 1961-1961c-7), \$13,885,000, of which not to exceed \$1,045,000 shall be available for administrative expenses.

August 31, 1974

- 3 -

Pub. Law 93-404

88 STAT. 805

OFFICE OF SALINE WATER

SALINE WATER CONVERSION

For expenses necessary to carry out the provisions of the Saline Water Conversion Act of 1971 (42 U.S.C. 1959-1959h, as amended), including not to exceed \$1,043,000 for administration and coordination expenses during the current fiscal year, \$3,007,000, to remain available until expended. 85 Stat. 159.

FISH AND WILDLIFE AND PARKS

BUREAU OF OUTDOOR RECREATION

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Outdoor Recreation, not otherwise provided for, \$5,210,000.

LAND AND WATER CONSERVATION FUND

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965 as amended (16 U.S.C. 4601-4-11 as supplemented by Public Law 93-81), including \$6,400,000 for administrative expenses of the Bureau of Outdoor Recreation during the current fiscal year, and acquisition of land or waters, or interest therein, in accordance with the statutory authority applicable to the State or Federal agency concerned, to be derived from the Land and Water Conservation Fund, established by section 2 of said Act as amended, to remain available until expended, not to exceed \$300,000,000, of which (1) not to exceed \$180,000,000 shall be available for payments to the States in accordance with section 6(c) of said Act; (2) not to exceed \$72,700,000 shall be available to the National Park Service; (3) not to exceed \$30,900,000 shall be available to the Forest Service; (4) not to exceed \$9,500,000 shall be available to the United States Fish and Wildlife Service; and (5) not to exceed \$500,000 shall be available to the Bureau of Land Management. 78 Stat. 897; 86 Stat. 459; 87 Stat. 178. 82 Stat. 355; 84 Stat. 1084. 16 USC 4601-5. 16 USC 4601-9.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; and maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, \$101,126,000.

CONSTRUCTION AND ANADROMOUS FISH

For construction and acquisition of buildings and other facilities required in the conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, and the acquisition of lands and interests therein; and for expenses necessary to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a-757f); \$14,047,000, to remain available until expended. 79 Stat. 1125.

MIGRATORY BIRD CONSERVATION ACCOUNT

For an advance to the migratory bird conservation account, as authorized by the Act of October 4, 1971, as amended (16 U.S.C. 715k-3, 5; 81 Stat. 612), \$1,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

34 Stat. 690.

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed one hundred and sixty-six passenger motor vehicles, of which one hundred and sixteen are for replacement only (including sixty for police-type use); purchase of not to exceed three aircraft, for replacement only; not to exceed \$50,000 for payment, in the discretion of the Secretary, for information or evidence concerning violations of laws administered by the United States Fish and Wildlife Service; miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed \$40,000; publication and distribution of bulletins as authorized by law (7 U.S.C. 417); rations or commutation of rations for officers and crews of vessels at rates not to exceed \$6.50 per man per day; insurance on official motor vehicles, aircraft and boats operated by the United States Fish and Wildlife Service in foreign countries; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and Wildlife Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are not inconsistent with their primary purpose, and the maintenance and improvement of aquaria, buildings and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), \$209,325,000.

PLANNING AND CONSTRUCTION

37 Stat. 460;
54 Stat. 36.

For construction, improvements, repair or replacement of physical facilities, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451); the acquisition of water rights; expenses necessary for investigations and studies to determine suitability of areas to be included in the National Park System, the designation of wilderness areas, and the management of water resources; the preparation of plans for existing and proposed park and recreation areas; provisions of technical assistance to other Federal agencies, and to States and private institutions in the planning, development, and operation of landmarks, parks and recreation areas; and for financial or other assistance in planning, development, or operation of areas as authorized by law or pursuant to agreements with other Federal agencies, States, or private institutions, including not to exceed \$196,300 for the Roose-

August 31, 1974

- 5 -

Pub. Law 93-404 88 STAT. 807

velt Campobello International Park Commission, \$58,112,000, to remain available until expended.

ROAD CONSTRUCTION (LIQUIDATION OF CONTRACT AUTHORITY)

For liquidation of obligations incurred pursuant to authority contained in title 23, United States Code, section 203, \$26,026,000, to remain available until expended: *Provided*, That none of the funds herein provided shall be expended for planning or construction on the following: Fort Washington and Greenbelt Park, Maryland, and Great Falls Park, Virginia, except minor roads and trails; and Daingerfield Island Marina, Virginia, and extension of the George Washington Memorial Parkway from the vicinity of Brickyard Road to Great Falls, Maryland, or in Prince Georges County, Maryland.

72 Stat. 906;
76 Stat. 1147.

PRESERVATION OF HISTORIC PROPERTIES

For expenses necessary in carrying out a program for the preservation of additional historic properties throughout the Nation, as authorized by law (16 U.S.C. 461-467, 470), and investigations, studies, and salvage of archeological values, \$24,375,000, to remain available until expended.

49 Stat. 666;
79 Stat. 971;
80 Stat. 915.

PLANNING, DEVELOPMENT AND OPERATION OF RECREATION FACILITIES

For construction, operation, and maintenance of outdoor recreation facilities, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451); including collection of special recreation use fees, to remain available until expended, \$11,900,000, to be derived from the special receipt accounts established by section 1(b) of the Act of July 15, 1968 (82 Stat. 354), and section 4(e) of the Act of July 11, 1972 (86 Stat. 461): *Provided*, That not more than 40 per centum of the amount credited pursuant to section 4(e) of the Act of July 11, 1972, shall be available for the enhancement of the fee collection system established by section 4 of such Act, including the promotion and enforcement thereof.

37 Stat. 460;
54 Stat. 36.

16 USC 4601-5
note.
16 USC 4601-6a.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for operating and maintaining the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, \$2,420,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed one hundred sixty-seven passenger motor vehicles, of which one hundred twelve shall be for replacement only, including not to exceed one hundred four for police-type use; purchase of four aircraft (including two for replacement only); and to provide, notwithstanding any other provision of law, at a cost not exceeding \$100,000, transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service: *Provided*, That any funds available to the National Park Service may be used, with the approval of the Secretary, to maintain law and order in emergency and other unforeseen law enforcement situations in the National Park System.

ENERGY AND MINERALS

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the Geological Survey to perform surveys, investigations, and research covering topography, geology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (72 Stat. 837 and 76 Stat. 427); classify lands as to mineral character and water and power resources; give engineering supervision to power permits and Federal Power Commission licenses; enforce departmental regulations applicable to oil, gas, and other mining leases, permits, licenses, and operating contracts; control the interstate shipment of contraband oil as required by law (15 U.S.C. 715); administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; \$203,575,000, of which \$26,015,000 shall be available only for cooperation with States or municipalities for water resources investigations: *Provided*, That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality: *Provided further*, That the amount appropriated for "Surveys, investigations, and research" in the Special Energy Research and Development Appropriation Act, 1975, shall be merged, without limitation, with this appropriation.

43 USC 1457
note, 31.

49 Stat. 30.
72 Stat. 700.

43 USC 50.

Ante, p. 276.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the Geological Survey shall be available for purchase of not to exceed thirty-two passenger motor vehicles, for replacement only; reimbursement to the General Services Administration for security guard services, contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gaging stations and observation wells; expenses of the U.S. National Committee on Geology; payment of contributions to the International Federation of Surveyors; and payment of compensation and expenses of persons on the rolls of the Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts.

MINING ENFORCEMENT AND SAFETY ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary to promote health and safety in mines and in the minerals industry through development, promulgation and enforcement of regulations, including mine inspections, technical support, and education and training as authorized by law, \$67,913,000, of which not to exceed \$1,000,000 shall remain available until expended: *Provided*, That no part of the funds appropriated by this Act shall be used to pay any public relations firm for any promotional campaigns among coal miners.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the Mining Enforcement and Safety Administration may be expended for purchase and

August 31, 1974

- 7 -

Pub. Law 93-404 88 STAT. 809

bestowal of certificates and trophies in connection with mine rescue and first-aid work: *Provided*, That the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided further*, That the Mining Enforcement and Safety Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations: *Provided further*, That any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of major mine disasters.

BUREAU OF MINES

MINES AND MINERALS

For expenses necessary for conducting inquiries, technological investigations and research concerning the extraction, processing, use and disposal of mineral substances without objectionable social and environmental costs; to foster and encourage private enterprise in the development of mineral resources and the prevention of waste in the mining, minerals, metal and mineral reclamation industries; to inquire into the economic conditions affecting those industries; to promote health and safety in mines and the mineral industry through research; and for other related purposes as authorized by law; \$77,863,000, of which \$27,691,000 shall remain available until expended: *Provided*, That the amount appropriated for "Mines and minerals" in the Special Energy Research and Development Appropriation Act, 1975, shall be merged, without limitation, with this *Ante*, p. 276. appropriation.

ADMINISTRATIVE PROVISIONS

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided*, That the Bureau of Mines is authorized during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts.

INDIAN AFFAIRS

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment (in advance or from date of admission), of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order, and payment of rewards for information or evidence concerning violations of law on Indian reservations lands, or treaty fishing rights tribal use areas; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and busi-

ness enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; and for the general administration of the Bureau of Indian Affairs, including such expenses in field offices, \$467,000,000: *Provided*, That \$470,000 shall be available to assist the Pyramid Lake Paiute Tribe of Indians in the operation and maintenance of facilities for the restoration of the Pyramid Lake fishery pursuant to the Washoe Act (43 U.S.C. 614).

70 Stat. 775.

CONSTRUCTION

For construction, major repair and improvement of irrigation and power systems, buildings, utilities, and other facilities; acquisition of lands and interests in lands; preparation of lands for farming; and architectural and engineering services by contract, \$61,804,000, to remain available until expended: *Provided*, That no part of the sum herein appropriated shall be used for the acquisition of land within the States of Arizona, California, Colorado, New Mexico, South Dakota, and Utah outside of the boundaries of existing Indian reservations except lands authorized by law to be acquired for the Navajo Indian Irrigation Project: *Provided further*, That no part of this appropriation shall be used for the acquisition of land or water rights within the States of Nevada, Oregon, and Washington either inside or outside the boundaries of existing reservations except such lands as may be required for replacement of the Wild Horse Dam in the State of Nevada: *Provided further*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That the unobligated balance of \$10,300,000 previously appropriated for Mt. Edgecumbe School and four Regional Dormitories in Alaska shall be made available for the construction of Chevak, Northway, Hooper Bay, Galena, and Alakanuk Schools, Alaska: *Provided further*, That not to exceed \$100,000 appropriated under this head in the Department of the Interior and Related Agencies Appropriations Act, 1974, to the Edgar, Montana, Public School District No. 4, shall be made available to the newly established Plenty Coups High School District No. 3, Big Horn County, Pryor, Montana: *Provided further*, That \$580,000 shall be available to assist the Pyramid Lake Paiute Tribe of Indians in the construction of facilities for the restoration of the Pyramid Lake fishery pursuant to the Washoe Act (43 U.S.C. 614): *Provided further*, That not to exceed \$100,000 shall be for assistance to the Rough Rock School on the Navajo Indian Reservation, Arizona, for equipment: *Provided further*, That not to exceed \$1,195,000 shall be available to assist the Ramah-Navajo School Board, Inc., including not to exceed \$800,000 for construction of school facilities and not to exceed \$395,000 for purchase of school equipment: *Provided further*, That not to exceed \$100,000 shall be available to assist the Heart Butte School, Blackfeet School District No. 1, Montana, for planning for construction of school facilities; that not to exceed \$145,000 shall be available to assist the Hays/Lodgepole School District No. 50, Hays, Montana, for planning for construction of school facilities; and that not to exceed \$218,000 shall be available to assist Joint School District No. 8, Shawano, Wisconsin for planning and construction of school facilities at Keshena and planning of facilities at Neopit; and that not to exceed \$1,350,000 shall be available to assist the Ute Indian Tribe of the Uintah and Ouray Reservation, Utah, for development and construction of the Big Springs Domestic Water System.

August 31, 1974

- 9 -

Pub. Law 93-404

88 STAT. 811

ROAD CONSTRUCTION (LIQUIDATION OF CONTRACT AUTHORITY)

For liquidation of obligations incurred pursuant to authority contained in title 23, United States Code, section 203, \$59,000,000, to remain available until expended.

72 Stat. 906;
76 Stat. 1147.

INDIAN LOAN GUARANTY AND INSURANCE FUND

For payment to the loan guaranty and insurance fund as authorized by the Indian Financing Act of 1974, Public Law 93-262, title III, section 302, to carry out the provisions of sections 217 and 301 of the above Act to (a) provide capital for a loan guaranty and insurance fund, (b) pay interest subsidy on guaranteed loans, and (c) pay administrative expenses, \$20,000,000, to remain available until expended: *Provided*, That for the purpose of entering into contracts pursuant to title V, section 502 of the above Act, the Secretary is authorized to use not to exceed 5 per centum of any funds appropriated for any fiscal year pursuant to title III, section 302 of the above Act.

Ante, p. 82.

Ante, p. 83.

REVOLVING FUND FOR LOANS

For payment to the revolving fund for loans, for loans as authorized by the Indian Financing Act of 1974, Public Law 93-262, title I, section 101, \$38,000,000, to remain available until expended.

Ante, p. 78.

ALASKA NATIVE FUND

To provide for the settlement of certain land claims by Natives and Native groups of Alaska, and for other purposes, based on aboriginal land claims, as authorized by the Act of December 18, 1971 (Public Law 92-203), \$70,000,000.

85 Stat. 691.
43 USC 1601.

MISCELLANEOUS TRUST FUNDS

In addition to the tribal funds authorized to be expended by existing law, there is hereby appropriated \$3,000,000 from tribal funds not otherwise available for expenditure for the benefit of Indians and Indian tribes, including pay and travel expenses of employees; care, tuition, and other assistance to Indian children attending public and private schools (which may be paid in advance or from date of admission); purchase of land and improvements on land, title to which shall be taken in the name of the United States in trust for the tribe for which purchased; lease of lands and water rights; compensation and expenses of attorneys and other persons employed by Indian tribes under approved contracts; pay, travel, and other expenses of tribal officers, councils, and committees thereof, or other tribal organizations, including mileage for use of privately owned automobiles and per diem in lieu of subsistence at rates established administratively but not to exceed those applicable to civilian employees of the Government; relief of Indians, without regard to section 7 of the Act of May 27, 1930 (46 Stat. 391) including cash grants: *Provided*, That in addition to the amount appropriated herein, tribal funds may be advanced to Indian tribes during the current fiscal year for such purposes as may be designated by the governing body of the particular tribe involved and approved by the Secretary: *Provided, however*, That no part of this appropriation or other tribal funds shall be used for the acquisition of land or water rights within the States of Nevada and Oregon, either inside or outside the boundaries of existing Indian reservations, if such acquisition results in the property being exempted from local taxation.

18 USC 4124
and note.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans) shall be available for expenses of exhibits; purchase of not to exceed seventy-three police-type passenger motor vehicles of which sixty-three shall be for replacement only, which may be used for the transportation of Indians; advance payments for service (including services which may extend beyond the current fiscal year) under contracts executed pursuant to the Act of June 4, 1936 (25 U.S.C. 452), the Act of August 3, 1956 (70 Stat. 986), and legislation terminating Federal supervision over certain Indian tribes; and expenses required by continuing or permanent treaty provisions.

49 Stat. 1458.
82 Stat. 4.
25 USC 309.

TERRITORIAL AFFAIRS

OFFICE OF TERRITORIAL AFFAIRS

ADMINISTRATION OF TERRITORIES

For expenses necessary for the administration of Territories under the jurisdiction of the Department of the Interior, including expenses of the Office of the Governor of American Samoa, as authorized by law (48 U.S.C. 1661(c)); compensation and mileage of members of the legislature in American Samoa as authorized by law (48 U.S.C. 1661(c)); compensation and expenses of the judiciary in American Samoa, as authorized by law (48 U.S.C. 1661(c)); grants to American Samoa, in addition to current local revenues, for support of governmental functions; grants to Guam, as authorized by law (48 U.S.C. 1428-1428e); and personal services, household equipment and furnishings, and utilities necessary in the operation of the house of the Governor of American Samoa; \$14,450,000, together with \$875,000 for expenses of the office of the Government Comptroller for the Virgin Islands to be derived from "Internal Revenue Collections for Virgin Islands", as authorized by law (48 U.S.C. 1599(a)) and \$625,000 for expenses of the office of the Government Comptroller for Guam to be derived from duties and taxes which would otherwise be covered into the Treasury of Guam, as authorized by law (48 U.S.C. 1422d (a)), to remain available until expended: *Provided*, That the Territorial and local government herein provided for are authorized to make purchases through the General Services Administration: *Provided further*, That appropriations available for the administration of Territories may be expended for the purchase, charter, maintenance, and operation of surface vessels for official purposes and for commercial transportation purposes found by the Secretary to be necessary.

45 Stat. 1253.
82 Stat. 1172.
82 Stat. 840.
82 Stat. 845.
48 USC 1401f,
14231, 1665.
49 USC 1470a.

TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (84 Stat. 1559), including the expenses of the High Commissioner of the Trust Territory of the Pacific Islands; compensation and expenses of the Judiciary of the Trust Territory of the Pacific Islands; grants to the Trust Territory of the Pacific Islands in addition to local revenues, for support of governmental functions, and payment to the Trust Territory Economic Development Loan Fund pursuant to Public Law 92-257; \$61,700,000, to remain available until expended,

61 Stat. 3301.
22 USC 287
note.
48 USC 1681
note.
86 Stat. 87.
48 USC 1688.

August 31, 1974

- 11 -

Pub. Law 93-404

68 STAT. 813

including not to exceed \$700,000 to offset reductions in, or termination of, Federal grant-in-aid programs or other funds made available to the Trust Territory of the Pacific Islands by other Federal agencies: *Provided*, That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office in accordance with the provisions of the Budget and Accounting Act, 1921 (42 Stat. 23), as amended, and the Accounting and Auditing Act of 1950 (64 Stat. 834): *Provided further*, That the government of the Trust Territory of the Pacific Islands is authorized to make purchases through the General Services Administration: *Provided further*, That appropriations available for the administration of the Trust Territory of the Pacific Islands may be expended for the purchase, charter, maintenance, and operation of surface vessels for official purposes and for commercial transportation purposes found by the Secretary to be necessary in carrying out the provisions of article 6(2) of the Trusteeship Agreement approved by Congress.

48 USC 1683.

31 USC 1.

31 USC 65

note.

48 USC 1682.

48 USC 1687.

61 Stat. 3302.

MICRONESIAN CLAIMS FUND, TRUST TERRITORY OF THE PACIFIC ISLANDS

For payment to the Micronesian Claims Fund for settlement of claims of Micronesian inhabitants of the Trust Territory of the Pacific Islands as may be determined by the Micronesian Claims Commission pursuant to the provisions of Title II of Public Law 92-39, \$1,400,000, to remain available until expended.

85 Stat. 96.

50 USC app.

2020.

SECRETARIAL OFFICES

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, \$12,040,000.

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of the Interior, including not to exceed \$2,000 for official reception and representation expenses, \$19,454,000.

DEPARTMENTAL OPERATIONS

For necessary expenses for certain operations that provide departmentwide services, \$10,523,000, of which not to exceed \$250,000, to remain available until expended, shall be available for support of the Third United Nations International Geothermal Symposium.

SALARIES AND EXPENSES (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States, for necessary expenses of the Office of the Secretary, as authorized by law, \$192,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations, to such office for payments in the foregoing currencies (7 U.S.C. 1704).

80 Stat. 1528;

84 Stat. 1379.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Facilities,
emergency re-
construction.

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

Forest or
range fires.

SEC. 102. The Secretary may authorize the expenditure or transfer of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior and for the emergency rehabilitation of burned-over lands under its jurisdiction: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof.

Service facil-
ities.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 686): *Provided*, That reimbursements for costs of supplies, materials and equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

Experts and
consultants.
Ante, p. 782.
80 Stat. 416.

SEC. 104. Appropriations made to the Department of the Interior in this title or in the Public Works for Water and Power Development and Atomic Energy Commission Appropriation Act, 1975, shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$300,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

Uniforms.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

80 Stat. 508;
81 Stat. 206.
43 Stat. 175.
Surplus air-
craft.

SEC. 106. In addition to the aircraft specifically authorized under this Act there is hereby authorized for acquisition four surplus aircraft for replacement only. Such acquisitions shall be integral to the provision of centralized aircraft services in Alaska.

MHD program.

SEC. 107. The sum of \$261,278,000 appropriated under the head, Office of Coal Research, Salaries and Expenses, in Public Law 93-322, signed June 30, 1974, includes \$12,500,000 for a program for magnetohydrodynamics (MHD), of which \$5,000,000, as described in Senate Report 93-903 and House Report 93-1123, shall be used in part to

Ante, p. 276.

August 31, 1974

- 13 -

Pub. Law 93-404

88 STAT. 815

initiate design of an MHD engineering test facility, and there shall be undertaken immediately the design and planning of such engineering test facility, to be located in Montana, large enough so as to provide a legitimate engineering basis which when achieved will enable the immediate construction of a commercial scale MHD plant (500 MWE or above) for possible operations in the mid-1980's.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST PROTECTION AND UTILIZATION

For expenses necessary for forest protection and utilization, as follows:

Forest land management: For necessary expenses of the Forest Service, not otherwise provided for, including the administration, improvement, development, and management of lands, waters, or interests therein, under Forest Service administration, fighting and preventing forest fires on or threatening such lands and emergency rehabilitation and for liquidation of obligations incurred in the preceding fiscal year for such purposes, control of white pine blister rust and other forest diseases and insects on Federal and non-Federal lands, implementation of forest advanced logging and conservation systems including necessary research and development related thereto, \$306,119,000, of which \$4,275,000 for fighting and preventing forest fires and for the emergency rehabilitation of burned-over lands under its jurisdiction and \$1,910,000 for insect and disease control shall be apportioned for use, pursuant to section 3679 of the Revised Statutes, as amended, to the extent necessary under the then existing conditions: ^{31 USC 665,} *Provided*, That funds appropriated for "Cooperative range improvements", pursuant to section 12 of the Act of April 24, 1950 (16 U.S.C. 580h), may be advanced to this appropriation: *Provided further*, That ^{64 Stat. 85,} funds appropriated for the cooperative law enforcement program shall remain available until expended.

Forest research: For forest research at forest and range experiment stations, the Forest Products Laboratory, or elsewhere, as authorized by law, \$75,402,000.

State and private forestry cooperation: For cooperation with States in forest-fire prevention and suppression, in forest tree planting on non-Federal public and private lands, and in forest management and processing, and for advising timberland owners, associations, wood-using industries, and others in the application for forest management principles and processing of forest products, as authorized by law, \$34,638,000.

CONSTRUCTION AND LAND ACQUISITION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection and utilization of national forest resources, point discharge monitoring and evaluation, and non-point discharge surveillance monitoring and evaluation, and the acquisition of lands and interests therein necessary to these objectives, \$30,908,000, to remain available until expended: *Provided*, That not more than \$1,576,000 of this appropriation may be used for acquisition of land under the Act of March 1, 1911, as amended (16 U.S.C. 513-519).

36 Stat. 962.

YOUTH CONSERVATION CORPS

For expenses necessary to carry out the provisions of the Act of August 13, 1970, as amended by Public Law 92-597, \$10,240,000, to remain available until the end of the fiscal year following the fiscal year for which appropriated: *Provided*, That \$5,120,000 shall be available to the Secretary of the Interior and \$5,120,000 shall be available to the Secretary of Agriculture: *Provided further*, That the funds appropriated in this paragraph shall be available only upon the enactment into law of authorizing legislation.

86 Stat. 1319.
42 USC prec.
2711 note.

FOREST ROADS AND TRAILS (LIQUIDATION OF CONTRACT AUTHORITY)

For expenses necessary for carrying out the provisions of title 23, United States Code, sections 203 and 205, relating to the construction and maintenance of forest development roads and trails, \$120,864,000, to remain available until expended, for liquidation of obligations incurred pursuant to authority contained in title 23, United States Code, section 203: *Provided*, That funds available under the Act of March 4, 1913 (16 U.S.C. 501) shall be merged with and made a part of this appropriation.

72 Stat. 906;
82 Stat. 820.

37 Stat. 843.

ACQUISITION OF LANDS FOR NATIONAL FORESTS

SPECIAL ACTS

For acquisition of land to facilitate the control of soil erosion and flood damage originating within the exterior boundaries of the following national forests, in accordance with the provisions of the following Acts, authorizing annual appropriations of forest receipts for such purposes, and in not to exceed the following amounts from such receipts, Cache National Forest, Utah, Act of May 11, 1938 (52 Stat. 347), as amended, \$20,000; Uinta and Wasatch National Forest, Utah, Act of August 26, 1935 (49 Stat. 866), as amended, \$30,000; Toiyabe National Forest, Nevada, Act of June 25, 1938 (52 Stat. 1205), as amended, \$10,000; Angeles National Forest, California, Act of June 11, 1940 (54 Stat. 299), \$20,000; San Bernardino and Cleveland National Forests, California, Act of June 15, 1938 (52 Stat. 699), as amended, \$81,000; in all, \$161,000: *Provided*, That no part of this appropriation shall be used for acquisition of any land which is not within the boundaries of the national forests and/or for the acquisition of any land without the approval of the local government concerned.

58 Stat. 227.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands in accordance with the Act of December 4, 1967 (16 U.S.C. 484a), to remain available until expended, \$39,310, to be derived from deposits by public school authorities under said Act.

51 Stat. 531.

ACQUISITION OF LANDS, KLAMATH INDIANS

For the acquisition of tribal lands that comprise the Klamath Indian Forests as authorized by section 8(c) of the Act of August 13, 1954, as amended (25 U.S.C. 564w-1(e)), \$49,000,000, to remain available until expended.

72 Stat. 816.

COOPERATIVE RANGE IMPROVEMENTS

For artificial revegetation, construction, and maintenance of range improvements, control of rodents, and eradication of poisonous and

August 31, 1974

- 15 -

Pub. Law 93-404

88 STAT. 817

noxious plants on national forests in accordance with section 12 of the Act of April 24, 1950 (16 U.S.C. 580h), to be derived from grazing fees as authorized by said section, \$700,000, to remain available until expended. 64 Stat. 85.

ASSISTANCE TO STATES FOR TREE PLANTING

For expenses necessary to carry out section 401 of the Agricultural Act of 1956, approved May 28, 1956 (16 U.S.C. 568e), \$1,344,000, to remain available until expended. 70 Stat. 207.

CONSTRUCTION AND OPERATION OF RECREATION FACILITIES

For construction, operation, and maintenance of outdoor recreation facilities, including collection of special recreation use fees, to remain available until expended, \$1,260,000, to be derived from the special receipt accounts established by section 1(b) of the Act of July 15, 1968 (82 Stat. 354), and section 4(e) of the Act of July 11, 1972 (86 Stat. 461): *Provided*, That not more than 40 per centum of the amount credited pursuant to section 4(e) of the Act of July 11, 1972, shall be available for the enhancement of the fee collection system established by section 4 of such Act, including the promotion and enforcement thereof. 16 USC 4601-5
note.
16 USC 4601-6a.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed three hundred thirty-three passenger motor vehicles of which two hundred sixty-seven shall be for replacement only, and hire of such vehicles; operation and maintenance of aircraft and the purchase of not to exceed four for replacement only; (b) employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$100,000 for employment under 5 U.S.C. 3109; (c) uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); (d) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (e) expenses of the National Forest Reservation Commission as authorized by section 14 of the Act of March 1, 1911 (16 U.S.C. 514); (f) acquisition of land and interests therein for sites for administrative and not to exceed \$75,000 for research purposes, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); (g) expenses incident to acquisition by donation or exchange of land, waters, or interests in land or waters, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); *Provided*, That such appropriation shall not be available for expenses incident to donations and exchanges which can be made pursuant to authorities other than the Act of August 3, 1956 (7 U.S.C. 428a); and (h) not to exceed \$100,000 for expenses pursuant to the Volunteers in the National Forests Act of 1972 (16 U.S.C. 558a, 558d, 558a note). 58 Stat. 742.
80 Stat. 416.
80 Stat. 508;
81 Stat. 206.
36 Stat. 963.
70 Stat. 1034.
86 Stat. 147.

Except to provide materials required in or incident to research or experimental work where no suitable domestic product is available, no part of the funds appropriated to the Forest Service shall be expended in the purchase of twine manufactured from commodities or materials produced outside of the United States. 16 USC 560a.

Funds appropriated under this Act shall not be used for acquisition of forest lands under the provisions of the Act approved March 1, 1911, as amended (16 U.S.C. 513-519, 521), where such land is not within the boundaries of an established national forest or purchase unit. 36 Stat. 962.

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and

private forestry, and National Forest System administration of the Forest Service, Department of Agriculture, without the consent of the Committee on Appropriations and Committee on Agriculture and Forestry in the U.S. Senate and U.S. House of Representatives.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$171,000.

36 Stat. 371.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HEALTH SERVICES ADMINISTRATION

INDIAN HEALTH SERVICES

For expenses, not otherwise provided for, necessary to carry out the Act of August 5, 1954 (68 Stat. 674), and titles III and V of the Public Health Service Act, including hire of passenger motor vehicles and aircraft; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary, \$226,217,000.

87 Stat. 935.
42 USC 2001.
58 Stat. 691.
42 USC 241,
219.

INDIAN HEALTH FACILITIES

For construction, major repair, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites; purchase and erection of portable buildings; purchase of trailers; and provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), \$57,431,000, to remain available until expended.

73 Stat. 267.

ADMINISTRATIVE PROVISIONS, HEALTH SERVICES ADMINISTRATION

SEC. 1001. Appropriations contained in this Act, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem equivalent to the rate for GS-18.

80 Stat. 416.
5 USC 5332
note.

SEC. 1002. Appropriations contained in this Act, available for salaries and expenses, shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902).

80 Stat. 508;
81 Stat. 206.

SEC. 1003. Appropriations contained in this Act available for salaries and expenses, shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

OFFICE OF EDUCATION

INDIAN EDUCATION

For carrying out, to the extent not otherwise provided, part A (\$25,000,000), part B (\$12,000,000), and part C (\$3,000,000) of the Indian Education Act, and \$2,000,000 for the General Education Provisions Act, \$42,000,000.

86 Stat. 334.
20 USC 241aa
note.
Ante, p. 556.

August 31, 1974

- 17 -

Pub. Law 93-404 88 STAT. 819

INDIAN CLAIMS COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the purposes of the Act of August 13, 1946 (25 U.S.C. 70), as amended (86 Stat. 115), creating an Indian Claims Commission, \$1,324,000, of which not to exceed \$15,000 shall be available for expenses of travel. 60 Stat. 1049.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), \$1,777,000. 66 Stat. 781.
80 Stat. 416.
80 Stat. 508;
81 Stat. 206.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

SALARIES AND EXPENSES

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$145,000,000, of which \$67,250,000 shall be available until expended to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, of which not less than 20 percent shall be available until expended to the National Endowment for the Arts for assistance pursuant to section 5(g) of the Act; \$67,250,000 shall be available until expended to the National Endowment for the Humanities for support of activities in the humanities pursuant to section 7(c) of the Act; and \$10,500,000 shall be available for administering the provisions of the Act: *Provided*, That not to exceed 3 percentum of the funds appropriated to the National Endowment for the Arts for the purposes of sections 5(c) and 5(g) and not to exceed 3 percentum of the funds appropriated to the National Endowment for the Humanities for the purposes of section 7(c) shall be available for program development and evaluation. 79 Stat. 845;
87 Stat. 461.
20 USC 951
note.
82 Stat. 185;
87 Stat. 462.
20 USC 954.
84 Stat. 443.
87 Stat. 644.
20 USC 956.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$14,000,000, to remain available until expended: *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman of each Endowment under the provisions of section 10(a)(2) during the current and preceding fiscal years, for which equal amounts have not previously been appropriated. 82 Stat. 186;
87 Stat. 465.
20 USC 959.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presenta-

80 STAT. 415.

tion of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; purchase or rental of two passenger motor vehicles; purchase, rental, repair, and cleaning of uniforms for employees; \$67,789,000; *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

SCIENCE INFORMATION EXCHANGE

For necessary expenses of the Science Information Exchange, \$1,755,000.

MUSEUM PROGRAMS AND RELATED RESEARCH (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States, for necessary expenses for carrying out museum programs, scientific and cultural research, and related educational activities, as authorized by law, \$2,000,000, to remain available until expended and to be available only to United States institutions: *Provided*, That this appropriation shall be available, in addition to other appropriations to the Smithsonian Institution, for payments in the foregoing currencies: *Provided further*, That not to exceed \$1,000,000 shall be available to the Smithsonian Institution for the International Campaign To Save the Monuments of Nubia of the United Nations Educational, Scientific, and Cultural Organization for the salvage of archeological sites on the Island of Philae.

RESTORATION AND RENOVATION OF BUILDINGS

20 USC 58a.

For necessary expenses of restoration and renovation of buildings owned or occupied by the Smithsonian Institution, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed \$10,000 for services as authorized by 5 U.S.C. 3109, \$1,490,000, to remain available until expended.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, \$9,420,000, to remain available until expended.

CONSTRUCTION

(APPROPRIATION TO LIQUIDATE CONTRACT AUTHORITY)

86 STAT. 506.

For construction and equipment of a building for a National Air and Space Museum, including not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109, \$7,000,000, to remain available until expended, for liquidation of obligations incurred under the contract authorization granted in the Department of the Interior and Related Agencies Appropriation Act, 1973.

August 31, 1974

- 19 -

Pub. Law 93-404

88 STAT. 821

SALARIES AND EXPENSES, NATIONAL GALLERY OF ART

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards and elevator operators, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase, or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and not to exceed \$70,000 for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, \$6,623,000.

53 Stat. 477.

20 USC 74.

80 Stat. 416.

80 Stat. 508;

81 Stat. 206.

SALARIES AND EXPENSES, WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356), including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, \$954,000.

20 USC 80e

note.

HISTORICAL AND MEMORIAL COMMISSIONS

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses to carry out the provisions of the Act of December 11, 1973 (Public Law 93-179), \$9,686,000, of which not to exceed \$1,375,000 shall be for grants-in-aid as authorized by section 9(a) (1) of the Act.

87 Stat. 697.

FEDERAL METAL AND NONMETALLIC MINE SAFETY BOARD OF REVIEW

SALARIES AND EXPENSES

For necessary expenses of the Federal Metal and Nonmetallic Mine Safety Board of Review, as authorized by law (30 U.S.C. 721) including services as authorized by 5 U.S.C. 3109, \$60,000.

80 Stat. 772.

JOINT FEDERAL-STATE LAND USE PLANNING COMMISSION FOR ALASKA

SALARIES AND EXPENSES

For necessary expenses of the Joint Federal-State Land Use Planning Commission for Alaska, established by the Act of December 18, 1971 (Public Law 92-203), \$693,000: *Provided*, That this appropriation shall not be available to pay more than one-half of the expenses of the Commission.

85 Stat. 688.

43 USC 1601

note.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

For necessary expenses, as authorized by section 17 of Public Law 92-578 as amended, \$824,000: *Provided*, That the funds appropriated in this paragraph shall be available only upon enactment into law of authorizing legislation.

TITLE III—GENERAL PROVISIONS

Unprocessed
timber, sale
restrictions.

SEC. 301. No part of any appropriation under this Act shall be available to the Secretaries of the Interior and Agriculture for use for any sale hereafter made of unprocessed timber from Federal lands west of the 100th meridian in the contiguous 48 States which will be exported from the United States, or which will be used as a substitute for timber from private lands which is exported by the purchaser: *Provided*, That this limitation shall not apply to specific quantities of grades and species of timber which said Secretaries determine are surplus to domestic lumber and plywood manufacturing needs.

Space and
services, pay-
ment, limita-
tion.

SEC. 302. No part of any appropriation contained in this Act shall be available for paying to the Administrator of the General Services Administration in excess of 90 per centum of the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, for space and services.

86 Stat. 219.
40 USC 490.

SEC. 303. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein. This Act may be cited as the "Department of the Interior and Related Agencies Appropriation Act, 1975".

Short title.

Approved August 31, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-1209 (Comm. on Appropriations) and No. 93-No. 93-1293 (Comm. of Conference).

SENATE REPORT No. 93-1069 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 120 (1974):

July 24, considered and passed House.

Aug. 7, considered and passed Senate, amended.

Aug. 19, House agreed to conference report.

Aug. 20, Senate agreed to conference report.



Public Law 93-413
93rd Congress, H. R. 13999
September 4, 1974

An Act

To authorize appropriations for activities of the National Science Foundation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That there is hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1975, for the following categories:

National
Science Founda-
tion Author-
ization Act,
1975,
88 STAT. 1093
88 STAT. 1094

- (1) Scientific Research Project Support, \$358,700,000.
- (2) National and Special Research Programs, \$91,900,000.
- (3) National Research Centers, \$52,500,000.
- (4) Science Information Activities, \$6,300,000.
- (5) International Cooperative Scientific Activities, \$8,000,000.
- (6) Research Applied to National Needs, \$148,900,000.
- (7) Intergovernmental Science Program, \$2,000,000.
- (8) Institutional Improvement for Science, \$12,000,000.
- (9) Graduate Student Support, \$15,000,000.
- (10) Science Education Improvement, \$70,000,000.
- (11) Planning and Policy Studies, \$2,700,000.
- (12) Program Development and Management, \$39,500,000.

SEC. 2. Notwithstanding any other provision of this or any other Act—

(a) of the total amount authorized under section 1, not less than \$10,000,000 shall be available for the purpose of "Institutional Improvement for Science";

(b) of the total amount authorized under section 1, not less than \$15,000,000 shall be available for the purpose of "Graduate Student Support";

(c) of the total amount authorized under section 1, not less than \$70,000,000 shall be available for the purpose of "Science Education Improvement";

(d) of the total amount authorized in category (2) of section 1—

(1) not less than \$1,600,000 shall be available for "Experimental R. & D. Incentives", and

(2) not less than \$4,000,000 shall be available for "Ship Construction/Conversion";

(e) of the total amount authorized in category (6) of section 1—

(1) not less than \$1,000,000 shall be available for "Fire Research", and

(2) not less than \$8,000,000 shall be available for "Earthquake Research and Engineering"; and

(f) of the total amount authorized in category (10) of section 1—

(1) not less than \$1,500,000 shall be available for "Science Faculty Fellowships for College Teachers".

(2) not less than \$3,800,000 shall be available for "Student Programs" including "Undergraduate Student Projects" and "Student Originated Studies", and

(3) not less than \$2,000,000 shall be available for "High School Student Projects".

SEC. 3. Appropriations made pursuant to this Act may be used, but not to exceed \$5,000, for official consultation, representation, or other

Pub. Law 93-413

- 2 -

September 4, 1974

extraordinary expenses upon the approval or authority of the Director of the National Science Foundation, and his determination shall be final and conclusive upon the accounting officers of the Government.

SEC. 4. In addition to such sums as are authorized by section 1, not to exceed \$5,000,000 is authorized to be appropriated for the fiscal year ending June 30, 1975, for expenses of the National Science Foundation incurred outside the United States to be paid for in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

Funds, avail-
ability.

88 STAT. 1094

88 STAT. 1095

Transfer of
funds, limi-
tation.

SEC. 5. Appropriations made pursuant to sections 1 and 4 shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

SEC. 6. No funds may be transferred from any particular category listed in section 1 to any other category or categories listed in such section if the total of the funds so transferred from that particular category would exceed 10 per centum thereof, and no funds may be transferred to any particular category listed in section 1 from any other category or categories listed in such section if the total of the funds so transferred to that particular category would exceed 10 per centum thereof, unless—

Report to
Speaker of the
House, President
of the Senate
and congressional
committees.

(A) a period of thirty legislative days has passed after the Director or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Labor and Public Welfare of the Senate a written report containing a full and complete statement concerning the nature of the transfer and the reason therefor, or

(B) each such committee before the expiration of such period has transmitted to the Director written notice to the effect that such committee has no objection to the proposed action.

Information to
congressional
committees.
42 USC 1882.

SEC. 7. Notwithstanding any other provision of this or any other Act, the Director of the National Science Foundation shall keep the Committee on Science and Astronautics of the House of Representatives and the Committee on Labor and Public Welfare of the Senate fully and currently informed with respect to all of the activities of the National Science Foundation.

Short title.

SEC. 8. This Act may be cited as the "National Science Foundation Authorization Act, 1975".

Approved September 4, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-995 (Comm. on Science and Astronautics) and No. 93-1302 (Comm. of Conference).

SENATE REPORT No. 93-848 accompanying S. 3344 (Comm. on Labor and Public Welfare).

CONGRESSIONAL RECORD, Vol. 120 (1974):

Apr. 25, considered and passed House.

May 16, considered and passed Senate, amended, in lieu of S. 3344.

Aug. 19, Senate agreed to conference report.

Aug. 22, House agreed to conference report.



Public Law 93-414
93rd Congress, H. R. 15572
September 6, 1974

An Act

Making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1975, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1975, and for other purposes, namely:

Department of
Housing and
Urban Develop-
ment; Space,
Science, Vet-
erans, and
Certain Other
Independent
Agencies Ap-
propriation
Act, 1975.

TITLE I

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PRODUCTION AND MORTGAGE CREDIT

SALARIES AND EXPENSES, HOUSING PRODUCTION AND MORTGAGE CREDIT PROGRAMS

For necessary administrative expenses of housing production and mortgage credit, not otherwise provided for, \$13,233,000: *Provided*, That none of these administrative funds may be used for the administration of the section 23 leasing program, or any replacement program, unless the available, unused balance of contract authority under the section 236 program, or any replacement program, is made available for commitment concurrent with the making available for commitment of any contract authority under the section 23 program, or any replacement program.

88 STAT. 1095
88 STAT. 1096

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

PAYMENT OF PARTICIPATION SALES INSUFFICIENCIES

For the payment of such insufficiencies as may be required by the Government National Mortgage Association, as trustee, on account of outstanding beneficial interests or participations in assets of the Department of Housing and Urban Development (including the Government National Mortgage Association) authorized by the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, as amended, \$22,883,000.

81 Stat. 341.
12 USC 1717.

HOUSING MANAGEMENT

HOUSING PAYMENTS

For the payment of annual contributions to public housing agencies in accordance with section 10 of the United States Housing Act of 1937, as amended (42 U.S.C. 1410); for payments authorized by title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749 et seq.); for rent supplement payments authorized by section 101 of the Housing and Urban Development Act of 1965, as amended (12 U.S.C. 1701s); and for homeownership and interest reduction payments as

Ante, p. 666.

Pub. Law 93-414

- 2 -

September 6, 1974

Ante, pp. 671,
672.

authorized by sections 235 and 236, of the National Housing Act, as amended (12 U.S.C. 1715z, 1715z-1), \$2,300,000,000, of which not less than \$450,000,000 shall be used only for the payment of operating subsidies to local housing authorities.

SALARIES AND EXPENSES, HOUSING MANAGEMENT PROGRAMS

For necessary administrative expenses of programs of housing management, not otherwise provided for, \$23,400,000: *Provided*, That administrative expenses in connection with the Revolving fund (liquidating programs) shall be exclusive of expenses necessary in the case of defaulted obligations to protect the interests of the Government.

COMMUNITY PLANNING AND DEVELOPMENT

URBAN RENEWAL PROGRAMS

Grants, ad-
ditional
amounts.

Limitation.
88 STAT. 1096
88 STAT. 1097

For grants for urban renewal, fiscal year 1975, as an additional amount for urban renewal programs, as authorized by title I of the Housing Act of 1949, as amended (42 U.S.C. 1450 et seq.), and section 314 of the Housing Act of 1954, as amended (42 U.S.C. 1452a), \$197,000,000, to remain available until expended: *Provided*, That no part of any appropriation in this Act shall be used for administrative expenses in connection with commitments for grants aggregating more than the total of amounts available in the current year from the amounts authorized for making such commitments through June 30, 1967, plus the additional amounts appropriated therefor.

MODEL CITIES PROGRAMS

Ante, p. 686.

For financial assistance in connection with planning and carrying out comprehensive city demonstration programs pursuant to title I of the Demonstration Cities and Metropolitan Development Act of 1966, as amended (42 U.S.C. 3301), \$123,375,000, to remain available until June 30, 1976, of which \$1,000,000 shall be available only for rehabilitation and redevelopment of the DeKalb County, Tennessee, model cities area devastated by recent tornado damage.

COMPREHENSIVE PLANNING GRANTS

For comprehensive planning grants as authorized by section 701 of the Housing Act of 1954, as amended (40 U.S.C. 461), \$100,000,000, to remain available until expended.

SALARIES AND EXPENSES, COMMUNITY PLANNING AND DEVELOPMENT PROGRAMS

For necessary administrative expenses of programs of community planning and development, not otherwise provided for, \$39,000,000.

FEDERAL INSURANCE ADMINISTRATION

FLOOD INSURANCE

For necessary administrative expenses, not otherwise provided for, in carrying out the National Flood Insurance Act of 1968, as amended (42 U.S.C. Chap. 50), \$50,000,000.

42 USC 4001
note.

September 6, 1974

- 3 -

Pub. Law 93-414

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, \$65,000,000, to remain available until June 30, 1976.

Ante, p. 738.

49 USC 1608
note.88 STAT. 1097
88 STAT. 1098

SALARIES AND EXPENSES, POLICY DEVELOPMENT AND RESEARCH

For necessary administrative expenses of programs of policy development and research, not otherwise provided for, \$6,130,000.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING AND EQUAL OPPORTUNITY

For expenses necessary to carry out the functions of the Secretary pursuant to title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601), and other equal opportunity and fair housing programs authorized by law, not otherwise provided for, \$11,543,000.

DEPARTMENTAL MANAGEMENT

GENERAL DEPARTMENTAL MANAGEMENT

For necessary administrative expenses of the Secretary, not otherwise provided for, in overall program planning and direction in the Department, including not to exceed \$2,500 for official reception and representation expenses, \$5,413,000.

SALARIES AND EXPENSES, OFFICE OF GENERAL COUNSEL

For necessary expenses of the Office of General Counsel, not otherwise provided for, \$3,425,000.

SALARIES AND EXPENSES, OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, not otherwise provided for, \$6,626,000.

ADMINISTRATION AND STAFF SERVICES

For administrative expenses necessary in providing general administration and staff services within the Department, not otherwise provided for, \$18,928,000.

REGIONAL MANAGEMENT AND SERVICES

For necessary administrative expenses, not otherwise provided for, of management and program coordination in the regional offices of the Department, \$28,563,000.

Pub. Law 93-414

- 4 -

September 6, 1974

FEDERAL DISASTER ASSISTANCE ADMINISTRATION
FUNDS APPROPRIATED TO THE PRESIDENT

DISASTER RELIEF

88 STAT. 1098
88 STAT. 1099
42 USC 4401
note.
Ante, p. 143.
50 USC app.
2771 note.

For expenses necessary to carry out the functions of the Department of Housing and Urban Development under the Disaster Relief Act of 1970, as amended, the Disaster Relief Act of 1974, and Reorganization Plan No. 1 of 1973, authorizing assistance to States and local governments in major disasters, \$200,000,000, to remain available until expended: *Provided*, That not to exceed 3 per centum of the foregoing amount shall be available for administrative expenses.

TITLE II

SPACE, SCIENCE, VETERANS, AND CERTAIN OTHER
INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

36 USC 121b
note.

36 USC 122.

36 USC 122a.

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchase and repair of uniforms for caretakers of national cemeteries and monuments, outside of the United States and its territories and possessions; not to exceed \$67,000 for expenses of travel; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries when required by law of such countries; \$4,512,000: *Provided*, That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: *Provided further*, That when traveling on business of the Commission, officers of the Armed Forces serving as members or as secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: *Provided further*, That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary pay, and allowances of personnel assigned to it.

DEPARTMENT OF DEFENSE—CIVIL
CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of maintenance, operation, and improvement of the cemetery at the Soldiers' and Airmen's Home and Arlington National Cemetery, including the purchase of three passenger motor vehicles of which two shall be for replacement only, \$258,000, to remain available until expended: *Provided*, That reimbursement shall be made to the applicable military appropriation for the pay and allowances of any military personnel performing services primarily for the purposes of this appropriation.

September 6, 1974

- 5 -

Pub. Law 93-414

88 STAT. 1100

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Federal Communications Commission, as authorized by law, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); not to exceed \$250,000 for land and structures; not to exceed \$35,000 for improvement and care of grounds and repairs to buildings; not to exceed \$1,500 for official reception and representation expenses; purchase (not to exceed eight) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; \$46,900,000: *Provided*, That not to exceed \$500,000 of the foregoing amount shall remain available until June 30, 1976, for research and policy studies.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; tracking and data relay satellite services as authorized by section 7 of the National Aeronautics and Space Administration Authorization Act, 1975; and purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration, \$2,326,580,000, to remain available until expended.

Ante, p. 243.

CONSTRUCTION OF FACILITIES

For advance planning, design, rehabilitation, modification and construction of facilities for the National Aeronautics and Space Administration, and for the acquisition or condemnation of real property, as authorized by law, \$140,155,000, including (1) \$3,660,000 for addition to flight and guidance simulation laboratory, Ames Research Center; (2) \$890,000 for rehabilitation and modification of science and applications laboratories, Goddard Space Flight Center; (3) \$1,220,000 for modifications for fire protection and safety, Goddard Space Flight Center; (4) \$150,000 for acquisition of land, Jet Propulsion Laboratory; (5) \$3,790,000 for addition for integrated systems testing facility, Jet Propulsion Laboratory; (6) \$935,000 for modification of water supply system, Lyndon B. Johnson Space Center; (7) \$515,000 for modification of 6,000 p.s.i. air storage system, Langley Research Center; (8) \$2,990,000 for rehabilitation of 16-foot transonic wind tunnel, Langley Research Center; (9) \$2,580,000 for modification of propulsion systems laboratory, Lewis Research Center; (10) \$660,000 for modification of rocket engine test facility, Lewis Research Center; (11) \$4,060,000 for construction of X-ray telescope facility, Marshall Space Flight Center; (12) \$1,370,000 for modification of beach protection system, Wallops Station; (13) \$6,040,000 for construction of infrared telescope facility, Mauna Kea, Hawaii; (14) \$1,430,000 for modifications for fire protection and safety at various tracking and data stations; (15) \$77,020,000 for Space Shuttle facilities at various locations, as follows: (A) modification of the vibration and acoustic test facility, Lyndon B. Johnson Space Center, (B) modifications for crew training facilities, Lyndon B. Johnson Space Center, (C) construction of materials test facility, White Sands Test Facility, (D) modifications for dynamic test facilities, Marshall Space Flight Center,

and NASA Industrial Plant, Downey, California, (E) modifications for solid rocket booster structural test facilities, Marshall Space Flight Center, (F) construction of Orbiter landing facilities, John F. Kennedy Space Center, (G) construction of Orbiter processing facility, John F. Kennedy Space Center, (H) modifications to launch complex 39, John F. Kennedy Space Center, (I) \$1,940,000 for construction of an Orbiter Horizontal Flight Test Facility, Flight Research Center; (16) \$14,900,000 for minor rehabilitation and modification of facilities at various locations; (17) \$4,500,000 for minor construction of new facilities and additions to existing facilities at various locations; (18) \$10,900,000 for facility planning and design not otherwise provided for; and (19) \$4,880,000 for an addition to the Systems Development Laboratory (SDL) at the Jet Propulsion Laboratory (JPL); to remain available for obligation until June 30, 1977: *Provided*, That, notwithstanding the limitation on the availability of funds appropriated under this head by this appropriation act, and except with respect to items (16) through (18) above, when any activity, for which appropriations under this head made by this act are available, has been initiated by the incurrence of obligations therefor, the amount available for such activity shall remain available until expended.

RESEARCH AND PROGRAM MANAGEMENT

For necessary expenses of research in Government laboratories, management of programs and other activities of the National Aeronautics and Space Administration, not otherwise provided for, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); awards; hire, maintenance and operation of administrative aircraft; purchase (not to exceed sixteen for replacement only) and hire of passenger motor vehicles; and maintenance and repair of real and personal property, and not in excess of \$10,000 per project for construction of new facilities and additions to existing facilities, and not in excess of \$25,000 per project for rehabilitation and modification of facilities; \$740,000,000: *Provided*, That contracts may be entered into under this appropriation for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year: *Provided further*, That not to exceed \$35,000 of the foregoing amount shall be available for scientific consultations or extraordinary expense, to be expended upon the approval or authority of the Administrator and his determination shall be final and conclusive.

GENERAL PROVISION

Not to exceed one-quarter of 1 per centum of the appropriations made available to the National Aeronautics and Space Administration by this Act for "Research and development" and "Research and program management" may be transferred to either of the other mentioned appropriation, but not to exceed the amount authorized therefor by the National Aeronautics and Space Administration Authorization Act, 1975 (Public Law 93-316).

Ante, p. 243.

NATIONAL SCIENCE FOUNDATION

SALARIES AND EXPENSES

For expenses necessary to carry out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), title IX of the National Defense Education Act of 1958 (42 U.S.C. 1876-1879), and the Act to establish a National Medal of Science (42 U.S.C. 1880-1881), including award of graduate fellowships;

September 6, 1974

- 7 -

Pub. Law 93-414

88 STAT. 1102

services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; hire of passenger motor vehicles; not to exceed \$5,000 for official reception and representation expenses; not to exceed \$35,900,000 for program development and management; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; \$661,500,000, to remain available until June 30, 1976: *Provided*, That of the foregoing total amount, not more nor less than \$13,200,000 shall be used only for Graduate Student Support; not more nor less than \$65,150,000 shall be used only for Science Education Improvement; not more nor less than \$5,500,000 shall be used only for Institutional Improvement for Science; and not more than \$50,000,000 shall be available for Research Applied to National Needs: *Provided further*, That receipts for scientific support services and materials furnished by the National Research Centers may be credited to this appropriation: *Provided further*, That if an institution of higher education receiving funds hereunder determines after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has, after the date of enactment of this Act, willfully refused to obey a lawful regulation or order of such institution and that such refusal was of a serious nature and contributed to the disruption of the administration of such institution, then the institution shall deny any further payment to, or for the benefit of, such individual.

Funds to campus
disrupters,
prohibition.

SCIENTIFIC ACTIVITIES (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for scientific activities, as authorized by law, \$4,850,000, to remain available until June 30, 1976: *Provided*, That this appropriation shall be available in addition to other appropriations to the National Science Foundation, for payments in the foregoing currencies.

RENEGOTIATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Renegotiation Board, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, \$5,163,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, and not to exceed \$1,200,000 for travel expenses and, not to exceed \$2,000 for official reception and representation expenses, \$43,077,000.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by law (5 U.S.C. 4101-4118) for civilian employees; and expenses of the

88 STAT. 1103

31 USC 665.

National Selective Service Appeal Board; and not to exceed \$1,000 for official reception and representation expenses; \$45,000,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended, whenever he deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

VETERANS ADMINISTRATION

COMPENSATION AND PENSIONS

For the payment of compensation, pensions, gratuities, and allowances, including burial awards, plot allowances, burial flags, headstones and grave markers, emergency and other officers' retirement pay, adjusted-service credits and certificates, and other benefits as authorized by law; and for payment of amounts of compromises or settlements under 28 U.S.C. 2677 of tort claims potentially subject to the offset provisions of 38 U.S.C. 351, \$7,283,000,000 to remain available until expended.

READJUSTMENT BENEFITS

38 USC 801,
1501, 1601.

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 31, and 33-39), \$2,676,000,000, to remain available until expended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and soldiers' and sailors' civil relief, \$8,750,000, to remain available until expended.

MEDICAL CARE

For expenses necessary for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Veterans Administration, including care and treatment in facilities not under the jurisdiction of the Veterans Administration, and furnishing recreational facilities, supplies and equipment; funeral, burial and other expenses incidental thereto for beneficiaries receiving care in Veterans Administration facilities; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Veterans Administration, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowance therefor as authorized by law (5 U.S.C. 5901-5902); and aid to State homes as authorized by law (38 U.S.C. 641); \$3,187,644,000, plus reimbursements: *Provided*, That allotments and transfers may be made from this appropriation to the Public Health Service of the Department of Health, Education, and Welfare, and the Army, Navy, and Air Force of the Department of Defense, for disbursements by them under the various headings of their applicable appropriations, of such amounts as are necessary for the care and treatment of beneficiaries of the Veterans Administration.

September 6, 1974

- 9 -

Pub. Law 93-414

88 STAT. 1104

MEDICAL AND PROSTHETIC RESEARCH

For expenses necessary for carrying out programs of medical and prosthetic research and development, as authorized by law, to remain available until expended, \$89,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For expenses necessary for administration of the medical, hospital, domiciliary, construction and supply, research, employee education and training activities, as authorized by law, and for carrying out the provisions of section 5055, title 38, United States Code, relating to pilot programs and grants for exchange of medical information, \$37,508,000, plus reimbursements.

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Veterans Administration, not otherwise provided for, including uniforms or allowances therefor, as authorized by law; not to exceed \$2,500 for official reception and representation expenses; cemeterial expenses as authorized by law, purchase of one passenger motor vehicle (medium sedan for replacement only) and hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services; \$420,000,000.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Veterans Administration, or for any of the purposes set forth in sections 5001, 5002 and 5004 of title 38, United States Code, including planning, architectural and engineering services, and site acquisition, where the estimated cost of a project is \$1,000,000 or more, \$223,925,000, to remain available until expended: *Provided*, That none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Veterans Administration, including planning, architectural and engineering services, and site acquisition, or for any of the purposes set forth in sections 5001, 5002 and 5004 of title 38, United States Code, where the estimated cost of a project is less than \$1,000,000, and for necessary expenses of the Office of Construction, \$43,796,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist the several States to construct State nursing home facilities and to remodel, modify or alter existing hospital and domiciliary facilities in State homes, for furnishing care to veterans, as authorized by law (38 U.S.C. 644 and 5031-5037), \$9,700,000, to remain available until June 30, 1977.

GRANTS TO THE REPUBLIC OF THE PHILIPPINES

For payment to the Republic of the Philippines of grants, as authorized by law (38 U.S.C. 631-634), \$2,050,000, of which \$50,000 for hospital equipment, plant, and facilities rehabilitation grants shall remain available until expended.

PAYMENT OF PARTICIPATION SALES INSUFFICIENCIES

81 Stat. 352.

For the payment of such insufficiencies as may be required by the Government National Mortgage Association, as trustee, on account of outstanding beneficial interests or participation in Direct loan revolving fund assets or Loan guaranty revolving fund assets, authorized by the Independent Offices, and Department of Housing and Urban Development Appropriation Act, 1968, to be issued pursuant to section 302 (c) of the Federal National Mortgage Association Charter Act, as amended (12 U.S.C. 1717(c)), \$1,828,000.

LOAN GUARANTY REVOLVING FUND

38 USC 1801.

During the current fiscal year, the Loan guaranty revolving fund shall be available for expenses, but not to exceed \$500,000,000, for property acquisitions and other loan guaranty and insurance operations under Chapter 37, title 38, United States Code, except administrative expenses, as authorized by section 1824 of such title: *Provided*, That the unobligated balances including retained earnings of the Direct loan revolving fund shall be available, during the current fiscal year, for transfer to the Loan guaranty revolving fund in such amounts as may be necessary to provide for the timely payment of obligations of such fund and the Administrator of Veterans Affairs shall not be required to pay interest on amounts so transferred after the time of such transfer.

VOCATIONAL REHABILITATION REVOLVING FUND

To increase the "Vocational Rehabilitation Revolving Fund" established by the Act of March 24, 1943, and continued by 38 U.S.C. 1507, \$97,000.

ADMINISTRATIVE PROVISIONS

Transfer of funds.

Not to exceed 5 per centum of any appropriation for the current fiscal year for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations, but not to exceed 10 per centum of the appropriations so augmented.

Appropriations available to the Veterans Administration for the current fiscal year for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

No part of the appropriations in this Act for the Veterans Administration (except the appropriations for "Construction, major projects", and "Construction, minor projects") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Administrator of Veterans Affairs.

September 6, 1974

- 11 -

Pub. Law 93-414

88 STAT. 1106

TITLE III

CORPORATIONS

The following corporations and agencies, respectively, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency except as hereinafter provided.

31 USC 849.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

LIMITATION ON ADMINISTRATIVE AND NONADMINISTRATIVE EXPENSES,
FEDERAL HOUSING ADMINISTRATION

For administrative expenses in carrying out duties imposed by or pursuant to law, not to exceed \$13,803,000 of the various funds of the Federal Housing Administration shall be available, in accordance with the National Housing Act, as amended (12 U.S.C. 1701): *Provided*, That funds shall be available for contract actuarial services (not to exceed \$1,500): *Provided further*, That nonadministrative expenses classified by section 2 of Public Law 387, approved October 25, 1949, shall not exceed \$190,500,000.

12 USC 1702.

LIMITATION ON ADMINISTRATIVE EXPENSES, GOVERNMENT NATIONAL
MORTGAGE ASSOCIATION

Not to exceed \$8,080,000 shall be available for administrative expenses, which shall be on an accrual basis, and shall be exclusive of interest paid, expenses (including expenses for fiscal agency services performed on a contract or fee basis) in connection with the issuance and servicing of securities, depreciation, properly capitalized expenditures, fees for servicing mortgages, expenses (including services performed on a force account, contract or fee basis, but not including other personal services) in connection with the acquisition, protection, operation, maintenance, improvement, or disposition of real or personal property belonging to said Association or in which it has an interest, cost of salaries, wages, travel, and other expenses of persons employed outside the continental United States, and all administrative expenses reimbursable from other Government agencies and from the Federal National Mortgage Association: *Provided*, That the distribution of administrative expenses to the accounts of the Association shall be made in accordance with generally recognized accounting principles and practices.

FEDERAL HOME LOAN BANK BOARD

LIMITATION ON ADMINISTRATIVE AND NONADMINISTRATIVE EXPENSES,
FEDERAL HOME LOAN BANK BOARD

Not to exceed a total of \$10,400,000 shall be available for administrative expenses of the Federal Home Loan Bank Board, which may procure services as authorized by 5 U.S.C. 3109, and contracts for such services with one organization may be renewed annually, and uniforms or allowances therefor in accordance with law (5 U.S.C. 5901-5902),

88 STAT. 1107

12 USC 1425a,
1426.
12 USC 1464.
12 USC 1729-
1730a.

12 USC 1428a
note.

12 USC 1438.

and said amount shall be derived from funds available to the Federal Home Loan Bank Board, including those in the Federal Home Loan Bank Board revolving fund and receipts of the Board for the current fiscal year and prior fiscal years, and the Board may utilize and may make payment for services and facilities of the Federal home loan banks, the Federal Reserve banks, the Federal Savings and Loan Insurance Corporation, the Federal Home Loan Mortgage Corporation, and other agencies of the Government (including payment for office space): *Provided*, That all necessary expenses in connection with the conservatorship or liquidation of institutions insured by the Federal Savings and Loan Insurance Corporation, liquidation or handling of assets of or derived from such insured institutions, payment of insurance, and action for or toward the avoidance, termination, or minimizing of losses in the case of such insured institutions, or activities relating to section 5A(f) or 6(i) of the Federal Home Loan Bank Act, section 5(d) of the Home Owners' Loan Act of 1933, or section 406(c), 407, or 408 of the National Housing Act and all necessary expenses (including services performed on a contract or fee basis, but not including other personal services) in connection with the handling, including the purchase, sale, and exchange, of securities on behalf of Federal home loan banks, and the sale, issuance, and retirement of, or payment of interest on, debentures or bonds, under the Federal Home Loan Bank Act, as amended, shall be considered as nonadministrative expenses for the purposes hereof: *Provided further*, That members and alternates of the Federal Savings and Loan Advisory Council shall be entitled to reimbursement from the Board as approved by the Board for transportation expenses incurred in attendance at meetings of or concerned with the work of such Council and may be paid in lieu of subsistence per diem not to exceed the dollar amount set forth in 5 U.S.C. 5703(d)(1): *Provided further*, That expenses of any functions of supervision (except of Federal home loan banks) vested in or exercisable by the Board shall be considered as nonadministrative expenses: *Provided further*, That not to exceed \$1,000 shall be available for official reception and representation expenses: *Provided further*, That, notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the administrative expenses and other obligations of the Board shall be incurred, allowed, and paid in accordance with the provisions of the Federal Home Loan Bank Act of July 22, 1932, as amended (12 U.S.C. 1421-1449): *Provided further*, That the dollar limitation of section 18(c) of the Federal Home Loan Bank Act is further increased by the cumulative assessments and interest-bearing or other advances for purposes thereof, which shall include related commercial facilities, hereby authorized to be required by the Board as nonadministrative expenditures of agencies under administration or supervision of the Board or of a body composed of its members, all of which are hereby included in the references therein to agencies under the Board's supervision, and the Board is hereby authorized to adjust as it deems equitable the interest on advances now or hereafter outstanding thereunder or hereunder: *Provided further*, That the nonadministrative expenses (except those included in the first proviso hereof) for the supervision and examination of Federal and State chartered institutions (other than special examinations determined by the Board to be necessary) shall not exceed \$20,736,000.

September 6, 1974

- 13 -

Pub. Law 93-414

88 STAT. 1108

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL SAVINGS AND LOAN
INSURANCE CORPORATION

Not to exceed \$772,000 shall be available for administrative expenses, which shall be on an accrual basis and shall be exclusive of interest paid, depreciation, properly capitalized expenditures, expenses in connection with liquidation of insured institutions or activities relating to section 406(c), 407, or 408 of the National Housing Act, liquidation or handling of assets of or derived from insured institutions, payment of insurance, and action for or toward the avoidance, termination, or minimizing of losses in the case of insured institutions, legal fees and expenses and payments for expenses of the Federal Home Loan Bank Board determined by said Board to be properly allocable to said Corporation, and said Corporation may utilize and may make payments for services and facilities of the Federal home loan banks, the Federal Reserve banks, the Federal Home Loan Bank Board, the Federal Home Loan Mortgage Corporation, and other agencies of the Government: *Provided*, That, notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the administrative expenses and other obligations of said Corporation shall be incurred, allowed, and paid in accordance with title IV of the Act of June 27, 1934, as amended (12 U.S.C. 1724-1730b).

12 USC 1729-
1730a.

TITLE IV

GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I and II of this Act as expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Veterans Administration; or to payments to inter-agency motor pools where separately set forth in the budget schedules.

Travel
expenses.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances thereof, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

Uniforms.

SEC. 403. Funds made available for the Department of Housing and Urban Development under title III of this Act shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association or Government National Mortgage Association, Federal Reserve banks or any member thereof, Federal home loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

Legal and
banking
services.

SEC. 404. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals for projects not specifically solicited by the Government: *Provided*, That the extent

Research
projects.

of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 405. No part of any appropriation, funds, or other authority contained in this Act shall be available for paying to the Administrator of the General Services Administration in excess of 90 per centum of the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, for space and services.

SEC. 406. No part of any appropriations contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

This Act may be cited as the "Department of Housing and Urban Development; Space, Science, Veterans, and Certain Other Independent Agencies Appropriation Act, 1975".

Approved September 6, 1974.

40 USC 492.

Fiscal year
limitation.

Short title.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-1139 (Comm. on Appropriations) and No. 93-1310 (Comm. of Conference).

SENATE REPORTS: Nos. 93-1056 and 93-1091 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 120 (1974):

June 26, considered and passed House.

Aug. 16, considered and passed Senate, amended.

Aug. 22, House and Senate agreed to conference report.



Public Law 93-430
93rd Congress, H. R. 13595
October 1, 1974.

An Act

To authorize appropriations for the Coast Guard for the procurement of vessels and aircraft and construction of shore and offshore establishments, to authorize appropriations for bridge alterations, to authorize for the Coast Guard an end-year strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are hereby authorized to be appropriated for fiscal year 1975 for the use of the Coast Guard as follows:

U.S. Coast
Guard.
Appropriation
authorization;
personnel
strength.
Fishing ves-
sels, exemp-
tion from cer-
tain laws.

VESSELS

For procurement, renovation, and increasing the capability of vessels, \$22,676,000.

A. Procurement:

- (1) One one-hundred-and-sixty-foot inland construction tender;
- (2) small boat replacement program; and
- (3) design of vessels.

B. Renovation and increasing capability:

- (1) renovate and improve buoy tenders;
- (2) re-engine and renovate coastal buoy tenders;
- (3) modernize and improve cutter, buoy tender, and icebreaker communications equipment;
- (4) abate pollution by oily waste from Coast Guard vessels; and
- (5) abate pollution by nonoily waste from Coast Guard vessels.

88 STAT. 1180
88 STAT. 1181

AIRCRAFT

For procurement of eight replacement fixed-wing medium-range search aircraft, \$17,793,000.

CONSTRUCTION

For the establishment or development of installations and facilities by acquisition, construction, conversion, extension, or installation of permanent or temporary public works, including the preparation of sites and furnishing of appurtenances, utilities, and equipment for the following, \$74,731,000:

- (1) St. Petersburg, Florida: Establish a new consolidated aviation facility.
- (2) Arcata, California: Construct air station, phase II.
- (3) Sitka, Alaska: Construct new air station.
- (4) Woods Hole, Massachusetts: Construct small boat maintenance facility at Coast Guard base.
- (5) New London, Connecticut: Renovate and expand cadet galley and dining facilities at Coast Guard Academy.
- (6) Curtis Bay, Maryland: Renew steam system at Coast Guard yard, phase II.
- (7) Yorktown, Virginia: Construct classroom building at Reserve training center.
- (8) Portsmouth, Virginia: Construct new Coast Guard base, phase III.
- (9) Virginia Beach, Virginia: Replace Little Creek Station waterfront facilities.

(10) Rodanthe, North Carolina: Improve Oregon Inlet Station.

(11) Port Canaveral, Florida: Replace Port Canaveral Station (leased property).

(12) Miami, Florida: Renovate Miami Air Station.

(13) Port Aransas, Texas: Rebuild Port Aransas Station.

(14) Traverse City, Michigan: Rebuild air station.

(15) Keokuk, Iowa: Construct depot building.

(16) Seattle, Washington: Relocate Coast Guard units to piers 36/37, phase I (leased property).

(17) Alaska, various locations: Establish VHF-FM distress communications system.

(18) Kodiak, Alaska: Renovate and consolidate Coast Guard base, phase II.

(19) Valdez, Alaska: Establish vessel traffic system and port safety station.

(20) Various locations: Improve radio navigation system of Pacific coastal region.

(21) New York, New York: Complete vessel traffic system, phase I (part II).

(22) Various locations: Waterways aids to navigation projects.

(23) Various locations: Lighthouse automation and modernization program (LAMP).

(24) Various locations: Mediterranean loran C equipment replacement.

(25) Various locations: Public family quarters.

88 STAT. 1181

88 STAT. 1182

(26) Various locations: Advance planning, survey, design, and architectural services; project administration costs; acquire sites in connection with projects not otherwise authorized by law.

Active duty personnel strength.

SEC. 2. For fiscal year 1975, the Coast Guard is authorized an end strength for active duty personnel of thirty-seven thousand seven hundred and forty-eight; except that the ceiling shall not include members of the Ready Reserve called to active duty under the provisions of Public Law 92-479.

14 USC 764.

SEC. 3. For fiscal year 1975, military training student loads for the Coast Guard are authorized as follows:

(1) recruit and special training, four thousand and eighty man-years;

(2) flight training, eighty-five man-years;

(3) professional training in military and civilian institutions, three hundred and seventy-five man-years; and

(4) officer acquisition training, one thousand one hundred and sixty man-years.

Bridge owners, payments.

SEC. 4. For use of the Coast Guard for payment to bridge owners for the cost of alterations of railroad bridges and public highway bridges to permit free navigation of navigable waters of the United States, \$6,800,000 is hereby authorized.

Dependent children outside U.S., schooling and transportation.

SEC. 5. Section 657 of title 14, United States Code, is amended—

(a) by deleting from the catchline the semicolon and the words following "children";

(b) by designating the existing section as subsection (b); and

(c) by inserting a new subsection (a) as follows:

"(a) Except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), the Secretary may provide, out of funds appropriated to or for the use of the Coast Guard, for the primary and secondary schooling of dependents of Coast Guard personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same

October 1, 1974

- 3 -

Pub. Law 93-430

area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of those dependents."

SEC. 6. (1) Section 1(b) of the Act of August 27, 1935 (46 U.S.C. 88), as amended, is further amended by inserting the words "and all vessels of not more than five thousand gross tons used in the processing or assembling of fishery products in the fisheries of the States of Oregon, Washington, and Alaska, except those constructed after August 15, 1974, or those converted to any of such services after July 11, 1978," after the words "from July 11, 1968," but before the words "are exempt".

(2) The first proviso of section 1 of the Act of June 20, 1936 (46 U.S.C. 367), as amended, is further amended by deleting the last two sentences and inserting in lieu thereof: "As used herein, the phrase 'any vessel' engaged in fishing, oystering, clamming, crabbing, or any other branch of the fishery or kelp or sponge industries includes cannery tender or fishing tender vessels of not more than five hundred gross tons used in the salmon or crab fisheries of the States of Oregon, Washington, and Alaska which are engaged exclusively in (1) the carriage of cargo to or from vessels in the fishery or a facility used or to be used in the processing or assembling of fishery products, or (2) the transportation of cannery or fishing personnel to or from operating locations, and vessels of not more than five thousand gross tons used in the processing or assembling of fishery products in the fisheries of the States of Oregon, Washington, and Alaska. The exemptions in the preceding sentence for cannery tender, and fishing tender vessels and vessels used in processing or assembling fishery products shall continue in force until July 11, 1978."

(3) The proviso clauses of paragraph (2) of section 4417a of the Revised Statutes (46 U.S.C. 391a(2)), as amended, are further amended to read as follows:

"Provided, That (i) this section shall not apply to vessels having on board the substances set forth in (A), (B), or (C) above only for use as fuel or stores or to vessels carrying such cargo only in drums, barrels, or other packages;

"(ii) nothing contained herein shall be deemed to amend or modify the provisions of section 4 of Public Law 93-397 with respect to certain vessels of not more than five hundred gross tons;

"(iii) this section shall not apply to vessels of not more than five thousand gross tons used in the processing and assembling of fishery products in the fisheries of the States of Oregon, Washington, and Alaska and such vessels shall be allowed to have on board inflammable or combustible cargo in bulk to the extent and upon conditions as may be required by the Secretary of the department in which the Coast Guard is operating; and

"(iv) this section shall not apply to vessels of not more than five hundred gross tons documented in the service of oil exploitation which are not tank vessels and which would be subject to this section only because of the transfer of fuel from the vessels' own fuel supply tanks to offshore drilling or production facilities."

(4) Section 4426 of the Revised Statutes of the United States (46 U.S.C. 404), as amended, is further amended by deleting the last two sentences and inserting in lieu thereof: "As herein, the phrase 'engaged in fishing as a regular business' includes cannery tender or fishing tender vessels of not more than five hundred gross tons used in the

Vessels used
in coastwise
trade, load-
lines.

Internal com-
bustion en-
gines, exemp-
tions.

88 STAT. 1182
88 STAT. 1183

Combustible
cargo in bulk.

82 Stat. 341.
46 USC 391a.

Certain commer-
cial fishing
vessels, ex-
emptions.

salmon or crab fisheries of the States of Oregon, Washington, and Alaska which are engaged exclusively in (1) the carriage of cargo to or from vessels in the fishery or a facility used or to be used in the processing or assembling of fishery products, or (2) the transportation of cannery or fishing personnel to or from operating locations, and vessels of not more than five thousand gross tons used in the processing or assembling of fishery products in the fisheries of the States of Oregon, Washington, and Alaska. The exemptions in the preceding sentence for cannery tender, fishing tender vessels and vessels used in processing or assembling of fishery products shall continue in force until July 11, 1978."

Study.
16 USC 1091
note.

SEC. 7. The Secretary of the department in which the Coast Guard is operating (hereinafter referred to as the "Secretary"), in cooperation with the Secretaries of Commerce, State, Defense, and the Treasury, and the Attorney General, shall conduct a comprehensive study of all feasible methods of enforcing fishery management jurisdiction, including any possible extension of such jurisdiction. In carrying out such study, the Secretary shall evaluate all available techniques of enforcement including, but not limited to, the use of satellites, remote sensing, vessels, aircraft, radar, or devices implanted on the seafloor.

Approved October 1, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-1075 (Comm. on Merchant Marine and Fisheries).

SENATE REPORT No. 93-1086 (Comm. on Commerce).

CONGRESSIONAL RECORD, Vol. 120 (1974):

June 4, considered and passed House.

Aug. 15, considered and passed Senate, amended.

Sept. 18, House concurred in Senate amendment.



Public Law 93-433
93rd Congress, H. R. 15404
October 5, 1974

An Act

Making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1975, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1975, and for other purposes, namely:

TITLE I—DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For necessary expenses of the Department of State, not otherwise provided for, including expenses authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158), and allowances as authorized by 5 U.S.C. 5921-5925; expenses of binational arbitrations arising under international air transport agreements; expenses necessary to meet the responsibilities and obligations of the United States in Germany (including those arising under the supreme authority assumed by the United States on June 5, 1945, and under contractual arrangements with the Federal Republic of Germany); hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; dues for library membership in organizations which issue publications to members only, or to members at a price lower than to others; expenses authorized by section 2 of the Act of August 1, 1956 (22 U.S.C. 2669), as amended; refund of fees erroneously charged and paid for passports; radio communications; payment in advance for subscriptions to commercial information, telephone and similar services abroad; care and transportation of prisoners and persons declared insane; expenses, as authorized by law (18 U.S.C. 3192), of bringing to the United States from foreign countries persons charged with crime; expenses necessary to provide maximum physical security in Government-owned and leased properties abroad; and procurement by contract or otherwise, of services, supplies, and facilities, as follows: (1) translating, (2) analysis and tabulation of technical information, and (3) preparation of special maps, globes, and geographic aids; \$349,650,000: *Provided*, That passenger motor vehicles in possession of the Foreign Service abroad may be replaced in accordance with section 7 of the Act of August 1, 1956 (22 U.S.C. 2674), and the cost, including the exchange allowance, of each such replacement shall not exceed \$4,900 in the case of the chief of mission automobile at each diplomatic mission (except that four such vehicles may be purchased at not to exceed \$9,000 each) and such amounts as may be otherwise provided by law for all other such vehicles: *Provided further*, That in addition, this appropriation shall be available for the purchase (not to exceed thirty-three), replacement, rehabilitation, and modification of passenger motor vehicles for protective purposes without regard to any maximum price limitations otherwise established by law.

Departments of
State, Justice,
and Commerce,
the Judiciary,
and Related
Agencies Appro-
priation Act,
1975.
Department of
State Appro-
priation Act,
1975.

88 STAT. 1187
88 STAT. 1188

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 901 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1131), \$1,350,000.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD

For necessary expenses of carrying into effect the Foreign Service Buildings Act, 1926, as amended (22 U.S.C. 292-300), including personal services in the United States and abroad; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); allowances as authorized by 5 U.S.C. 5921-5925; and services as authorized by 5 U.S.C. 3109; \$22,914,000, to remain available until expended: *Provided*, That not to exceed \$1,632,000 may be used for administrative expenses during the current fiscal year.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD
(SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States for the purposes authorized by section 104(b)(4) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704), to be credited to and expended under the appropriation account for "Acquisition, operation, and maintenance of buildings abroad", to remain available until expended, \$4,870,000.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, to be expended pursuant to the requirement of section 291 of the Revised Statutes (31 U.S.C. 107), \$2,100,000.

PAYMENT TO FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 1105-1106), \$20,535,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, conventions, or specific Acts of Congress, \$205,903,000.

MISSIONS TO INTERNATIONAL ORGANIZATIONS

For expenses necessary for permanent representation to certain international organizations in which the United States participates pursuant to treaties, conventions, or specific Acts of Congress, including expenses authorized by the pertinent Acts and conventions provided for such representation; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); allowances as authorized by 5 U.S.C. 5921-5925; and expenses authorized by section 2 (a) and (e) of the Act of August 1, 1956, as amended (22 U.S.C. 2669); \$6,600,000.

22 USC 269a,
269b, 269f,
269g-1, 269h,
272a, 273-
276, 279a,
280b, 280i,
280k, 287a,
287r, 290b,
1896b, 1928,
1928b, 2673
notes.
88 STAT. 1188
88 STAT. 1189

October 5, 1974

- 3 -

Pub. Law 93-433

88 STAT. 1189

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses of participation by the United States, upon approval by the Secretary of State, in international activities which arise from time to time in the conduct of foreign affairs and for which specific appropriations have not been provided pursuant to treaties, conventions, or special Acts of Congress, including personal services without regard to civil service and classification laws; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); allowances as authorized by 5 U.S.C. 5921-5925; hire of passenger motor vehicles; contributions for the share of the United States in expenses of international organizations; and expenses authorized by section 2(a) of the Act of August 1, 1956, as amended (22 U.S.C. 2669); \$6,400,000, of which not to exceed a total of \$105,000 may be expended for representation allowances as authorized by section 901 of the Act of August 13, 1946, as amended (22 U.S.C. 1131) and for official entertainment.

INTERNATIONAL TRADE NEGOTIATIONS

For necessary expenses of participation by the United States in international trade negotiations, including not to exceed \$10,000 for representation allowances, as authorized by section 901 of the Act of August 13, 1946, as amended (22 U.S.C. 1131), and for official entertainment, \$2,000,000: *Provided*, That this appropriation shall be available in accordance with the authority provided in the current appropriation for "International conferences and contingencies".

INTERNATIONAL COMMISSION OF CONTROL AND SUPERVISION

For payments by the United States to meet expenses of the International Commission of Control and Supervision in Viet-Nam, \$5,658,000: *Provided*, That this appropriation shall not be available for obligation except upon enactment into law of authorizing legislation.

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO 22 USC 277.

For expenses necessary to enable the United States to meet its obligations under the treaties of 1884, 1889, 1905, 1906, 1933, 1944, 1963, and 1970 between the United States and Mexico, and to comply with the other laws applicable to the United States Section, International Boundary and Water Commission, United States and Mexico, including operation and maintenance of the Rio Grande rectification, canalization, flood control, bank protection, water supply, power, irrigation, boundary demarcation, and sanitation projects; detailed plan preparation and construction (including surveys and operation and maintenance and protection during construction); Rio Grande emergency flood protection; expenditures for the purposes set forth in sections 101 through 104 of the Act of September 13, 1950 (22 U.S.C. 277d-1—277d-4); purchase of planographs and lithographs; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); and leasing of private property to remove therefrom sand, gravel, stone, and other materials, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); as follows:

24 Stat. 1011.
26 Stat. 1512.
35 Stat. 1863.
34 Stat. 2953.
48 Stat. 1621.
59 Stat. 1219.
15 UST 21.
23 UST 371.

SALARIES AND EXPENSES

For salaries and expenses not otherwise provided for, including examinations, preliminary surveys, and investigations, and operation and maintenance of projects or parts thereof, as enumerated above, including gaging stations, \$4,701,000: *Provided*, That expenditures for the Rio Grande bank protection project shall be subject to the provisions and conditions contained in the appropriation for said project as provided by the Act approved April 25, 1945 (59 Stat. 89).

CONSTRUCTION

For detailed plan preparation and construction of projects authorized by the convention concluded February 1, 1933, between the United States and Mexico, the Acts approved August 19, 1935, as amended (22 U.S.C. 277-277f), August 29, 1935 (49 Stat. 961), June 4, 1936 (49 Stat. 1463), June 28, 1941 (22 U.S.C. 277f), September 13, 1950 (22 U.S.C. 277d-1-9), October 10, 1966 (80 Stat. 884), October 25, 1972 (86 Stat. 1161), and the project stipulated in the treaty between the United States and Mexico signed at Washington on February 3, 1944, to remain available until expended, \$6,231,000: *Provided*, That no expenditures shall be made for the Lower Rio Grande flood-control project for construction on any land, site, or easement in connection with this project except such as has been acquired by donation and the title thereto has been approved by the Attorney General of the United States: *Provided further*, That the Anzalduas diversion dam shall not be operated for irrigation or water supply purposes in the United States unless suitable arrangements have been made with the prospective water users for repayment to the Government of such portions of the costs of said dam as shall have been allocated to such purposes by the Secretary of State.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For expenses necessary to enable the President to perform the obligations of the United States pursuant to treaties between the United States and Great Britain, in respect to Canada, signed January 11, 1909 (36 Stat. 2448), and February 24, 1925 (44 Stat. 2102); and the treaty between the United States and Canada, signed February 27, 1950; including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; \$1,350,000, to be disbursed under the direction of the Secretary of State and to be available also for additional expenses of the American Sections, International Commissions, as hereinafter set forth:

International Joint Commission, United States and Canada, the salary of the Commissioners on the part of the United States who shall serve at the pleasure of the President; salaries of clerks and other employees appointed by the Commissioners on the part of the United States with the approval solely of the Secretary of State; travel expenses and compensation of witnesses in attending hearings of the Commission at such places in the United States and Canada as the Commission or the American Commissioners shall determine to be necessary; and special and technical investigations in connection with matters falling within the Commission's jurisdiction: *Provided*, That transfers of funds may be made to other agencies of the Government for the performance of work for which this appropriation is made.

International Boundary Commission, United States and Canada, the completion of such remaining work as may be required under the award of the Alaskan Boundary Tribunal and the existing treaties

October 5, 1974

- 5 -

Pub. Law 93-433

88 STAT. 1191

between the United States and Great Britain; commutation of subsistence to employees while on field duty at not to exceed the authorized prevailing daily rate; hire of freight and passenger motor vehicles from temporary field employees; and payment for timber necessarily cut in keeping the boundary line clear.

INTERNATIONAL FISHERIES COMMISSIONS

For expenses, not otherwise provided for, necessary to enable the United States to meet its obligations in connection with participation in international fisheries commissions pursuant to treaties or conventions, and implementing Acts of Congress, \$4,030,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions.

EDUCATIONAL EXCHANGE

MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACTIVITIES

For expenses, not otherwise provided for, necessary to enable the Secretary of State to carry out the functions of the Department of State under the provisions of the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451-2458), and the Act of August 9, 1939 (22 U.S.C. 501), including expenses authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); expenses of the National Commission on Educational, Scientific, and Cultural Cooperation as authorized by sections 3, 5, and 6 of the Act of July 30, 1946 (22 U.S.C. 287o, 287q, 287r); hire of passenger motor vehicles; not to exceed \$10,000 for representation expenses; not to exceed \$1,000 for official entertainment within the United States; services as authorized by 5 U.S.C. 3109; and advance of funds notwithstanding section 3648 of the Revised Statutes, as amended (31 U.S.C. 529); \$54,000,000, of which not less than \$2,000,000 shall be used for payment in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States: *Provided*, That not to exceed \$3,252,000 may be used for administrative expenses during the current fiscal year.

CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange between East and West Act of 1960, by grant to any appropriate agency of the State of Hawaii, \$7,400,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or to enter into any contract providing for the payment thereof, in excess of the highest rate authorized in the General Schedule of the Classification Act of 1949, as amended.

22 USC 2054
note.

5 USC 5332
note.

GENERAL PROVISIONS—DEPARTMENT OF STATE

SEC. 102. Appropriations under this title for "Salaries and expenses", "International conferences and contingencies", and "Missions to international organizations" are available for reimbursement of the General Services Administration for security guard services for protection of confidential files.

Security
guard services.

SEC. 103. No part of any appropriation contained in this title shall be used to pay the salary or expenses of any person assigned to or serv-

Salaries and
expenses, re-
striction.

One-world=
government
advocates.

Citation of
title.

Department of
Justice Appro-
priation Act,
1975.

ing in any office of any of the several States of the United States or any political subdivision thereof.

SEC. 104. None of the funds appropriated in this title shall be used (1) to pay the United States contribution to any international organization which engages in the direct or indirect promotion of the principle or doctrine of one world government or one world citizenship; (2) for the promotion, direct or indirect, of the principle or doctrine of one world government or one world citizenship.

This title may be cited as the "Department of State Appropriation Act, 1975".

TITLE II—DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES AND GENERAL ADMINISTRATION

SALARIES AND EXPENSES, GENERAL ADMINISTRATION

For expenses necessary for the administration of the Department of Justice, including hire of passenger motor vehicles; not to exceed \$2,500 for official reception and representation expenses; and miscellaneous and emergency expenses authorized or approved by the Attorney General or the Assistant Attorney General for Administration; \$21,850,000, of which \$2,804,000 is for the Watergate Special Prosecution Force.

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including miscellaneous and emergency expenses authorized or approved by the Attorney General or the Assistant Attorney General for Administration; not to exceed \$30,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on his certificate; and advances of public moneys pursuant to law (31 U.S.C. 529); \$59,000,000: *Provided*, That not to exceed \$125,000 may be transferred to this appropriation from the "Alien Property Fund, World War II", for the general administrative expenses of alien property activities, including rent of private or Government-owned space in the District of Columbia.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust, consumer protection and kindred laws, \$16,762,000: *Provided*, That none of this appropriation shall be expended for the establishment and maintenance of permanent regional offices of the Antitrust Division.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

For necessary expenses of the offices of the United States attorneys and marshals, including purchase of firearms and ammunition; \$126,600,000: *Provided*, That of the amount herein appropriated not to exceed \$200,000 shall be available for payment of compensation and expenses of Commissioners appointed in condemnation cases under Rule 71A(h) of the Federal Rules of Civil Procedure.

28 USC app.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, and per diems of witnesses and for per diems in lieu of subsistence, as authorized by law, and not to exceed \$1,500,000

October 5, 1974

- 7 -

Pub. Law 93-433

88 STAT. 1193

for such compensation and expenses of expert witnesses pursuant to section 524 of title 28, United States Code, and sections 4244-48 of title 18, United States Code, including advances; \$14,200,000: *Provided*, That no part of the sum herein appropriated shall be used to pay any witness more than one attendance fee for any one calendar day.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service established by title X of the Civil Rights Act of 1964 (42 U.S.C. 2000g-2000g-2), \$3,750,000.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For expenses necessary for the detection and prosecution of crimes against the United States; protection of the person of the President of the United States; acquisition, collection, classification and preservation of identification and other records and their exchange with, and for the official use of, the duly authorized officials of the Federal Government, of States, cities, and other institutions, such exchange to be subject to cancellation if dissemination is made outside the receiving departments or related agencies; and such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General, including purchase for police-type use without regard to the general purchase price limitation for the current fiscal year not to exceed one thousand one hundred and seventy-nine (for replacement only) and hire of passenger motor vehicles; purchase (two), lease, hire, maintenance, operation and storage of aircraft; firearms and ammunition; not to exceed \$10,000 for taxicab hire to be used exclusively for the purposes set forth in this paragraph; payment of rewards; and not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; \$433,100,000.

None of the funds appropriated for the Federal Bureau of Investigation shall be used to pay the compensation of any civil-service employee.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including advance of cash to aliens for meals and lodging while en route; payment of allowances (at a rate not in excess of \$1 per day) to aliens, while held in custody under the immigration laws, for work performed; payment of rewards; not to exceed \$50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on his certificate; purchase for police-type use without regard to the general purchase price limitation for the current fiscal year (not to exceed three hundred and seventy-five, of which three hundred and ten shall be for replacement only) and hire of passenger motor vehicles; purchase (not to exceed eight, of which two shall be for replacement only), lease, maintenance and operation of aircraft; firearms and ammunition, attendance at firearms matches;

refunds of head tax, maintenance bills, immigration fines, and other items properly returnable, except deposits of aliens who become public charges and deposits to secure payment of fines and passage money; operation, maintenance, remodeling, and repair, of buildings and the purchase of equipment incident thereto; acquisition of land as sites for enforcement fence and construction incident to such fence; reimbursement of the General Services Administration for security guard services for protection of confidential files; \$175,850,000: *Provided*, That of the amount herein appropriated, not to exceed \$50,000 may be used for the emergency replacement of aircraft upon certificate of the Attorney General.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES, BUREAU OF PRISONS

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including supervision of United States prisoners in non-Federal institutions; purchase of (not to exceed thirty-four, of which eighteen are for replacement only), and hire of passenger motor vehicles; compilation of statistics relating to prisoners in Federal penal and correctional institutions; assistance to State and local governments to improve their correctional systems; firearms and ammunition; medals and other awards; payment of rewards; purchase and exchange of farm products and livestock; construction of buildings at prison camps; and acquisition of land as authorized by section 4010 of title 18, United States Code, \$169,000,000: *Provided*, That there may be transferred to the Health Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions.

42 USC 250a.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, \$27,690,000, to remain available until expended: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in non-Federal institutions, including necessary clothing and medical aid, payment of rewards, and reimbursement to St. Elizabeths Hospital for the care and treatment of United States prisoners, at per diem rates as authorized by law (24 U.S.C. 168a), \$26,200,000: *Provided*, That not to exceed \$1,500,000 shall be available for expenses incurred in the fiscal year 1974.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

SALARIES AND EXPENSES

For grants, contracts, loans, and other law enforcement assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, including departmental salaries and other expenses in connection therewith, \$880,000,000, to remain available until expended.

42 USC 3701.

October 5, 1974

- 9 -

Pub. Law 93-433

88 STAT. 1195

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including hire of passenger motor vehicles; payment in advance for special tests and studies by contract; not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; purchase of not to exceed 441 passenger motor vehicles (of which 406 are for replacement only) for police-type use without regard to the general purchase price limitation for the current fiscal year; payment of rewards; payment for publication of technical and informational material in professional and trade journals; purchase of chemicals, apparatus, and scientific equipment; payment for necessary accommodations in the District of Columbia for conferences and training activities; acquisition (purchase of one), lease, maintenance, and operation of aircraft; employment of aliens by contract for services abroad; research related to enforcement and drug control; benefits in accordance with those provided under 22 U.S.C. 1136(9)-(11), under regulations prescribed by the Secretary of State; \$135,000,000, of which not to exceed \$4,500,000 for research shall remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 202. None of the funds appropriated by this title may be used to pay the compensation of any person hereafter employed as an attorney (except foreign counsel employed in special cases) unless such person shall be duly licensed and authorized to practice as an attorney under the laws of a State, territory, or the District of Columbia. Attorneys, qualifications.

SEC. 203. Fifty-three per centum of the expenditures for the offices of the United States Attorney and the United States marshal for the District of Columbia from all appropriations in this title shall be reimbursed to the United States from any funds in the Treasury of the United States to the credit of the District of Columbia: *Provided*, That notwithstanding the provisions of this section, not to exceed \$1,159,800 from any funds in the Treasury of the United States to the credit of the District of Columbia shall be available for reimbursement to the United States pursuant to this section. Reimbursement to U.S.

SEC. 204. Appropriations and authorizations made in this title which are available for expenses of attendance at meetings shall be expended for such purposes in accordance with regulations prescribed by the Attorney General. Meetings, attendance.

SEC. 205. Appropriations and authorizations made in this title for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109. Experts and consultants.

SEC. 206. Appropriations for the current fiscal year for "Salaries and expenses, general administration," "Salaries and expenses, United States attorneys and marshals," "Salaries and expenses, Federal Bureau of Investigation", "Salaries and expenses, Immigration and Naturalization Service", and "Salaries and expenses, Bureau of Prisons", shall be available for uniforms and allowances therefor as authorized by law (5 U.S.C. 5901-5902). Uniforms.

SEC. 207. Appropriations made in this title shall be available for the purchase of insurance for motor vehicles operated on official Government business in foreign countries. Government motor vehicles, insurance.

This title may be cited as the "Department of Justice Appropriation Act, 1975". Citation of title.

Department of
Commerce Appro-
priation Act,
1975.

TITLE III—DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce, including not to exceed \$1,500 for official entertainment, \$10,200,000.

SOCIAL AND ECONOMIC STATISTICS ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, and modernization or development of automatic data processing equipment, \$47,977,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to prepare for taking, compiling, and publishing the censuses of business, transportation, manufactures, and mineral industries; the census of governments; the census of agriculture; the census of population and housing; and periodic surveys, as provided for by law, \$22,250,000, to remain available until expended.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

42 USC 3131,
3141, 3151,
3161.

For economic development assistance as authorized by titles I, II, III, and IV of the Public Works and Economic Development Act of 1965, as amended, \$184,200,000: *Provided*, That upon enactment of the Indian Tribal Government Grant Act the unobligated balances of the amounts appropriated for Indian tribes under Title I, section 101(a) and Title II, section 201(a) shall be transferred to carry out such purposes of the Indian Tribal Government Grant Act.

ADMINISTRATION OF ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For necessary expenses of administering the economic development assistance programs, not otherwise provided for, \$17,625,000, of which not to exceed \$300,000 may be advanced to the Small Business Administration for processing of loan applications.

REGIONAL ACTION PLANNING COMMISSIONS

REGIONAL DEVELOPMENT PROGRAMS

42 USC 3181.

For expenses necessary to carry out the programs authorized by title V of the Public Works and Economic Development Act of 1965, as amended, \$34,995,000, to remain available until expended.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses of domestic business activities of the Department of Commerce; necessary expenses for international business activities, including trade promotional activities abroad without regard to the provisions of law set forth in 41 U.S.C. 5 and 13, and 44 U.S.C. 501, 3702, and 3703; full medical coverage for dependent members of

October 5, 1974

- 11 -

Pub. Law 93-433

86 STAT. 1197

immediate families of employees stationed overseas; purchase of commercial and trade reports; employment of aliens by contract for services abroad; rental of space abroad, for periods not exceeding five years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; advance of funds under contracts abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; and, not to exceed \$4,200 for official representation expenses abroad; and necessary expenses for carrying out the Export Administration Act of 1969, as amended and extended by the Equal Export Opportunity Act, including awards of compensation to informers under said Act and as authorized by 22 U.S.C. 401 (b) ; \$58,750,000, to remain available until expended, of which not to exceed \$600,000 may be advanced to the Bureau of Customs, Treasury Department, for enforcement of the export administration program: *Provided*, That the provisions of the first sentence of section 105 (f) and all of section 108 (c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455 (f) and 2458 (c)) shall apply in carrying out the activities concerned with international business activities.

50 USC app.
2401 note.

MINORITY BUSINESS ENTERPRISE

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, \$52,000,000, of which \$42,347,000 shall remain available until expended: *Provided*, That not to exceed \$10,653,000 shall be available for program development and management.

UNITED STATES TRAVEL SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the International Travel Act of 1961, as amended, including employment of aliens by contract for service abroad; rental of space abroad, for periods not exceeding five years, and expenses of alteration, repair, or improvement; advance of funds under contracts abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28 of the United States Code, when such claims arise in foreign countries; and not to exceed \$3,500 for representation expenses abroad; \$11,250,000.

22 USC 2121
note.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For expenses necessary for the National Oceanic and Atmospheric Administration, including research and development; testing and evaluation of new operational systems and equipment; including purchase (one), maintenance, operation, and hire of aircraft; acquisition and installation of research instrumentation; expenses of an authorized strength of 358 commissioned officers on the active list; pay of commissioned officers retired in accordance with law and payments under the Retired Serviceman's Family Protection and the Survivors Benefit plans; observation of environmental conditions from space satellites, and reporting and processing of the data obtained for use in environmental forecasting; and construction of facilities, including initial

10 USC 1431.

Ante, p. 276.

equipment; alteration, modernization, and relocation of facilities; and acquisition of land for facilities; \$434,300,000, to remain available until expended: *Provided*, That this appropriation shall be available for payment to the National Aeronautics and Space Administration for procurement, in accordance with the authority available to that Administration, of such equipment or facilities as may be necessary, for the purposes of this appropriation: *Provided further*, That the sum of \$500,000 shall be made available to the following Commissions for fact gathering leading to the development of a national fisheries policy: the Atlantic States Marine Fisheries Commission, \$175,000; the Gulf States Marine Fisheries Commission, \$200,000; and the Pacific Marine Fisheries Commission, \$125,000: *Provided further*, That the amount appropriated for "Operations, Research, and Facilities" in the Special Energy Research and Development Appropriation Act, 1975 (Public Law 93-322, approved June 30, 1974) shall be merged without limitation with this appropriation.

COASTAL ZONE MANAGEMENT

16 USC 1451
note.

For carrying out the provisions of Public Law 92-583, approved October 27, 1972, \$12,000,000, to remain available until expended.

ADMINISTRATION OF PRIBILOF ISLANDS

16 USC 1151
note.

For carrying out the provisions of the Act of November 2, 1966 (80 Stat. 1091-1099), \$3,937,000, of which so much as may become available during the current fiscal year shall be derived from the Pribilof Islands fund.

FISHERMEN'S GUARANTY FUND

22 USC 1971
note.

For payment to the Fishermen's Guaranty Fund, established pursuant to the Act of August 12, 1968 (82 Stat. 729), \$61,000, to remain available until expended.

NATIONAL BUREAU OF FIRE PREVENTION

OPERATIONS, RESEARCH, AND ADMINISTRATION

For expenses necessary to carry out the provisions of the Federal Fire Prevention and Control Act of 1974, to remain available until expended, \$6,000,000.

PATENT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent Office, including defense of suits instituted against the Commissioner of Patents, \$76,300,000.

SCIENCE AND TECHNICAL RESEARCH

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Bureau of Standards, including the acquisition of buildings, grounds, and other facilities; the National Technical Information Service; and the Office of Telecommunications; to remain available until expended, \$61,400,000, of which not to exceed \$2,100,000 may be transferred to the "Working Capital Fund," National Bureau of Standards, for additional capital.

October 5, 1974

- 13 -

Pub. Law 93-433

88 STAT. 1199

MARITIME ADMINISTRATION

SHIP CONSTRUCTION

For construction-differential subsidy and cost of national-defense features incident to construction of ships for operation in foreign commerce (46 U.S.C. 1152, 1154); for construction-differential subsidy and cost of national-defense features incident to the reconstruction and reconditioning of ships under title V of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1154); and for acquisition of used ships pursuant to section 510 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1160); to remain available until expended, \$275,000,000.

OPERATING-DIFFERENTIAL SUBSIDIES (LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies granted on or after January 1, 1947, as authorized by the Merchant Marine Act, 1936, as amended, and in appropriations heretofore made to the United States Maritime Commission, \$242,800,000, to remain available until expended.

46 USC 1245.

RESEARCH AND DEVELOPMENT

For expenses necessary for research, development, fabrication, and test operation of experimental facilities and equipment; collection and dissemination of maritime technical and engineering information; studies to improve water transportation systems; \$25,900,000, to remain available until expended.

OPERATIONS AND TRAINING

For expenses necessary for carrying into effect the Merchant Marine Act, 1936, as amended, and the training of cadets as officers of the Merchant Marine, including not to exceed \$1,125 for entertainment of officials of other countries when specifically authorized by the Maritime Administrator; not to exceed \$1,250 for representation allowances; not to exceed \$2,500 for contingencies for the Superintendent, United States Merchant Marine Academy to be expended in his discretion; and uniform and textbook allowances for cadet midshipmen at the U.S. Merchant Marine Academy at an average yearly cost of not to exceed \$575 per cadet; \$40,333,000, to remain available until expended: *Provided*, That reimbursement may be made to this appropriation for expenses in support of activities for National Maritime Research Centers financed from the appropriation for "Research and development": *Provided further*, That reimbursements may be made to this appropriation from receipts to the "Federal ship financing fund" for administrative expenses in support of that program.

GENERAL PROVISIONS—MARITIME ADMINISTRATION

No additional vessel shall be allocated under charter, nor shall any vessel be continued under charter by reason of any extension of chartering authority beyond June 30, 1949, unless the charterer shall agree that the Maritime Administration shall have no obligation upon redelivery to accept or pay for consumable stores, bunkers, and slop-chest items, except with respect to such minimum amounts of bunkers as the Maritime Administration considers advisable to be retained on the vessel and that prior to such redelivery all consumable stores, slop-

50 USC app.
1738b.

chest items, and bunkers over and above such minimums shall be removed from the vessel by the charterer at his own expense.

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration and payments received by the Maritime Administration for utilities, services, and repairs so furnished or made shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy on account of items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

46 USC 1116.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act, or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 302. During the current fiscal year applicable appropriations and funds available to the Department of Commerce shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by said Act.

SEC. 303. During the current fiscal year appropriations to the Department of Commerce which are available for salaries and expenses shall be available for hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 304. No part of any appropriation contained in this title shall be used for construction of any ship in any foreign country.

SEC. 305. None of the funds appropriated in this title for the Maritime Administration shall be available for obligation for ship construction, operating-differential subsidies, research and development, nor operations and training, except upon enactment into law of authorizing legislation.

This title may be cited as the "Department of Commerce Appropriation Act, 1975".

Citation of
title.

Judiciary Ap-
propriation
Act, 1975.

TITLE IV—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES

For the Chief Justice and eight Associate Justices, and all other officers and employees, whose compensation shall be fixed by the Court, except as otherwise provided by law, and who may be employed and assigned by the Chief Justice to any office or work of the Court, \$4,450,000.

PRINTING AND BINDING SUPREME COURT REPORTS

For printing and binding the advance opinions, preliminary prints, and bound reports of the Court, \$565,000.

MISCELLANEOUS EXPENSES

For miscellaneous expenses, to be expended as the Chief Justice may approve, \$642,000.

October 5, 1974

- 15 -

Pub. Law 93-433

88 STAT. 1201

AUTOMOBILE FOR THE CHIEF JUSTICE

For purchase, exchange, lease, driving, maintenance, and operation of an automobile for the Chief Justice of the United States, \$16,300.

BOOKS FOR THE SUPREME COURT

For books and periodicals for the Supreme Court to be purchased by the Librarian of the Supreme Court, under the direction of the Chief Justice, \$63,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a-13b), including improvements, maintenance, repairs, equipment, supplies, materials, and appurtenances; special clothing for workmen; and personal and other services (including temporary labor without reference to the Classification and Retirement Acts, as amended), and for snow removal by hire of men and equipment or under contract without compliance with section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); \$687,300, to remain available until expended: *Provided*, That not to exceed \$371,500 of the unobligated balance of the appropriation under this head for the fiscal year 1974 is hereby continued available until expended.

5 USC 5101 et
seq., 8331 et
seq.

COURT OF CUSTOMS AND PATENT APPEALS

SALARIES AND EXPENSES

For salaries of the chief judge, four associate judges, and all other officers and employees of the court, and necessary expenses of the court, including exchange of books, and traveling expenses, as may be approved by the chief judge, \$782,000.

CUSTOMS COURT

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges; salaries of the officers and employees of the court; services as authorized by 5 U.S.C. 3109; and necessary expenses of the court, including exchange of books and traveling expenses, as may be approved by the court; \$2,479,000: *Provided*, That traveling expenses of judges of the Customs Court shall be paid upon written certificate of the judge.

COURT OF CLAIMS

SALARIES AND EXPENSES

For salaries of the chief judge, six associate judges, and all other officers and employees of the court, and for other necessary expenses, including stenographic and other fees and charges necessary in the taking of testimony, and travel, \$2,341,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES OF JUDGES

For salaries of circuit judges; district judges (including judges of the district courts of the Virgin Islands, the Panama Canal Zone, and Guam); justices and judges retired or resigned under title 28, United

States Code, sections 371, 372, and 373; and annuities of widows of Justices of the Supreme Court of the United States in accordance with title 28, United States Code, section 375; \$27,975,000.

SALARIES OF SUPPORTING PERSONNEL

28 USC 604
note.

5 USC 5101,
5332 note.

5 USC 5301.

For salaries of all officials and employees of the Federal Judiciary, not otherwise specifically provided for, \$101,822,000: *Provided*, That the salaries of secretaries to circuit and district judges shall not exceed the compensation established in chapter 51 of title 5, United States Code, for General Schedule grade (GS) 5, 6, 7, 8, 9, or 10, and that the salaries of law clerks to circuit and district judges shall not exceed the compensation established in chapter 51 of title 5, United States Code, for General Schedule grade (GS) 7, 8, 9, 10, 11, or 12: *Provided further*, That (exclusive of step increases corresponding with those provided for by chapter 53 of title 5 of the United States Code, and of compensation paid for temporary assistance needed because of an emergency) the aggregate salaries paid to secretaries and law clerks appointed by each of the circuit and district judges shall not exceed \$57,714 and \$34,988 per annum, respectively, except in the case of the chief judge of each circuit and the chief judge of each district court having five or more district judges, in which case the aggregate salaries shall not exceed \$71,093 and \$44,957 per annum, respectively: *Provided further*, That the chief judge of each circuit may appoint a senior law clerk to the court at not more than \$30,000 per annum, without regard to the limitations referred to above.

REPRESENTATION BY COURT-APPOINTED COUNSEL AND OPERATION OF DEFENDER ORGANIZATIONS

For the operation of Federal Public Defender and Community Defender organizations, and the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964 (18 U.S.C. 3006A, as amended by Public Law 91-447, October 14, 1970), \$15,700,000.

FEES OF JURORS

For fees, expenses, and costs of jurors; and compensation of jury commissioners; \$18,500,000.

TRAVEL AND MISCELLANEOUS EXPENSES

For necessary travel and miscellaneous expenses, not otherwise provided for, incurred by the Judiciary, including the purchase of firearms and ammunition, \$15,100,000.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

For necessary expenses of the Administrative Office of the United States Courts, including travel, advertising, and rent in the District of Columbia and elsewhere, \$5,090,000: *Provided*, That not to exceed \$100,000 of the appropriations contained in this title shall be available for the study of rules of practice and procedure.

SALARIES AND EXPENSES OF UNITED STATES MAGISTRATES

For compensation and expenses of United States Magistrates, including secretarial and clerical assistance, as authorized by 28 U.S.C. 634-635, \$8,764,000.

October 5, 1974

- 17 -

Pub. Law 93-433

88 STAT. 1203

SALARIES OF REFEREES

For salaries of referees as authorized by the Act of June 28, 1946, as amended (11 U.S.C. 68), not to exceed \$6,990,000, to be derived from the Referees' salary and expense fund established in pursuance of said Act, and, to the extent of any deficiency in said fund, from any monies in the Treasury not otherwise appropriated.

EXPENSES OF REFEREES

For expenses of referees as authorized by the Act of June 28, 1946, as amended (11 U.S.C. 68, 102), not to exceed \$14,000,000, to be derived from the Referees' salary and expense fund established in pursuance of said Act, and, to the extent of any deficiency in said fund from any monies in the Treasury not otherwise appropriated: *Provided*, That \$440,000 shall be transferred to the appropriation for "Administrative Office of the United States Courts" for general administrative expense of the bankruptcy system.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, \$2,400,000.

28 USC 620.

SPACE AND FACILITIES, THE JUDICIARY

SPACE AND FACILITIES

For the rental of space, tenant alterations, and related services for the United States Courts of Appeals and District Courts, the Court of Customs and Patent Appeals, the Customs Court, the Court of Claims, the Administrative Office of the United States Courts and the Federal Judicial Center, pursuant to the Public Buildings Amendments of 1972, Public Law 92-313, June 16, 1972 (86 Stat. 216), \$66,100,000, to be available for transfer to the General Services Administration which shall be responsible for administering the program in compliance with standards or guidelines prescribed by the Director of the Administrative Office of the United States Courts under the supervision and direction of the Judicial Conference of the United States.

40 USC 603 note.

EXPENSES, UNITED STATES COURT FACILITIES

FURNITURE AND FURNISHINGS

For necessary expenses, not otherwise provided for, to provide furniture and furnishings for the United States Courts, including the Administrative Office of the United States Courts and the Federal Judicial Center, \$2,675,000, to be available for transfer to the General Services Administration which shall be responsible for administering the program in compliance with standards or guidelines prescribed by the Director of the Administrative Office of the United States Courts under the supervision and direction of the Judicial Conference of the United States.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 402. The reports of the United States Court of Appeals for the District of Columbia shall not be sold for a price exceeding that approved by the court and for not more than \$9.00 per volume.

Citation of
title.

SEC. 403. None of the funds contained in this title shall be available for the salaries or expenses of deputy clerks in any office that has discontinued the taking of applications for passports subsequent to October 31, 1968, and has not resumed such service on a permanent basis.

This title may be cited as the "Judiciary Appropriation Act, 1975".

TITLE V—RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses, not otherwise provided for, for arms control and disarmament activities authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.), \$9,250,000.

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

For expenses of the Board for International Broadcasting, including grants to Radio Free Europe and Radio Liberty, \$49,800,000.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For expenses necessary for the Commission on Civil Rights, including hire of passenger motor vehicles, \$6,850,000.

COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT FOR THE CONDUCT OF FOREIGN POLICY

SALARIES AND EXPENSES

22 USC 2680. For necessary expenses of the Commission on the Organization of the Government for the Conduct of Foreign Policy, authorized by title VI of the Foreign Relations Authorization Act of 1972, \$1,594,000, to remain available until July 30, 1975.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

42 USC 2000e. For necessary expenses of the Equal Employment Opportunity Commission established by title VII of the Civil Rights Act of 1964, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed \$3,500,000 for payments to State and local agencies for services to the Commission pursuant to title VII of the Civil Rights Act, \$53,597,000.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; \$7,300,000: *Provided*, That not to exceed \$1,500 shall be available for official reception and representation expenses.

October 5, 1974

- 19 -

Pub. Law 93-433

88 STAT. 1205

FOREIGN CLAIMS SETTLEMENT COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry on the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109; allowances and benefits similar to those provided by title IX of the Foreign Service Act of 1946, as amended, as determined by the Commission; expenses of packing, shipping, and storing personal effects of personnel assigned abroad; rental or lease, for such periods as may be necessary, of office space and living quarters for personnel assigned abroad; maintenance, improvement, and repair of properties rented or leased abroad, and furnishing fuel, water, and utilities for such properties; insurance on official motor vehicles abroad; advances of funds abroad; advances or reimbursements to other Government agencies for use of their facilities and services in carrying out the functions of the Commission; hire of motor vehicles for field use only; and employment of aliens; \$1,240,000.

22 USC 1131.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission to carry out the provisions of title II of the Act of October 21, 1972 (Public Law 92-522), establishing the Marine Mammal Commission, \$750,000: *Provided*, That, notwithstanding section 207 of Public Law 92-522, not to exceed \$300,000 may be used for administrative expenses.

16 USC 1401 et seq.NATIONAL COMMISSION FOR THE REVIEW OF FEDERAL AND STATE LAWS
RELATING TO WIRETAPPING AND ELECTRONIC SURVEILLANCE

SALARIES AND EXPENSES

For necessary expenses of the National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance, established by the Omnibus Crime Control and Safe Streets Act of 1968 (84 Stat. 224), \$332,000, to remain available until expended.

42 USC 3701
note.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration, including hire of passenger motor vehicles, not to exceed \$1,500 for official reception and representation expenses, and not to exceed \$5,000,000 for expenses necessary to carry out the provisions of section 406 of the Economic Opportunity Act of 1964, as amended, \$26,500,000, and in addition there may be transferred to this appropriation not to exceed a total of \$85,415,000 from the "Disaster loan fund", the "Business loan and investment fund", and the "Lease and surety bond guarantees revolving fund", in such amounts as may be necessary for administrative expenses in connection with activities respectively financed under said funds: *Provided*, That 10 per centum of the amount authorized to be transferred from these revolving funds shall be apportioned for use, pursuant to section 3679 of the Revised Statutes, as amended, only in such amounts and at such times as may

42 USC 2906b.

31 USC 665.

be necessary to carry out the business and disaster loan, and lease and surety bond guarantee programs.

DISASTER LOAN FUND

BUSINESS LOAN AND INVESTMENT FUND

LEASE AND SURETY BOND GUARANTEES REVOLVING FUND

31 USC 849.

The Small Business Administration is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the following funds, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for the "Disaster loan fund," the "Business loan and investment fund," and the "Lease and surety bond guarantees revolving fund."

BUSINESS LOAN AND INVESTMENT FUND

15 USC 633.

For additional capital for the "Business loan and investment fund," authorized by the Small Business Act, as amended, \$327,500,000, to remain available without fiscal year limitation.

DISASTER LOAN FUND

For additional capital for the "Disaster loan fund," authorized by the Small Business Act, as amended, \$90,000,000, to remain available without fiscal year limitation.

SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

SALARIES AND EXPENSES

For expenses necessary for the Special Representative for Trade Negotiations, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, \$1,850,000: *Provided*, That none of the funds contained in this paragraph shall be made available for the collection and preparation of information which will not be available to Committees of Congress in the regular discharge of their duties.

TARIFF COMMISSION

SALARIES AND EXPENSES

19 USC 1336-
1338.

For necessary expenses of the Tariff Commission, not to exceed \$150,000 for expenses of travel, hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, \$8,900,000: *Provided*, That no part of this appropriation shall be used to pay the salary of any member of the Tariff Commission who shall hereafter participate in any proceedings under sections 336, 337, and 338 of the Tariff Act of 1930, wherein he or any member of his family has any special, direct, and pecuniary interest, or in which he has acted as attorney or special representative: *Provided further*, That no part of the foregoing appropriation shall be used for making any special study, investigation, or report at the request of any other agency of the executive branch of the Government unless reimbursement is made for the cost thereof.

October 5, 1974

- 21 -

Pub. Law 93-433

88 STAT. 1207

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For expenses necessary to enable the United States Information Agency, as authorized by Reorganization Plan No. 8 of 1953, the Mutual Educational and Cultural Exchange Act (22 U.S.C. 2451 et seq.), and the United States Information and Educational Exchange Act, as amended (22 U.S.C. 1431 et seq.), to carry out international information activities, including employment, without regard to the civil service and classification laws, of persons on a temporary basis (not to exceed \$20,000), and aliens within the United States; salaries, expenses, and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); entertainment within the United States not to exceed \$500; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; advance of funds notwithstanding section 3648 of the Revised Statutes, as amended (31 U.S.C. 529); dues for library membership in organizations which issue publications to members only, or to members at a price lower than to others; purchase of uniforms for not to exceed thirteen guards; radio activities and acquisition and production of motion pictures and visual materials and purchase or rental of technical equipment and facilities therefor, narration, script-writing, translation, and engineering services, by contract or otherwise; and purchase of objects for presentation to foreign governments, schools, or organizations; \$218,462,000: *Provided*, That not to exceed \$150,000 may be used for representation abroad: *Provided further*, That passenger motor vehicles used abroad exclusively for the purposes of this appropriation may be exchanged or sold pursuant to section 201(c) of the Act of June 30, 1949 (40 U.S.C. 481(c)), and the exchange allowances or proceeds of such sales shall be available for replacement of an equal number of such vehicles and the cost, including the exchange allowance of each such replacement, shall not exceed such amounts as may be otherwise provided by law: *Provided further*, That, notwithstanding the provisions of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), the United States Information Agency is authorized, in making contracts for the use of international shortwave radio stations and facilities, to agree on behalf of the United States to indemnify the owners and operators of said radio stations and facilities from such funds as may be hereafter appropriated for the purpose against loss or damage on account of injury to persons or property arising from such use of said radio stations and facilities.

22 USC 1461
note.

22 USC 1461b.

SALARIES AND EXPENSES (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the United States Information Agency, as authorized by law, \$8,377,000, to remain available until expended.

SPECIAL INTERNATIONAL EXHIBITIONS

For expenses necessary to carry out the functions of the United States Information Agency under section 102(a)(3) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.), \$6,770,000, to remain available until expended: *Provided*, That not to exceed a total of \$6,500 may be expended for representation.

22 USC 2452.

ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception, purchase and installation of necessary equipment for radio transmission and reception, without regard to the provisions of the Act of June 30, 1932 (40 U.S.C. 278a), and acquisition of land and interests in land by purchase, lease, rental, or otherwise, \$4,400,000, to remain available until expended: *Provided*, That this appropriation shall be available for acquisition of land outside the continental United States without regard to section 355 of the Revised Statutes (40 U.S.C. 255) and title to any land so acquired shall be approved by the Director of the United States Information Agency.

TITLE VI—FEDERAL PRISON INDUSTRIES,
INCORPORATED

31 USC 849.

The following corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such corporation, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of not to exceed five (for replacement only) and hire of passenger motor vehicles, except as hereinafter provided:

LIMITATION ON ADMINISTRATIVE AND VOCATIONAL TRAINING EXPENSES,
FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$1,804,000 of the funds of the corporation shall be available for its administrative expenses, and not to exceed \$5,051,000 for the expenses of vocational training of prisoners, both amounts to be available for services as authorized by 5 U.S.C. 3109, and to be computed on an accrual basis and to be determined in accordance with the corporation's prescribed accounting system in effect on July 1, 1946, and shall be exclusive of depreciation, payment of claims, expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

TITLE VII—GENERAL PROVISIONS

Publicity or
propaganda.

SEC. 701. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

Foreign cur-
rency funded
programs.

SEC. 702. No part of any appropriation contained in this Act shall be used to administer any program which is funded in whole or in part from foreign currencies or credits for which a specific dollar appropriation therefor has not been made.

Fiscal year
limitation.

SEC. 703. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

October 5, 1974

- 23 -

Pub. Law 93-433

88 STAT. 1209

SEC. 704. No part of the funds appropriated by this Act shall be used to pay the salary of any Federal employee who is finally convicted in any Federal, State, or local court of competent jurisdiction, of inciting, promoting, or carrying on a riot resulting in material damage to property or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned.

Convicted riot-
ers, payment
prohibitions.

SEC. 705. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of, or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials or students in such institution from engaging in their duties or pursuing their studies at such institution.

Funds to cam-
pus disrupters,
prohibitions.

SEC. 706. No part of any appropriation contained in this Act shall be available for paying to the Administrator of the General Services Administration in excess of 90 per centum of the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, for space and services.

Space and serv-
ices, payment,
limitation.

40 USC 490.

This Act may be cited as the "Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1975".

Short title.

Approved October 5, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-1108 (Comm. on Appropriations) and No. 93-1370 (Comm. of Conference).

SENATE REPORT No. 93-1110 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 120 (1974):

June 18, considered and passed House.

Aug. 22, considered and passed Senate, amended.

Sept. 24, House agreed to conference report; resolved amendments in disagreement.

Sept. 25, Senate agreed to conference report.



Public Law 93-436
93rd Congress, S. 3320
October 5, 1974

An Act

88 STAT. 1212

To extend the appropriation authorization for reporting of weather modification activities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Act entitled "An Act to provide for the reporting of weather modification activities to the Federal Government", approved December 18, 1971 (15 U.S.C. 330e), is amended by striking out "ending June 30, 1973, and June 30, 1974," and inserting in lieu thereof "1973, 1974, 1975, 1976, and 1977."

Weather modification reporting.
Appropriation, extension.

Approved October 5, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-1286 accompanying H.R. 15008 (Comm. on Interstate and Foreign Commerce).

SENATE REPORT No. 93-952 (Comm. on Commerce).

CONGRESSIONAL RECORD, Vol. 120 (1974):

June 25, considered and passed Senate.

Aug. 19, considered and passed House, amended, in lieu of H.R. 15008.

Sept. 24, Senate concurred in House amendment.



Public Law 93-437
93rd Congress, H. R. 16243
October 8, 1974

An Act

Making appropriations for the Department of Defense for the fiscal year ending June 30, 1975, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1975, for military functions administered by the Department of Defense, and for other purposes, namely:

Department of
Defense Approp-
riation Act,
1975.

88 STAT. 1212

88 STAT. 1213

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere) ; \$7,780,263,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; \$5,679,810,000.

MILITARY PERSONNEL, NAVY, 1969, 1971

(Liquidation of Deficiencies)

For an additional amount for "Military personnel, Navy" for fiscal year 1969, \$7,976,000; and fiscal year 1971, \$35,380,000; for liquidation of obligations incurred and chargeable to those accounts: *Provided*, That the fiscal years 1971 and 1973 Military personnel, Navy accounts shall be adjusted to reflect all payments authorized by Public Law 92-570 on behalf of the fiscal year 1971 account.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere) ; \$1,695,456,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of tem-

Pub. Law 93-437

- 2 -

October 8, 1974

porary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; \$7,229,531,000.

RESERVE PERSONNEL, ARMY

88 STAT. 1213
88 STAT. 1214

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 265, 3019, and 3033 of title 10, United States Code, or while undergoing reserve training or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, as authorized by law; \$493,800,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Naval Reserve on active duty under section 265 of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, as authorized by law; \$211,900,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 265 of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, as authorized by law; \$66,800,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 265, 8019, and 8033 of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Air Reserve Officers' Training Corps, as authorized by law; \$147,865,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under sections 265, 3033, or 3496 of title 10 or section 708 of title 32, United States Code, or while undergoing training or while performing drills or equivalent duty, as authorized by law; \$660,800,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under sections 265, 8033, or 8496 of title 10 or section 708 of title 32, United States Code, or while undergoing training or while performing drills or equivalent duty, as authorized by law; \$204,527,000.

October 8, 1974

- 3 -

Pub. Law 93-437

TITLE II

RETIRED MILITARY PERSONNEL

RETIRED PAY, DEFENSE

For retired pay and retirement pay, as authorized by law, of military personnel on the retired lists of the Army, Navy, Marine Corps, and the Air Force, including the reserve components thereof, retainer pay for personnel of the Inactive Fleet Reserve, and payments under section 4 of Public Law 92-425 and chapter 73 of title 10, United States Code; \$6,040,600,000.

88 STAT. 1214
88 STAT. 1215

10 USC 1446
note, 1431.

TITLE III

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed \$2,689,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; \$6,137,532,000, of which not less than \$355,000,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed \$3,707,000 can be used for emergencies and extraordinary expenses, as authorized by section 7202 of title 10, United States Code, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; \$7,151,175,000, of which not less than \$235,000,000 shall be available only for the maintenance of real property facilities: *Provided*, That of the total amount of this appropriation made available for the alteration, overhaul, and repair of naval vessels, not more than \$1,130,000,000 shall be available for the performance of such work in Navy shipyards.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; \$449,284,000, of which not less than \$50,000,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed \$2,293,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; \$7,062,030,000, of which not less than \$350,000,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments and the Defense Civil Preparedness Agency), as authorized by law; as follows: for the Secretary of Defense activities, \$752,643,000, of which \$489,000,000 shall be available only for the Civilian Health and Medical Program of the Uniformed Services, and \$201,932,000 shall be available only for Overseas Dependents Education; for the organization of the Joint Chiefs of Staff, \$10,924,000; for the Office of Information for the Armed Forces, \$14,356,000; for the Defense Contract Audit Agency, \$66,193,000; for the Defense Investigative Service, \$25,401,000; for the Defense Mapping Agency, \$170,801,000; for the Defense Nuclear Agency, \$21,215,000; for the Defense Supply Agency, \$761,453,000; and for Intelligence and communications activities, \$527,173,000; in all: \$2,350,159,000: *Provided*, That of the total amount of this appropriation, not to exceed \$6,518,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That not less than \$19,500,000 of the total amount of this appropriation shall be available only for the maintenance of real property facilities: *Provided further*, That the Secretary of Defense may transfer up to 3 per centum of the amount of any subdivision of this appropriation to any other subdivision of this appropriation, but no subdivision may thereby be increased by more than 5 per centum and the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$276,600,000, of which not less than \$18,000,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$245,200,000, of which not less than \$11,000,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$11,700,000, of which not less than \$500,000 shall be available only for the maintenance of real property facilities.

October 8, 1974

- 5 -

Pub. Law 93-437

88 STAT. 1217

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$286,680,000, of which not less than \$4,200,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); \$589,500,000, of which not less than \$13,500,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, or Air National Guard commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; \$642,500,000, of which not less than \$5,000,000 shall be available only for the maintenance of real property facilities.

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY

For the necessary expenses of construction, equipment, and maintenance of rifle ranges, the instruction of citizens in marksmanship, and promotion of rifle practice, in accordance with law, including travel of rifle teams, military personnel, and individuals attending regional, national, and international competitions, and not to exceed \$10,000 for incidental expenses of the National Board; \$178,000: *Provided*, That travel expenses of civilian members of the National Board shall be paid in accordance with the Standardized Government Travel Regulations, as amended.

10 USC 4308
note.

NAVAL PETROLEUM RESERVE

For expenses of exploration, prospecting, conservation, development, production, use and operation of the naval petroleum and oil shale reserves as authorized by law, \$69,400,000, to remain available for obligation until June 30, 1976.

CLAIMS, DEFENSE

For payment, not otherwise provided for, of claims authorized by law to be paid by the Department of Defense (except for civil functions), including claims for damages arising under training contracts with carriers, and repayment of amounts determined by the Secretary concerned, or officers designated by him, to have been erroneously collected from military and civilian personnel of the Department of Defense, or from States, territories, or the District of Columbia, or members of the National Guard units thereof; \$54,600,000.

CONTINGENCIES, DEFENSE

For emergency and extraordinary expenses arising in the Department of Defense, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes; \$2,500,000.

COURT OF MILITARY APPEALS, DEFENSE

For salaries and expenses necessary for the United States Court of Military Appeals; \$1,065,000.

TITLE IV

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; and other expenses necessary for the foregoing purposes; \$242,800,000, and in addition, \$7,000,000, which shall be derived by transfer from "Aircraft Procurement, Army, 1974/1976", to remain available for obligation until June 30, 1977.

40 USC 255.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section

October 8, 1974

- 7 -

Pub. Law 93-437

88 STAT. 1219

40 USC 255.

355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; and other expenses necessary for the foregoing purposes; \$416,500,000, and in addition, \$15,000,000, of which \$10,000,000 shall be derived by transfer from "Missile Procurement, Army, 1974/1976" and \$5,000,000 shall be derived by transfer from "Missile Procurement, Army, 1973/1975", to remain available for obligation until June 30, 1977.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interest therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; and other expenses necessary for the foregoing purposes; \$344,800,000, and in addition, \$3,000,000, which shall be derived by transfer from "Procurement of Weapons and Tracked Combat Vehicles, Army, 1974/1976", to remain available for obligation until June 30, 1977.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interest therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; and other expenses necessary for the foregoing purposes; \$720,200,000, and in addition, \$170,000,000, of which \$111,400,000 shall be derived by transfer from "Procurement of Ammunition Army, 1973/1975" and \$58,600,000 shall be derived by transfer from "Procurement of Ammunition, Army, 1974/1976", to remain available for obligation until June 30, 1977.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and nontracked combat vehicles; the purchase of not to exceed two thousand four hundred and sixty-nine passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interest therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; and other expenses necessary for the foregoing purposes; \$681,100,000, and in addition,

\$3,000,000, which shall be derived by transfer from "Other Procurement, Army, 1974/1976", to remain available for obligation until June 30, 1977.

AIRCRAFT PROCUREMENT, NAVY

40 USC 255.

For construction, procurement, production, modification, and modernization of aircraft, equipment including ordnance, spare parts, and accessories therefor; specialized equipment, expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public or private plants; \$2,775,400,000, to remain available for obligation until June 30, 1977.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public or private plants; \$729,500,000, and in addition, \$10,000,000, which shall be derived by transfer from "Weapons Procurement, Navy, 1974/1976", to remain available for obligation until June 30, 1977.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interest therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; as follows: for the Trident program, \$1,166,800,000; for the SSN-688 nuclear attack submarine, \$502,500,000; for the DLGN nuclear powered guided missile frigate program, \$244,300,000, which shall be available only for construction of DLGN 41 and for advance procurement funding for DLGN 42, both ships to be constructed as follow ships of the DLGN 38 class; for the DD-963 program, \$457,100,000; for the patrol hydrofoil missile program, \$92,300,000; for the patrol frigate program, \$186,000,000; for a destroyer tender, \$116,700,000; for a fleet ocean tug, \$10,800,000; for the Poseidon conversion of fleet ballistic-missile submarines, \$104,600,000; for conversion of a submarine tender, \$18,300,000; for craft, \$22,000,000; for pollution abatement craft, \$10,400,000; for outfitting material, \$24,900,000; for post delivery, \$30,400,000; and for escalation on prior year programs, \$71,900,000; in all: \$3,059,000,000, and in addition \$70,000,000 for escalation and cost growth on prior year programs which shall be derived by transfer from "Shipbuilding and Conversion, Navy 1973/1977", to remain available for obligation until June 3, 1979: *Provided*, That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign ship-

October 8, 1974

- 9 -

Pub. Law 93-437

88 STAT. 1221

yards for the construction of major components of the hull or superstructure of such vessel: *Provided further*, That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance and ammunition (except ordnance for new aircraft, new ships, and ships authorized for conversion), purchase of not to exceed seven hundred and twenty-four passenger motor vehicles, for replacement only, expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public or private plants; \$1,582,600,000, and in addition, \$20,800,000, of which \$10,200,000 shall be derived by transfer from "Other Procurement, Navy, 1973/1975" and \$10,600,000 shall be derived by transfer from "Other Procurement, Navy, 1974/1976", to remain available for obligation until June 30, 1977.

40 USC 255.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public or private plants; and vehicles for the Marine Corps, including purchase of not to exceed fifty-five passenger motor vehicles, for replacement only; \$207,800,000, and in addition, \$10,000,000, of which \$5,000,000 shall be derived by transfer from "Procurement, Marine Corps, 1973/1975" and \$5,000,000 shall be derived by transfer from "Procurement, Marine Corps, 1974/1976", to remain available for obligation until June 30, 1977.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to the approval of title as required by section 355, Revised Statutes, as amended; reserve plant and equipment layaway; and other expenses necessary for the foregoing purposes, including rents and transportation of things; \$3,062,800,000, and in addition, \$153,600,000, of which \$106,800,000 shall be derived by transfer from "Aircraft Procurement, Air Force 1974/1976" and \$46,800,000 shall be derived by transfer from "Aircraft Procurement, Air Force, 1973/1975", to remain available for obligation until June 30, 1977.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, rockets, and related equipment, including spare parts and accessories therefor,

40 USC 255.

ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to the approval of title as required by section 355, Revised Statutes, as amended; reserve plant and equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; \$1,533,700,000, and in addition, \$5,000,000, which shall be derived by transfer from "Missile Procurement, Air Force, 1974/1976", to remain available for obligation until June 30, 1977.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed one thousand three hundred and thirty-eight passenger motor vehicles for replacement only; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein may be acquired, and construction prosecuted thereon prior to the approval of title as required by section 355, Revised Statutes, as amended; \$1,776,500,000, and in addition, \$12,600,000, of which \$500,000 shall be derived by transfer from "Other Procurement, Air Force, 1973/1975" and \$12,100,000 shall be derived by transfer from "Other Procurement, Air Force, 1974/1976", to remain available for obligation until June 30, 1977.

PROCUREMENT, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments and the Defense Civil Preparedness Agency) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; purchase of three hundred and eighty-six passenger motor vehicles for replacement only; expansion of public and private plants, equipment and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to the approval of title as required by section 355, Revised Statutes, as amended; \$98,416,000, to remain available for obligation until June 30, 1977.

TITLE V

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$1,779,339,000, to remain available for obligation until June 30, 1976.

October 8, 1974

- 11 -

Pub. Law 93-437

88 STAT. 1223

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$3,006,914,000, to remain available for obligation until June 30, 1976.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$3,274,360,000, to remain available for obligation until June 30, 1976.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments and the Defense Civil Preparedness Agency), necessary for basic and applied scientific research, development, test, and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$491,057,000, to remain available for obligation until June 30, 1976: *Provided*, That such amounts as may be determined by the Secretary of Defense to have been made available in other appropriations available to the Department of Defense during the current fiscal year for programs related to advanced research may be transferred to and merged with this appropriation to be available for the same purposes and time period: *Provided further*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to carry out the purposes of advanced research to those appropriations for military functions under the Department of Defense which are being utilized for related programs, to be merged with and to be available for the same time period as the appropriation to which transferred.

Transfer of
funds.

DIRECTOR OF TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Director of Defense Test and Evaluation in the direction and supervision of test and evaluation, including initial operational testing and evaluation; and performance of joint testing and evaluation; and administrative expenses in connection therewith, \$25,000,000, to remain available for obligation until June 30, 1976.

TITLE VI

SPECIAL FOREIGN CURRENCY PROGRAM

For payment in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States for expenses of carrying out programs of the Department of Defense, as authorized by law, \$2,900,000, to remain available for obligation until June 30, 1976: *Provided*, That this appropriation shall be available, in addition to other appropriations to such Department, for payments in the foregoing currencies.

TITLE VII

MILITARY ASSISTANCE, SOUTH VIETNAMESE FORCES

For necessary expenses to support South Vietnamese military forces, to be obligated only by the issuance of orders by the Secretary of Defense for such support, \$700,000,000: *Provided*, That this appropriation shall be deemed obligated at the time the Secretary of Defense issues orders authorizing support of any kind for South Vietnamese military forces, which obligations shall in the case of non-excess materials and supplies to be furnished from the inventory of the Department of Defense be equal to the replacement costs thereof at the time such obligation is incurred and in the case of excess materials and supplies be equal to the actual value thereof at the time such obligation is incurred: *Provided further*, That none of the funds appropriated in this title shall be used for compensation or allowances of more than 2,850 citizens of the United States in South Viet Nam who are members of the Armed Services or employees of or under contract to the Armed Services or the Department of Defense or any departments or agencies thereof.

TITLE VIII

GENERAL PROVISIONS

Publicity or
propaganda.

SEC. 801. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

Experts or
consultants.

SEC. 802. During the current fiscal year, the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force, respectively, if they should deem it advantageous to the national defense, and if in their opinions the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with section 3109 of title 5, United States Code, under regulations prescribed by the Secretary of Defense, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty station and return as may be authorized by law: *Provided*, That such contracts may be renewed annually.

Employment of
noncitizens.
31 USC 700.

SEC. 803. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense.

Appropriations,
availability.

SEC. 804. Appropriations contained in this Act shall be available for insurance of official motor vehicles in foreign countries, when required by laws of such countries; payments in advance of expenses determined by the investigating officer to be necessary and in accord with local custom for conducting investigations in foreign countries incident to matters relating to the activities of the department concerned; reimbursement of General Services Administration for security guard services for protection of confidential files; reimbursement of the Federal Bureau of Investigation for expenses in connection with investigation of defense contractor personnel; and all necessary expenses, at the seat of government of the United States of America or elsewhere, in connection with communication and other services and supplies as may be necessary to carry out the purposes of this Act.

Prisoners of
war.
31 USC 649a.

SEC. 805. Any appropriation available to the Army, Navy, or the Air Force may, under such regulations as the Secretary concerned may prescribe, be used for expenses incident to the maintenance, pay, and

October 8, 1974

- 13 -

Pub. Law 93-437

88 STAT. 1225

allowances of prisoners of war, other persons in Army, Navy, or Air Force custody whose status is determined by the Secretary concerned to be similar to prisoners of war, and persons detained in such custody pursuant to Presidential proclamation.

SEC. 806. Appropriations available to the Department of Defense for the current fiscal year for maintenance or construction shall be available for acquisition of land or interest therein as authorized by section 2672 or 2675 of title 10, United States Code.

Land acquisition.

SEC. 807. Appropriations for the Department of Defense for the current fiscal year shall be available, (a) except as authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), for primary and secondary schooling for minor dependents of military and civilian personnel of the Department of Defense residing on military or naval installations or stationed in foreign countries, as authorized for the Navy by section 7204 of title 10, United States Code, in an amount not exceeding \$202,343,000, when the Secretary of the Department concerned finds that schools, if any, available in the locality, are unable to provide adequately for the education of such dependents: *Provided*, That under such regulations as may be issued by the Secretary of Defense, such schooling in a school operated by the Department of Defense under this section may be provided without tuition for minor dependents of civilian and military personnel of the Department of Defense who died while entitled to compensation or active duty pay: *Provided further*, That where such personnel die subsequent to January 11, 1971, such schooling must be continued or commenced within one year after the date of death; (b) for expenses in connection with administration of occupied areas; (c) for payment of rewards as authorized for the Navy by section 7209(a) of title 10, United States Code, for information leading to the discovery of missing naval property or the recovery thereof; (d) for payment of deficiency judgments and interests thereon arising out of condemnation proceedings; (e) for leasing of buildings and facilities including payment of rentals for special purpose space at the seat of government, and in the conduct of field exercises and maneuvers or, in administering the provisions of title 43, United States Code, section 315q, rentals may be paid in advance; (f) payments under contracts for maintenance of tools and facilities for twelve months beginning at any time during the fiscal year; (g) maintenance of defense access roads certified as important to national defense in accordance with section 210 of title 23, United States Code; (h) for the purchase of milk for enlisted personnel of the Department of Defense heretofore made available pursuant to section 1446a, title 7, United States Code, and the cost of milk so purchased, as determined by the Secretary of Defense, shall be included in the value of the commuted ration; (i) transporting civilian clothing to the home of record of selective service inductees and recruits on entering the military services; (j) payments under leases for real or personal property for twelve months beginning at any time during the fiscal year; and (k) pay and allowances of not to exceed nine persons, including personnel detailed to International Military Headquarters and Organizations, at rates provided for under section 625(d)(1) of the Foreign Assistance Act of 1961, as amended.

Dependents' schooling.

Deficiency judgments.
Leasing.

Tools, maintenance.
Access roads.

Milk program.

SEC. 808. Appropriations for the Department of Defense for the current fiscal year shall be available for: (a) donations of not to exceed \$25 to each prisoner upon each release from confinement in military or contract prison and to each person discharged for fraudulent enlistment; (b) authorized issues of articles to prisoners, applicants for enlistment and persons in military custody; (c) subsistence of selective service registrants called for induction, applicants for enlistment, prisoners, civilian employees as authorized by law, and

22 USC 2385.
Incidental expenses, payment.
10 USC 858
note.

88 STAT. 1226

10 USC 807
note.Small busi-
ness assist-
ance.

Mess operations.

Fiscal year
limitation.Reimbursable
appropriations.Report to
Congress.
50 USC 100a.

supernumeraries when necessitated by emergent military circumstances; (d) reimbursement for subsistence of enlisted personnel while sick in hospitals; (e) expenses of prisoners confined in nonmilitary facilities; (f) military courts, boards, and commissions; (g) utility services for buildings erected at private cost, as authorized by law, and buildings on military reservations authorized by regulations to be used for welfare and recreational purposes; (h) exchange fees, and losses in the accounts of disbursing officers or agents in accordance with law; (i) expenses of Latin American cooperation as authorized for the Navy by law (10 U.S.C. 7208); and (j) expenses of apprehension and delivery of deserters, prisoners, and members absent without leave, including payment of rewards of not to exceed \$25 in any one case.

SEC. 809. Insofar as practicable, the Secretary of Defense shall assist American small business to participate equitably in the furnishing of commodities and services financed with funds appropriated under this Act by making available or causing to be made available to suppliers in the United States, and particularly to small independent enterprises, information, as far in advance as possible, with respect to purchases proposed to be financed with funds appropriated under this Act, and by making available or causing to be made available to purchasing and contracting agencies of the Department of Defense information as to commodities and services produced and furnished by small independent enterprises in the United States, and by otherwise helping to give small business an opportunity to participate in the furnishing of commodities and services financed with funds appropriated by this Act.

SEC. 810. No appropriation contained in this Act shall be available for expenses of operation of messes (other than organized messes the operating expenses of which are financed principally from nonappropriated funds) at which meals are sold to officers or civilians, except under regulations approved by the Secretary of Defense, which shall (except under unusual or extraordinary circumstances) establish rates for such meals sufficient to provide reimbursements of operating expenses and food costs to the appropriations concerned: *Provided*, That officers and civilians in a travel status receiving a per diem allowance in lieu of subsistence shall be charged at the rate of not less than \$2.50 per day: *Provided further*, That for the purposes of this section payments for meals at the rates established hereunder may be made in cash or by deduction from the pay of civilian employees: *Provided further*, That members of organized nonprofit youth groups sponsored at either the national or local level, when extended the privilege of visiting a military installation and permitted to eat in the general mess by the commanding officer of the installation, shall pay the commuted ration cost of such meal or meals.

SEC. 811. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 812. Appropriations of the Department of Defense available for operation and maintenance may be reimbursed during the current fiscal year for all expenses involved in the preparation for disposal and for the disposal of military supplies, equipment, and materiel, and for all expenses of production of lumber or timber products pursuant to section 2665 of title 10, United States Code, from amounts received as proceeds from the sale of any such property: *Provided*, That a report of receipts and disbursements under this limitation shall be made quarterly to Congress: *Provided further*, That no funds available to agencies of the Department of Defense shall be used for the

October 8, 1974

- 15 -

Pub. Law 93-437

88 STAT. 1227

operation, acquisition, or construction of new facilities or equipment for new facilities in the continental limits of the United States for metal scrap baling or shearing or for melting or sweating aluminum scrap unless the Secretary of Defense or an Assistant Secretary of Defense designated by him determines, with respect to each facility involved, that the operation of such facility is in the national interest.

SEC. 813. (a) During the current fiscal year, the President may exempt appropriations, funds, and contract authorizations, available for military functions under the Department of Defense, from the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended, whenever he deems such action to be necessary in the interest of national defense.

(b) Upon determination by the President that such action is necessary, the Secretary of Defense is authorized to provide for the cost of an airborne alert as an excepted expense in accordance with the provisions of Revised Statutes 3732 (41 U.S.C. 11).

(c) Upon determination by the President that it is necessary to increase the number of military personnel on active duty subject to existing laws beyond the number for which funds are provided in this Act, the Secretary of Defense is authorized to provide for the cost of such increased military personnel, as an excepted expense in accordance with the provisions of Revised Statutes 3732 (41 U.S.C. 11).

(d) The Secretary of Defense shall immediately advise Congress of the exercise of any authority granted in this section, and shall report monthly on the estimated obligations incurred pursuant to subsections (b) and (c).

SEC. 814. No appropriation contained in this Act shall be available in connection with the operation of commissary stores of the agencies of the Department of Defense for the cost of purchase (including commercial transportation in the United States to the place of sale but excluding all transportation outside the United States) and maintenance of operating equipment and supplies, and for the actual or estimated cost of utilities as may be furnished by the Government and of shrinkage, spoilage, and pilferage of merchandise under the control of such commissary stores, except as authorized under regulations promulgated by the Secretaries of the military departments concerned with the approval of the Secretary of Defense, which regulations shall provide for reimbursement therefor to the appropriations concerned and, notwithstanding any other provision of law, shall provide for the adjustment of the sales prices in such commissary stores to the extent necessary to furnish sufficient gross revenue from sales of commissary stores to make such reimbursement: *Provided*, That under such regulations as may be issued pursuant to this section all utilities may be furnished without cost to the commissary stores outside the continental United States and in Alaska: *Provided further*, That no appropriation contained in this Act shall be available in connection with the operation of commissary stores within the continental United States unless the Secretary of Defense has certified that items normally procured from commissary stores are not otherwise available at a reasonable distance and a reasonable price in satisfactory quality and quantity to the military and civilian employees of the Department of Defense.

SEC. 815. No part of the appropriations in this Act shall be available for any expense of operating aircraft under the jurisdiction of the armed forces for the purpose of proficiency flying, as defined in Department of Defense Directive 1340.4, except in accordance with

Funds, appropriation exemption.

31 USC 665.

Airborne alert expenses.

Military personnel increases, expenses.

Report to Congress.

Commissary stores.

Free utilities outside U.S. and in Alaska.

Proficiency flying.

88 STAT. 1228

regulations prescribed by the Secretary of Defense. Such regulations (1) may not require such flying except that required to maintain proficiency in anticipation of a member's assignment to combat operations and (2) such flying may not be permitted in cases of members who have been assigned to a course of instruction of ninety days or more.

Household
goods.

SEC. 816. No part of any appropriation contained in this Act shall be available for expense of transportation, packing, crating, temporary storage, drayage, and unpacking of household goods and personal effects in any one shipment having a net weight in excess of thirteen thousand five hundred pounds.

Vessels,
transfer.
40 USC 483a.

SEC. 817. Vessels under the jurisdiction of the Department of Commerce, the Department of the Army, Department of the Air Force, or the Department of the Navy may be transferred or otherwise made available without reimbursement to any such agencies upon the request of the head of one agency and the approval of the agency having jurisdiction of the vessels concerned.

Obligated
funds, 1975,
limitation.

SEC. 818. Not more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of civilian components or summer-camp training of the Reserve Officers' Training Corps.

Foreign real
property, use.

SEC. 819. During the current fiscal year the agencies of the Department of Defense may accept the use of real property from foreign countries for the United States in accordance with mutual defense agreements or occupational arrangements and may accept services furnished by foreign countries as reciprocal international courtesies or as services customarily made available without charge; and such agencies may use the same for the support of the United States forces in such areas without specific appropriation therefor.

31 USC 700a.

In addition to the foregoing, agencies of the Department of Defense may accept real property, services, and commodities from foreign countries for the use of the United States in accordance with mutual defense agreements or occupational arrangements and such agencies may use the same for the support of the United States forces in such areas, without specific appropriations therefor: *Provided*, That the foregoing authority shall not be available for the conversion of heating plants from coal to oil at defense facilities in Europe: *Provided further*, That within thirty days after the end of each quarter the Secretary of Defense shall render to Congress and to the Office of Management and Budget a full report of such property, supplies, and commodities received during such quarter.

Report to
Congress and
Office of
Management and
Budget.
Research and
development
funds.

SEC. 820. During the current fiscal year, appropriations available to the Department of Defense for research and development may be used for the purposes of section 2353 of title 10, United States Code, and for purposes related to research and development for which expenditures are specifically authorized in other appropriations of the service concerned.

Education ex-
penses, re-
striction.

SEC. 821. No appropriation contained in this Act shall be available for the payment of more than 75 per centum of charges of educational institutions for tuition or expenses of off-duty training of military personnel, nor for the payment of any part of tuition or expenses for such training for commissioned personnel who do not agree to remain on active duty for two years after completion of such training.

ROTC, loyalty
requirements.
10 USC 2103
note.

SEC. 822. No part of the funds appropriated herein shall be expended for the support of any formally enrolled student in basic courses of the

October 8, 1974

- 17 -

Pub. Law 93-437

88 STAT. 1229

senior division, Reserve Officers' Training Corps, who has not executed a certificate of loyalty or loyalty oath in such form as shall be prescribed by the Secretary of Defense.

SEC. 823. No part of any appropriation contained in this Act shall be available for the procurement of any article of food, clothing, cotton, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles), or specialty metals not grown, reprocessed, reused, or produced in the United States or its possessions, except to the extent that the Secretary of the Department concerned shall determine that a satisfactory quality and sufficient quantity of any articles of food or clothing or any form of cotton, woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, wool, or specialty metals grown, reprocessed, reused, or produced in the United States or its possessions cannot be procured as and when needed at United States market prices and except procurements outside the United States in support of combat operations, procurements by vessels in foreign waters, and emergency procurements or procurements of perishable foods by establishments located outside the United States for the personnel attached thereto: *Provided*, That nothing herein shall preclude the procurement of foods manufactured or processed in the United States or its possessions: *Provided further*, That no funds herein appropriated shall be used for the payment of a price differential on contracts hereafter made for the purpose of relieving economic dislocations: *Provided further*, That none of the funds appropriated in this Act shall be used except that, so far as practicable, all contracts shall be awarded on a formally advertised competitive bid basis to the lowest responsible bidder.

Procurement re-
strictions.

Service facil-
ities.

SEC. 824. None of the funds appropriated in this Act shall be used for the construction, replacement, or reactivation of any bakery, laundry, or drycleaning facility in the United States, its territories or possessions, as to which the Secretary of Defense does not certify in writing, giving his reasons therefor, that the services to be furnished by such facilities are not obtainable from commercial sources at reasonable rates.

SEC. 825. During the current fiscal year, appropriations of the Department of Defense shall be available for reimbursement to the United States Postal Service for payment of costs of commercial air transportation of military mail between the United States and foreign countries.

Airmail reim-
bursement.

SEC. 826. Appropriations contained in this Act shall be available for the purchase of household furnishings, and automobiles from military and civilian personnel on duty outside the continental United States, for the purpose of resale at cost to incoming personnel, and for providing furnishings, without charge, in other than public quarters occupied by military or civilian personnel of the Department of Defense on duty outside the continental United States or in Alaska, upon a determination, under regulations approved by the Secretary of Defense, that such action is advantageous to the Government.

Furnishings and
automobiles,
purchase.

SEC. 827. During the current fiscal year, appropriations available to the Department of Defense for pay of civilian employees shall be available for uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901; 80 Stat. 508).

Uniforms.

SEC. 828. During the current fiscal year, the Secretary of Defense shall, upon requisition of the National Board for the Promotion of

Ammunition,
transfer.

Travel expenses.

Rifle Practice, and without reimbursement, transfer from agencies of the Department of Defense to the board ammunition from stock or which has been procured for the purposes in such amounts as he may determine.

Congressional liaison activities.

Such appropriations of the Department of Defense available for obligation during the current fiscal year as may be designated by the Secretary of Defense shall be available for the travel expenses of military and naval personnel, including the Reserve components, and members of the Reserve Officers' Training Corps attending regional, national, or international rifle matches.

Civil reserve air fleet.

SEC. 829. Funds provided in this Act for congressional liaison activities of the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Office of the Secretary of Defense shall not exceed \$1,320,000: *Provided*, That this amount shall be available for apportionment to the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Office of the Secretary of Defense as determined by the Secretary of Defense.

SEC. 830. Of the funds made available by this Act for the services of the Military Airlift Command, \$100,000,000 shall be available only for procurement of commercial transportation service from carriers participating in the civil reserve air fleet program; and the Secretary of Defense shall utilize the services of such carriers which qualify as small businesses to the fullest extent found practicable: *Provided*, That the Secretary of Defense shall specify in such procurement, performance characteristics for aircraft to be used based upon modern aircraft operated by the civil air fleet.

Civilian clothing.

SEC. 831. During the current fiscal year, appropriations available to the Department of Defense for operation may be used for civilian clothing, not to exceed \$40 in cost for enlisted personnel: (1) discharged for misconduct, unfitness, unsuitability, or otherwise than honorably; (2) sentenced by a civil court to confinement in a civil prison or interned or discharged as an alien enemy; (3) discharged prior to completion of recruit training under honorable conditions for dependency, hardship, minority, disability, or for the convenience of the Government.

Defense contractors' advertising costs, restrictions.

SEC. 832. No part of the funds appropriated herein shall be available for paying the costs of advertising by any defense contractor, except advertising for which payment is made from profits, and such advertising shall not be considered a part of any defense contract cost. The prohibition contained in this section shall not apply with respect to advertising conducted by any such contractor, in compliance with regulations which shall be promulgated by the Secretary of Defense, solely for (1) the recruitment by the contractor of personnel required for the performance by the contractor of obligations under a defense contract, (2) the procurement of scarce items required by the contractor for the performance of a defense contract, or (3) the disposal of scrap or surplus materials acquired by the contractor in the performance of a defense contract.

New facilities, restrictions.

SEC. 833. Funds appropriated in this Act for maintenance and repair of facilities and installations shall not be available for acquisition of new facilities, or alteration, expansion, extension, or addition of existing facilities, as defined in Department of Defense Directive 7040.2, dated January 18, 1961, in excess of \$50,000: *Provided*, That the Secretary of Defense may amend or change the said directive during the current fiscal year, consistent with the purpose of this section.

October 8, 1974

- 19 -

Pub. Law 93-437

8F STAT. 1231

SEC. 834. During the current fiscal year upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$750,000,000 of the appropriations or funds available to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated, and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority.

Transfer of funds.

Notice to Congress.

SEC. 835. None of the funds appropriated in this Act may be used to make payments under contracts for any program, project, or activity in a foreign country unless the Secretary of Defense or his designee, after consultation with the Secretary of the Treasury or his designee, certifies to the Congress that the use, by purchase from the Treasury, of currencies of such country acquired pursuant to law is not feasible for the purpose, stating the reason therefor.

Contract payments in foreign countries.

SEC. 836. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget.

Working capital funds.

SEC. 837. No part of the funds appropriated under this Act shall be used to pay salaries of any Federal employee who is convicted in any Federal, State, or local court of competent jurisdiction, of inciting, promoting, or carrying on a riot, or any group activity resulting in material damage to property or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned.

Convicted rioters.

SEC. 838. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, or a grant to any applicant who has been convicted by any court of general jurisdiction of any crime which involves the use of or the assistance to others in the use of force, trespass, or the seizure of property under control of an institution of higher education to prevent officials or students at such an institution from engaging in their duties or pursuing their studies.

Campus disrupters.

SEC. 839. None of the funds herein appropriated may be obligated or expended to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia.

Vietnam, Laos, or Cambodia, combat activities.

SEC. 840. None of the funds available to the Department of Defense shall be utilized for the conversion of heating plants from coal to oil at defense facilities in Europe.

Heating plant conversion.

SEC. 841. None of the funds appropriated by this Act shall be available for any research involving uninformed or nonvoluntary human beings as experimental subjects.

Involuntary experimental subjects.

SEC. 842. Appropriations for the current fiscal year for operation and maintenance of the active forces shall be available for medical

and dental care of personnel entitled thereto by law or regulation (including charges of private facilities for care of military personnel, except elective private treatment); welfare and recreation; hire of passenger motor vehicles; repair of facilities; modification of personal property; design of vessels; industrial mobilization; installation of equipment in public or private plants; military communications facilities on merchant vessels; acquisition of services, special clothing, supplies, and equipment; and expenses for the Reserve Officers' Training Corps and other units at educational institutions.

Reprogramming of funds.

SEC. 843. No part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for the reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

Petroleum fuels to Southeast Asia.

SEC. 844. None of the funds contained in this Act shall be used to furnish petroleum fuels produced in the continental United States to Southeast Asia for use by non-United States nationals.

Space and services furnished by GSA, charges.

SEC. 845. No part of any appropriation, funds, or other authority contained in this Act shall be available for paying to the Administrator of the General Services Administration in excess of 90 per centum of the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended for space and services.

40 USC 490.

Pay or allowances of commissioned officers on active duty.

SEC. 846. (a) During the last quarter of the fiscal year 1975, no funds appropriated by this Act shall be used for the pay, compensation, or allowances of commissioned officer personnel on active duty in the Armed Forces (excluding Reserve officers on active duty training or Reserve officers and Retired officers ordered to active duty for periods of thirty days or less) in excess of the following numbers in each grade:

Ranks	Department of Defense
O-10: General or admiral.....	36
O-9: Lieutenant general or vice admiral.....	128
O-8: Major general or rear admiral.....	436
O-7: Brigadier general or rear admiral.....	576
O-6: Colonel or captain of the Navy.....	15,282
O-5: Lieutenant colonel or commander.....	32,986
O-4: Major or lieutenant commander.....	54,623

(b) Vacancies within the allowances prescribed by subsection (a) of this section for any grade may be assigned to any lower grade or grades.

U.S. military forces abroad, support.

SEC. 847. None of the funds appropriated by this Act shall be available for use after May 31, 1975, to support United States military forces stationed or otherwise assigned to duty outside the United States in any number greater than 452,500, not including military personnel assigned to duty aboard United States naval vessels.

Enlisted aides, limitation.

SEC. 848. None of the funds appropriated by this Act may be used to support more than five hundred enlisted aides in the United States Armed Forces.

OTH radar system, site acquisition or construction.

SEC. 849. None of the funds appropriated by this Act may be used for site acquisition or construction of the Conus Over-The-Horizon (OTH) radar system receiver antenna during the period beginning with the date of enactment of this Act and ending May 31, 1975.

War materials, transfer.

SEC. 850. No funds appropriated to the Department of Defense in this Act may be used to transfer war materials to any foreign country, unless such transfers are specifically authorized by law.

October 8, 1974

- 21 -

Pub. Law 93-437

88 STAT. 1233

TITLE IX—RELATED AGENCY

DEFENSE MANPOWER COMMISSION

For necessary expenses of the Defense Manpower Commission in carrying out the provisions of title VII of the Department of Defense Appropriation Authorization Act, 1974, including services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18, and hire of passenger motor vehicles, \$800,000: *Provided*, That the unobligated balance of the appropriation granted under this heading for the Fiscal Year 1974 shall remain available during the current fiscal year.

This Act may be cited as the "Department of Defense Appropriation Act, 1975".

Approved October 8, 1974.

10 USC 131

note.

5 USC 5332

note.

Short title.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-1255 (Comm. on Appropriations) and No. 93-1363 (Comm. of Conference).

SENATE REPORT No. 93-1104 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 120 (1974):

Aug. 6, considered and passed House.

Aug. 20, 21, considered and passed Senate, amended.

Sept. 23, House agreed to conference report.

Sept. 24, Senate agreed to conference report; resolved amendments in disagreement.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 10, No. 41:

Oct. 9, Presidential statement.



Public Law 93-448
93rd Congress, H. J. Res. 1167
October 17, 1974

Joint Resolution

Making further continuing appropriations for the fiscal year 1975, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) clause (c) of section 102 of the joint resolution of June 30, 1974 (Public Law 93-324), is hereby amended by striking out "September 30, 1974" and inserting in lieu thereof "sine die adjournment of the second session of the Ninety-third Congress".

Continuing
appropriations, 1975.
Ante, p. 284.

(b) Clause (a) of such section is amended by inserting immediately after "joint resolution" the following: "or, in the case of the United States Information Agency, enactment of authorizations of appropriations for fiscal year 1975 for that Agency".

SEC. 2. Section 101(e) of such joint resolution is amended by striking out "first quarter" and inserting in lieu thereof "quarterly".

Ante, p. 281.

SEC. 3. The fourth unnumbered clause of section 101(b) of such joint resolution, relating to foreign assistance and related programs appropriations, is amended by striking out all that follows "as amended" and inserting in lieu thereof: "Provided, That in computing the current rate of operations of military assistance there shall be included the amount of obligations incurred in Department of Defense appropriations during the fiscal year 1974 for military assistance to Laos".

SEC. 4. Such joint resolution is amended by adding at the end thereof the following new section:

Honduras,
Bangladesh,
and Cyprus,
relief funds.

"SEC. 112. Notwithstanding any other provision of this joint resolution or any other Act, the President is authorized to use funds made available for foreign assistance by this joint resolution but not to exceed \$15,000,000, to provide, on such terms and conditions as he may determine, relief, rehabilitation, and reconstruction assistance in connection with the damage caused by floods in Honduras and Bangladesh and by civil strife in Cyprus."

SEC. 5. Such joint resolution is amended by adding at the end thereof the following new section:

South Vietnam,
fertilizer
purchase, funds
limitation.

"SEC. 113. None of the funds made available for foreign assistance by this joint resolution may be used to purchase fertilizer in the United States for export to South Vietnam."

SEC. 6. None of the funds herein made available shall be obligated or expended for military assistance, or for sales of defense articles and services (whether for cash or by credit, guaranty, or any other means) or for the transportation of any military equipment or supplies to Turkey until and unless the President certifies to the Congress that the Government of Turkey is in compliance with the Foreign Assist-

Turkey, mili-
tary assist-
ance, limita-
tions.

88 STAT. 1363
88 STAT. 1364

88 STAT. 1364

22 USC 2151
note.
22 USC 2751
note.
Suspension,
Presidential
authority.
Effective
period.

ance Act of 1961, the Foreign Military Sales Act, and any agreement entered into under such Acts, and that substantial progress toward agreement has been made regarding military forces in Cyprus: *Provided*, That the President is authorized to suspend the provisions of this section and said Acts if he determines that such suspension will further negotiations for a peaceful solution of the Cyprus conflict. Any such suspension shall be effective only until December 10, 1974 and only if, during that time, Turkey shall observe the ceasefire and shall neither increase its forces on Cyprus nor transfer to Cyprus any U.S. supplied implements of war.

Approved October 17, 1974.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 120 (1974):

Oct. 17, considered and passed House and Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 10, No. 42:

Oct. 18, Presidential statement.



Public Law 93-517
93rd Congress, H. R. 15580
December 7, 1974

An Act

Making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1975, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1975, and for other purposes, namely:

Departments of
Labor, and
Health, Educa-
tion, and Wel-
fare Appropria-
tion Act, 1975.

TITLE I—DEPARTMENT OF LABOR

MANPOWER ADMINISTRATION

PROGRAM ADMINISTRATION

Department of
Labor Appro-
priation Act,
1975.

For expenses of administering employment and training programs, \$68,009,000, together with not to exceed \$28,165,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which \$4,713,000 shall be for carrying into effect the provisions of 38 U.S.C. 2001-2003.

88 STAT. 1634
88 STAT. 1635

COMPREHENSIVE MANPOWER ASSISTANCE

For expenses necessary to carry into effect the Comprehensive Employment and Training Act of 1973, and sections 326 and 328 of the Trade Expansion Act of 1962 (19 U.S.C. 1951 and 1961) \$2,400,000,000, plus reimbursements, to remain available until June 30, 1976: *Provided*, That this appropriation shall be available for the purchase and hire of passenger motor vehicles, and for construction, alteration, and repair of buildings and other facilities and for the purchase of real property for training centers as authorized by the Comprehensive Employment and Training Act of 1973.

29 USC 901
note.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title IX of the Older Americans Comprehensive Services Amendments of 1973, \$12,000,000.

42 USC 3061.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of benefits and allowances to unemployed Federal employees and ex-servicemen, as authorized by title 5, chapter 85 of the United States Code, and for trade adjustment benefit payments and allowances, as provided by law (19 U.S.C. 1941-1944 and 1952), \$365,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of benefits for any period subsequent to June 15 of the current year: *Provided*, That, in addition, there shall be transferred from the Postal Service Fund to this appropriation such sums as the Secretary of Labor determines to be the cost of benefits for ex-Postal Service employees.

5 USC 8501.

Pub. Law 93-517

- 2 -

December 7, 1974

GRANTS TO STATES FOR UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICES

For grants for activities authorized by the Act of June 6, 1933, as amended (29 U.S.C. 49-49n, 39 U.S.C. 3202(a)(1)(E)); Veterans' Employment and Readjustment Act of 1972 (38 U.S.C. 2001-2013); title III of the Social Security Act, as amended (42 U.S.C. 501-503); sections 312 (e) and (g) of the Comprehensive Employment and Training Act of 1973; and necessary expenses for carrying out 5 U.S.C. 8501-8523 and 19 U.S.C. 1941-1944, 1952, including, upon the request of any State, the payment of rental for space made available to such State in lieu of grants for such purpose, \$64,400,000, together with not to exceed \$928,900,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which \$29,000,000 shall be available only to the extent necessary to meet increased costs of administration resulting from changes in a State law or increases in the number of unemployment insurance claims filed and claims paid or increased salary costs resulting from changes in State salary compensation plans embracing employees of the State generally over those upon which the State's basic grant was based, which cannot be provided for by normal budgetary adjustments: *Provided*, That any portion of the funds granted to a State in the current fiscal year and not obligated by the State in that year shall be returned to the Treasury and credited to the account from which derived.

29 USC 882.

88 STAT. 1635

88 STAT. 1636

LABOR-MANAGEMENT SERVICES ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Labor-Management Services Administration, \$27,745,000.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, \$69,150,000.

SPECIAL BENEFITS

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended, and title V, chapter 81 of the United States Code; continuation of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; and sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and not to exceed \$1,946,000, which may be transferred to the fund created by section 44 of the Longshoremen's and Harbor Workers' Compensation Act, as amended, \$165,000,000, together with such amount as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to June 15 of the current year: *Provided*, That in addition there shall be transferred from the Postal Service fund to this appropriation such sums as the Secretary of Labor determines to be the cost of administration for Postal Service employees through June 30, 1975.

30 USC 901.

5 USC 8101.

60 Stat. 696.

33 USC 944.

December 7, 1974

- 3 -

Pub. Law 93-517

Whenever the Secretary of Labor finds it will promote the achievement of the above activities, qualified persons may be appointed to conduct hearings thereunder without meeting the requirements for hearing examiners appointed under 5 U.S.C. 3105: *Provided*, That no person shall hold a hearing in any case with which he has been concerned previously in the administration of such activities.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, \$102,000,000, of which not to exceed \$5,000,000 shall be available for reimbursement to States under section 7(c) (1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656(c) (1)) for the furnishing of consultation services to employers under section 21(c) of such Act (29 U.S.C. 670(c)).

None of the funds appropriated in this Act shall be used to require recordkeeping and reporting under the Occupational Safety and Health Act of 1970 from employers of ten or fewer employees, and such exclusion shall be governed by the current rules and regulations in CFR, Title 29, Chapter XVII, Part 1904.15.

29 USC 651
note.

88 STAT. 1636
88 STAT. 1637

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, \$52,872,000, of which \$6,174,000 shall be for expenses of revising the Consumer Price Index, including salaries of temporary personnel assigned to this project without regard to competitive civil service requirements.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for departmental management and \$1,270,000 for the President's Committee on Employment of the Handicapped, \$29,675,000, together with not to exceed \$820,000 to be derived from the Employment Security Administration account, Unemployment Trust Fund.

SPECIAL FOREIGN CURRENCY PROGRAM

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Department of Labor, as authorized by law, \$200,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to such agency for payments in the foregoing currencies.

GENERAL PROVISIONS

SEC. 101. Appropriations in this Act available for salaries and expenses shall be available for supplies, services, and rental of conference space within the District of Columbia, as the Secretary of Labor shall deem necessary for settlement of labor-management disputes.

This title may be cited as the "Department of Labor Appropriation Act, 1975".

Citation of
title.

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HEALTH SERVICES ADMINISTRATION

HEALTH SERVICES

For carrying out, except as otherwise provided, titles III, V, XI, XII, and XIII of the Public Health Service Act, the Act of August 8, 1946 (5 U.S.C. 7901), section 1 of the Act of July 19, 1963 (42 U.S.C. 253a), section 108 of Public Law 93-353, and title V of the Social Security Act, \$493,455,000, of which \$1,200,000 shall be available only for payments to the State of Hawaii for care and treatment of persons afflicted with leprosy: *Provided*, That \$3,000,000 shall remain available through June 30, 1976, pursuant to sections 1303(i) and 1304(k) of the Public Health Service Act: *Provided further*, That any amounts received by the Secretary in connection with loans and loan guarantees under title XIII and any other property or assets derived by him from his operations respecting such loans and loan guarantees, including any money derived from the sale of assets, shall be available to the Secretary without fiscal year limitation for direct loans and loan guarantees, as authorized by said title XIII, in addition to funds specifically appropriated for that purpose: *Provided further*, That \$1,600,000 shall be available for payment of the costs of medical care, related expenses, and burial expenses, hereafter incurred, by or on behalf of any person who has participated in the study of untreated syphilis initiated in Tuskegee, Alabama, in 1932, in such amounts and subject to such terms and conditions as prescribed by the Secretary of Health, Education, and Welfare, and for payment, in such amounts and subject to such terms and conditions, of such costs and expenses hereafter incurred by or on behalf of such person's wife or offspring determined by the Secretary to have suffered injury or disease from syphilis contracted from such person, to remain available until expended: *Provided further*, That when the Health Services Administration operates an employee health program for any Federal department or agency, payment for the estimated cost shall be made by way of reimbursement or in advance to this appropriation: *Provided further*, That in addition, \$5,774,000 may be transferred to this appropriation as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided further*, That \$1,300,000 of the funds contained in this appropriation for construction and related activities shall remain available until expended.

CENTER FOR DISEASE CONTROL

PREVENTIVE HEALTH SERVICES

To carry out, to the extent not otherwise provided, title III of the Public Health Service Act, the Lead-Based Paint Poisoning Prevention Act, the Federal Coal Mine Health and Safety Act of 1969, and the Occupational Safety and Health Act of 1970; including insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft; \$136,443,000: *Provided*, That training of employees of Federal, State, and local governments and of private agencies, shall be made subject to reimbursement or advances to this appropriation for the full costs of such training.

Department of
Health, Ed-
ucation, and
Welfare Appro-
priation Act,
1975.

42 USC 241,
219, 300b,
300d, 300e.
Ante, p. 371.
42 USC 701.

42 USC 300e-2,
300e-3.
88 STAT. 1637
88 STAT. 1638

42 USC 401.

42 USC 241.
42 USC 4801
note.
30 USC 801
note.
29 USC 651
note.

December 7, 1974

- 5 -

Pub. Law 93-517

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out, to the extent not otherwise provided, title IV, parts A and I, of the Public Health Service Act with respect to cancer, \$691,666,000. 42 USC 281. Ante, pp. 135, 342, 360. 42 USC 2891.

NATIONAL HEART AND LUNG INSTITUTE

For expenses, not otherwise provided for, necessary to carry out title IV, parts B and I, and title XI of the Public Health Service Act, \$324,130,000. 42 USC 287, 300b. 86 STAT. 1638 88 STAT. 1639

NATIONAL INSTITUTE OF DENTAL RESEARCH

For expenses, not otherwise provided for, to carry out title IV, parts C and I, of the Public Health Service Act, \$49,864,000. 42 USC 288.

NATIONAL INSTITUTE OF ARTHRITIS, METABOLISM, AND DIGESTIVE DISEASES

For expenses necessary to carry out title IV, parts D and I, of the Public Health Service Act with respect to arthritis, rheumatism, metabolic diseases, and digestive diseases, \$173,121,000. 42 USC 289a.

NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKE

For expenses necessary to carry out, to the extent not otherwise provided, title IV, parts D and I, of the Public Health Service Act with respect to neurology and stroke, \$142,498,000. 42 USC 289a note.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For expenses, not otherwise provided for, to carry out title IV, parts D and I, of the Public Health Service Act with respect to allergy and infectious diseases, \$119,452,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For expenses, not otherwise provided for, necessary to carry out title IV, parts E and I, of the Public Health Service Act with respect to general medical sciences, \$187,400,000. 42 USC 289e.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

To carry out, except as otherwise provided, title IV, parts E and I, of the Public Health Service Act with respect to child health and human development, \$141,966,000.

NATIONAL EYE INSTITUTE

For expenses necessary to carry out title IV, parts F and I, of the Public Health Service Act, with respect to eye diseases and visual disorders, \$44,133,000. 42 USC 289f.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

To carry out, except as otherwise provided, sections 301, 311, and title IV, part I, of the Public Health Service Act, with respect to environmental health sciences, \$34,949,000. 42 USC 241, 243.

RESEARCH RESOURCES

42 USC 241.
 Ante, pp. 135,
 342, 360.
 42 USC 2891.

To carry out, except as otherwise provided, section 301 and title IV, part I of the Public Health Service Act with respect to research resources and general research support grants, \$127,200,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants programs any amount for indirect expenses in connection with such grants.

88 STAT. 1639
 88 STAT. 1640

JOHN E. FOGARTY INTERNATIONAL CENTER FOR ADVANCED
STUDY IN THE HEALTH SCIENCES

For the John E. Fogarty International Center for Advanced Study in the Health Sciences, \$5,589,000, of which not to exceed \$500,000 shall be available for payment to the Gorgas Memorial Institute for maintenance and operation of the Gorgas Memorial Laboratory.

NATIONAL LIBRARY OF MEDICINE

To carry out, to the extent not otherwise provided for, section 301 with respect to health information communications and parts I and J of title III of the Public Health Service Act, \$28,450,000.

BUILDINGS AND FACILITIES

For construction of, and acquisition of sites and equipment for, facilities of or used by the National Institutes of Health, where not otherwise provided, \$3,000,000, to remain available until expended.

OFFICE OF THE DIRECTOR

For expenses necessary for the Office of the Director, National Institutes of Health, \$17,000,000.

42 USC 254a.

Funds advanced to the National Institutes of Health management fund from appropriations in this Act shall be available for the expenses of sharing medical care facilities and resources pursuant to section 328 of the Public Health Service Act and for the purchase of not to exceed fourteen passenger motor vehicles for replacement only.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

21 USC 801
 note.
 42 USC 3401
 note.
 21 USC 1101
 note.

For carrying out the Public Health Service Act with respect to mental health and, except as otherwise provided, the Community Mental Health Centers Act (42 U.S.C. 2681, et seq.), the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, the Narcotic Addict Rehabilitation Act of 1966, and the Drug Abuse Office and Treatment Act of 1972, \$781,358,000.

SAINT ELIZABETHS HOSPITAL

For expenses necessary for the maintenance and operation of the hospital, including clothing for patients, and cooperation with organizations or individuals in the scientific research into the nature, causes, prevention, and treatment of mental illness, \$42,340,000, or such amounts as may be necessary to provide a total appropriation equal to the difference between the amount of the reimbursements received during the current fiscal year on account of patient care provided by the hospital during such year and \$66,233,000.

December 7, 1974

- 7 -

Pub. Law 93-517

88 STAT. 1641

HEALTH RESOURCES ADMINISTRATION

HEALTH RESOURCES

For carrying out the District of Columbia Medical and Dental Manpower Act of 1970, as amended, \$7,500,000.

D.C. Code 31-921 et seq.

PAYMENT OF SALES INSUFFICIENCIES AND INTEREST LOSSES

For the payment of such insufficiencies as may be required by the trustee on account of outstanding beneficial interest or participations in the Health Professions Education Fund assets or Nurse Training Fund assets, authorized by the Department of Health, Education, and Welfare Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, \$164,000, and for payment of amounts pursuant to section 744(b) or 827(b) of the Public Health Service Act to schools which borrow any sums from the Health Professions Education Fund or Nurse Training Fund, \$3,836,000: *Provided*, That the amounts appropriated herein shall remain available until expended.

81 Stat. 390.
12 USC 1717.
42 USC 294d,
297f.

HEALTH PROFESSIONS EDUCATION FUND

The Secretary is hereby authorized to make such expenditures, within the limits of funds available in the Health Professions Education Fund and the Nurse Training Fund, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year.

31 USC 849.

ASSISTANT SECRETARY FOR HEALTH

ASSISTANT SECRETARY FOR HEALTH

For expenses necessary for the Office of the Assistant Secretary for Health, \$30,215,000; together with not to exceed \$27,000,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein, to carry out, to the extent not otherwise provided, title XI, part B, of the Social Security Act.

42 USC 401.
42 USC 1301,
1395j.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retired pay of commissioned officers, as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan; Survivor Benefit Plan and payments for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C., ch. 55), such amount as may be required during the current fiscal year.

EDUCATION DIVISION

OFFICE OF EDUCATION

ELEMENTARY AND SECONDARY EDUCATION

For carrying out, to the extent not otherwise provided, the Environmental Education Act, part IV of title III of the Communications Act of 1934; the Cooperative Research Act; title IV of the Civil Rights Act of 1964; and section 222(a)(2) and title IX of the Economic Opportunity Act of 1964, \$107,600,000 of which \$12,000,000 shall be for educational broadcasting facilities and shall remain available until expended.

20 USC 1531
note.
47 USC 390.
20 USC 331
note.
42 USC 2000c.
42 USC 2809.

OCCUPATIONAL, VOCATIONAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, section 102 (b) (\$20,000,000), parts B and C (\$438,978,000), D, F (\$35,994,000), G (\$19,500,000), H (\$9,849,000) and I of the Vocational Education Act of 1963, as amended (20 U.S.C. 1241-1391), the Cooperative Research Act, and parts B-1 (\$37,500,000), D (\$8,139,000), E (\$2,100,000), and F (\$9,000,000) of the Education Professions Development Act, \$612,376,000 including \$16,000,000 for exemplary programs under part D of said 1963 Act of which 50 per centum shall remain available until expended and 50 per centum shall remain available through June 30, 1976, and not to exceed \$18,000,000 for research and training under part C of said 1963 Act.

20 USC 331 note.

20 USC 1101,
1119, 1119b,
1119c.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles I, III, IV, section 745 of title VII, and parts A, B, C, and D of title IX, and section 1203 of the Higher Education Act, the Emergency Insured Student Loan Act of 1969 as amended, section 207 and title VI of the National Defense Education Act, as amended, the Mutual Educational and Cultural Exchange Act of 1961, section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329), section 421 of the General Education Provisions Act, and Public Law 92-506 of October 19, 1972, \$2,131,271,000, of which \$240,300,000 for supplemental educational opportunity grants and amounts reallocated for work-study shall remain available through June 30, 1976, \$23,750,000 shall be for veterans cost-of-instruction payments to institutions of higher education, and \$660,000,000 shall be for basic opportunity grants (including not to exceed \$11,500,000 for administrative expenses) of which \$648,500,000 shall remain available through June 30, 1976, \$315,000,000 for subsidies on guaranteed student loans shall remain available until expended: *Provided*, That none of the funds in this Act shall be used to pay any amount for basic opportunity grants for students who were enrolled at institutions of higher education prior to April 1, 1973.

20 USC 1001,
1051, 1061,
1132c-4,
1134, 1134d,
1134i, 1134n,
1142b.
20 USC 1078a
note.
20 USC 427,
511.
22 USC 2451
note.
20 USC 1232.
86 Stat. 907.

LIBRARY RESOURCES

For carrying out, to the extent not otherwise provided, titles I (\$49,155,000) and III (\$2,594,000) of the Library Services and Construction Act (20 U.S.C. ch. 16); and title II (except section 231) and title VI (\$7,500,000) of the Higher Education Act; \$72,224,000.

20 USC 352,
355e.
20 USC 1021,
1121.

EDUCATIONAL ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Office of Education, as authorized by law, \$1,000,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to such office, for payments in the foregoing currencies.

SALARIES AND EXPENSES

For carrying out, to the extent not otherwise provided, the General Education Provisions Act, and the Cooperative Research Act, including rental of conference rooms in the District of Columbia, \$114,400,000.

20 USC 1221.

December 7, 1974

- 9 -

Pub. Law 93-517

88 STAT. 1643

STUDENT LOAN INSURANCE FUND

For the Student Loan Insurance Fund authorized by the Higher Education Act of 1965, \$115,000,000 to remain available until expended.

20 USC 1001
note.

HIGHER EDUCATION FACILITIES LOAN AND INSURANCE FUND

For the payment of such insufficiencies as may be required by the trustee on account of outstanding beneficial interest or participations in assets of the Office of Education authorized by the Department of Health, Education, and Welfare Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(c)), \$2,701,000, to remain available until expended, and the Secretary is hereby authorized to make such expenditures, within the limits of funds available in the Higher Education Facilities Loan and Insurance Fund, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 849) as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such fund: *Provided*, That loans may be made during the current fiscal year from the fund to the extent that amounts are available from commitments withdrawn prior to July 1, 1975, by the Commissioner of Education.

81 Stat. 390.

NATIONAL INSTITUTE OF EDUCATION

NATIONAL INSTITUTE OF EDUCATION

For carrying out section 405 of the General Education Provisions Act, including rental of conference rooms in the District of Columbia, \$70,000,000: *Provided*, That none of the funds appropriated under this heading may be used to award a grant or contract to any educational laboratory, research and development center, or any other project if any employee, of said laboratory, center, or project is compensated, directly or indirectly, in whole or in part from Federal funds at an annual salary in excess of the salary paid to the U.S. Commissioner of Education or the Director of the National Institute of Education.

20 USC 1221e.

OFFICE OF THE ASSISTANT SECRETARY FOR EDUCATION

SALARIES AND EXPENSES

For necessary expenses to carry out section 402 of the General Education Provisions Act, \$2,307,000.

20 USC 1221b.

IMPROVEMENT OF POSTSECONDARY EDUCATION

For carrying out, to the extent not otherwise provided section 404 of the General Education Provisions Act, \$11,500,000.

20 USC 1221d.

SOCIAL AND REHABILITATION SERVICE

PUBLIC ASSISTANCE

For carrying out, except as otherwise provided, titles I, IV, VI, X, XI, XIV, XVI, and XIX of the Social Security Act, and the Act of July 5, 1960 (24 U.S.C. ch. 9), \$12,111,731,000, of which \$50,000,000 shall be for child welfare services under part B of title IV.

42 USC 301,
601, 801,
1201, 1301,
1351, 1381,
1396.
24 USC 321.
42 USC 620.

For making, after March 31 of the current fiscal year, payments to States under titles I, IV, VI, X, XIV, XVI, and XIX, respectively, of the Social Security Act, for the last three months of the current fiscal year (except with respect to activities included in the appropriation for "Work incentives"); and for making, after April 30 of the current fiscal year, payments for the first quarter of the next succeeding fiscal year; such sums as may be necessary, the obligations incurred and the expenditures made thereunder for payments under each of such titles to be charged to the subsequent appropriations therefor for the current or succeeding fiscal year.

In the administration of titles I, IV (other than part C thereof), VI, X, XIV, XVI, and XIX, respectively, of the Social Security Act, payments to a State under any such titles for any quarter in the period beginning April 1 of the prior year, and ending June 30 of the current year may be made with respect to a State plan approved under such title prior to or during such period, but no such payment shall be made with respect to any plan for any quarter prior to the quarter in which such plan was submitted for approval.

Such amounts as may be necessary from this appropriation shall be available for grants to States for any period in the prior fiscal year subsequent to March 31 of that year.

WORK INCENTIVES

For carrying out a work incentive program, as authorized by part C of title IV of the Social Security Act, including registration of individuals for such program, and for related child care and other supportive services, as authorized by section 402(a)(19)(G) of the Act, including transfer to the Secretary of Labor, as authorized by section 431 of the Act, \$210,000,000, which shall be the maximum amount available for transfer to the Secretary of Labor and to which the States may become entitled pursuant to section 403(d) of such Act, for these purposes.

REHABILITATION SERVICES

For carrying out, except as otherwise provided, the Rehabilitation Act of 1973, section 303(a)(1) of the Public Health Service Act, and the International Health Research Act of 1960, \$771,820,000; of which \$680,000,000 shall be for activities under section 110 of the Rehabilitation Act of 1973; and of which \$23,000,000 shall be for activities under sections 120 and 130 of the Rehabilitation Act of 1973.

SALARIES AND EXPENSES

For expenses, not otherwise provided, necessary for the Social and Rehabilitation Service, \$63,819,000, together with not to exceed \$600,000 to be transferred from the Federal Disability Insurance Trust Fund, and the Federal Old-Age and Survivors Insurance Trust Fund, as provided in section 201(g)(1) of the Social Security Act.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance, the Federal Disability Insurance, the Federal Hospital Insurance, and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g), 228(g), 229(b), and 1844 of the Social Security Act, and sections 103(c) and 111(d) of the Social Security Amendments of 1965, \$3,345,323,000.

42 USC 301,
601, 801,
1201, 1351,
1381, 1396.

42 USC 630.

42 USC 602.

42 USC 631.

42 USC 603.

29 USC 701 note.

42 USC 242a.

22 USC 2101

note.

29 USC 730.

29 USC 740,

750.

42 USC 401.

42 USC 417,

428, 429,

1395w.

42 USC 426a,

13951-1.

December 7, 1974

- 11 -

Pub. Law 93-517

88 STAT. 1645

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Coal Mine Health and Safety Act of 1969, including the payment of travel expenses either on an actual cost or commuted basis, to an individual for travel incident to medical examinations, and to parties, their representatives and all reasonably necessary witnesses for travel within the United States, Puerto Rico, and the Virgin Islands, to reconsideration interviews and to proceedings before administrative law judges, \$876,089,000: *Provided*, That such amounts as may be agreed upon by the Department of Health, Education, and Welfare and the Postal Service shall be used for payment, in such manner as said parties may jointly determine, of postage for the transmission of official mail matter by States in connection with the administration of said Act.

Black Lung
benefits.
30 USC 901.

Benefit payments after April 30: For making, after April 30 of the current fiscal year, payments to entitled beneficiaries under title IV of the Federal Coal Mine Health and Safety Act of 1969, for the last two months of the current fiscal year, such sums as may be necessary, the obligations and expenditures therefor to be charged to the appropriation for the succeeding fiscal year.

Whenever the Commissioner of Social Security finds it will promote the achievement of the provisions of title IV of the Federal Coal Mine Health and Safety Act of 1969, qualified persons may be appointed to conduct hearings thereunder without meeting the requirements for administrative law judges appointed under 5 U.S.C. 3105, but such appointments shall terminate not later than December 31, 1975: *Provided*, That no person shall hold a hearing in any case with which he has been concerned previously in the administration of such title.

Hearings.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out the Supplemental Security Income program under title XVI of the Social Security Act, section 401 of Public Law 92-603, and section 212 of Public Law 93-66, including payment to the social security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, \$4,774,000,000: *Provided*, That for carrying out these activities for the last two months of the current fiscal year, such sums as may be necessary shall be available, the obligations and expenditures therefor to be charged to the appropriation for the succeeding fiscal year.

42 USC 1381,
1382e notes.
87 Stat. 155.
42 USC 401.

LIMITATION ON SALARIES AND EXPENSES

For necessary expenses, not more than \$2,004,729,000 may be expended as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That such amounts as are required shall be available to pay travel expenses either on an actual cost or commuted basis, to an individual for travel incident to medical examinations, and to parties, their representatives and all reasonably necessary witnesses for travel within the United States, Puerto Rico, and the Virgin Islands to reconsideration interviews and to proceedings before administrative law judges under titles II, XVI, and XVIII of the Social Security Act: *Provided further*, That \$25,000,000 of the foregoing amount shall be apportioned for use pursuant to section 3679 of the Revised Statutes (31 U.S.C. 665), only to the extent necessary to process workloads not anticipated in the budget estimates and to meet mandatory increases in costs of agencies or organizations with which agreements have been made to participate in the administration of titles XVI and XVIII and section 221 of title II of the Social Security Act, and after

42 USC 421
note.

42 USC 401,
1381, 1395.

42 USC 421.

maximum absorption of such costs within the remainder of the existing limitation has been achieved: *Provided further*, That such amounts as may be agreed upon by the Department of Health, Education, and Welfare and the United States Postal Service shall be used for payment, in such manner as said organizations may jointly determine, of postage for the transmission of official mail matter in connection with the administration of the social security program by States participating in the program: *Provided further*, That such amounts as may be required may be expended for administration within the United States of the social insurance program of the United Kingdom, under terms of an agreement wherein similar services will be provided by the United Kingdom in that country for administration of the social insurance program of the United States.

LIMITATION ON CONSTRUCTION

For acquisition of sites, construction and equipment of facilities and for payments of principal, interest, taxes, and any other obligations under contracts entered into pursuant to the Public Buildings Purchase Contract Act of 1954 and the Public Buildings Amendments of 1972, \$8,232,000, to be expended as authorized by section 201 (g) (1) of the Social Security Act, from any one or all of the trust funds referred to therein, and to remain available until expended.

40 USC 356
note.
40 USC 603
note.
42 USC 401.

SPECIAL INSTITUTIONS

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101-105), \$1,967,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For carrying out the National Technical Institute for the Deaf Act (20 U.S.C. 681, et seq.), \$9,819,000, of which \$1,981,000 shall be for construction and shall remain available until expended.

GALLAUDET COLLEGE

For carrying out the Model Secondary School for the Deaf Act (80 Stat. 1027) and for the partial support of Gallaudet College authorized by the Act of June 18, 1954, \$27,543,000 of which \$10,465,000 shall be for construction and shall remain available until expended: *Provided*, That if requested by the college, such construction shall be supervised by the General Services Administration.

D.C. Code 31-
1051 note.
D.C. Code 31-
1025.

HOWARD UNIVERSITY

For the partial support of Howard University, \$79,650,000, of which \$12,500,000 shall be for construction and shall remain available until expended: *Provided*, That if requested by the university, such construction shall be supervised by the General Services Administration.

ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT

HUMAN DEVELOPMENT

For carrying out, except as otherwise provided, section 426 of the Social Security Act, the Act of April 9, 1912 (42 U.S.C. 191), the Older Americans Act of 1965, and the Child Abuse Prevention and Treatment Act, \$177,950,000.

42 USC 626.
42 USC 3001
note.
Ante, p. 4.

December 7, 1974

- 13 -

Pub. Law 93-517

88 STAT. 1647

OFFICE OF THE SECRETARY

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights \$22,207,000, together with not to exceed \$1,466,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein, which sum shall be available for expenditure to enforce any order, with respect to the desegregation of schools of a local educational agency, requiring the transportation of students from one school to another school only under the same circumstances and in the same manner whether the residence of the students of such school or the principal office of such local educational agency is situated in the northern, eastern, western, or southern part of the United States. 42 USC 401.

DEPARTMENTAL MANAGEMENT

For expenses, not otherwise provided, necessary for departmental management, including hire of six medium sedans, and for carrying out, to the extent not otherwise provided, section 1110 of the Social Security Act, \$82,722,000 together with not to exceed \$8,226,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein; and not to exceed \$29,000 to be transferred from "Revolving fund for certification and other services," Food and Drug Administration. 42 USC 1310.

GENERAL PROVISIONS

SEC. 201. None of the funds appropriated by this title to the Social and Rehabilitation Service for grants-in-aid of State agencies to cover, in whole or in part, the cost of operation of said agencies, including the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any States which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of their employees, because of any disapproval of their personnel or the manner of their selection by the agencies of the said States, or the rates of pay of said officers or employees. Withholding of funds, restriction.

SEC. 202. The Secretary is authorized to make such transfers of motor vehicles, between bureaus and officers, without transfer of funds, as may be required in carrying out the operations of the Department. Motor vehicles, transfer. 42 USC 3508.

SEC. 203. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of a research project an amount equal to as much as the entire cost of such project.

SEC. 204. None of the funds contained in this Act shall be used for any activity the purpose of which is to require any recipient of any project grant for research, training, or demonstration made by any officer or employee of the Department of Health, Education, and Welfare to pay to the United States any portion of any interest or other income earned on payments of such grant made before July 1, 1964; nor shall any of the funds contained in this Act be used for any activity the purpose of which is to require payment to the United States of any portion of any interest or other income earned on payments made before July 1, 1964, to the American Printing House for the Blind. Research grants.

88 STAT. 1648

Expenditures
subject to
audit.

SEC. 205. Funds appropriated under this title to the American Printing House for the Blind, Howard University, the National Technical Institute for the Deaf, the Model Secondary School for the Deaf, and Gallaudet College shall be awarded to these institutions in the form of lump-sum grants and expenditures made therefrom shall be subject to audit by the Secretary of Health, Education, and Welfare.

Federal
positions in
Washington
area.

SEC. 206. None of the funds contained in this title shall be available for additional permanent Federal positions in the Washington area if the proportion of additional positions in the Washington area in relation to the total new positions is allowed to exceed the proportion existing at the close of fiscal year 1966.

SEC. 207. Appropriations in this Act for the Health Services Administration, the National Institutes of Health, the Center for Disease Control, the Alcohol, Drug Abuse, and Mental Health Administration, the Health Resources Administration and the Office of the Secretary shall be available for expenses for active commissioned officers in the Public Health Service Reserve Corps and for not to exceed two thousand eight hundred commissioned officers in the Regular Corps; expenses incident to the dissemination of health information in foreign countries through exhibits and other appropriate means; advances of funds for compensation, travel, and subsistence expenses (or per diem in lieu thereof) for persons coming from abroad to participate in health or scientific activities of the Department pursuant to law; expenses of primary and secondary schooling of dependents in foreign countries, of Public Health Service commissioned officers stationed in foreign countries, at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools available in the locality are unable to provide adequately for the education of such dependents, and for the transportation of such dependents between such schools and their places of residence when the schools are not accessible to such dependents by regular means of transportation; rental or lease of living quarters (for periods not exceeding 5 years), and provision of heat, fuel, and light, and maintenance, improvement, and repair of such quarters, and advance payments therefor, for civilian officers and employees of the Public Health Service who are United States citizens and who have a permanent station in a foreign country; purchase, erection, and maintenance of temporary or portable structures; and for the payment of compensation to consultants or individual scientists appointed for limited periods of time pursuant to section 207 (f) or section 207 (g) of the Public Health Service Act, at rates established by the Assistant Secretary for Health, or the Secretary where such action is required by statute, not to exceed the per diem rate equivalent to the rate for GS-18.

42 USC 209.

5 USC 5332

note.
Forced student
busing.

42 USC 2000c.

SEC. 208. No part of the funds contained in this title may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to force on account of race, creed, or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

SEC. 209. (a) No part of the funds contained in this title shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to require the abolishment of any school so desegregated;

December 7, 1974

- 15 -

Pub. Law 93-517

88 STAT. 1649

or to force on account of race, creed, or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school.

(b) No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

This title may be cited as the "Department of Health, Education, and Welfare Appropriation Act, 1975."

Citation of
title.

TITLE III—RELATED AGENCIES

ACTION

OPERATING EXPENSES, DOMESTIC PROGRAMS

For expenses necessary for Action to carry out the provisions of the Domestic Volunteer Service Act of 1973 (Public Law 93-113), \$100,000,000.

42 USC 4951
note.

CORPORATION FOR PUBLIC BROADCASTING

PAYMENT TO THE CORPORATION FOR PUBLIC BROADCASTING

To enable the Department of Health, Education, and Welfare to make payment to the Corporation for Public Broadcasting, as authorized by section 396(k)(1) of the Communications Act of 1934, as amended, for expenses of the Corporation, \$57,000,000, to remain available until expended: *Provided*, That in addition, there is appropriated in accordance with the authorization contained in section 396(k)(2) of such Act, to remain available until expended, amounts equal to the amount of total grants, donations, bequests or other contributions (including money and the fair market value of any property) from non-Federal sources received by the Corporation during the current fiscal year, but not to exceed a total of \$5,000,000.

47 USC 396.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor-Management Relations Act, 1947 (29 U.S.C. 171-180, 182), including expenses of the Labor-Management Panel and boards of inquiry appointed by the President; hire of passenger motor vehicles; and rental of conference rooms in the District of Columbia; \$15,521,000.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses of the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91-345), \$409,000.

20 USC 1501
note.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws \$60,980,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary for carrying out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151-188), including emergency boards appointed by the President, \$3,186,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission, \$5,512,000.

RAILROAD RETIREMENT BOARD

PAYMENTS FOR MILITARY SERVICE CREDITS

For payments to the railroad retirement account for military service credits under the Railroad Retirement Act, as amended (45 U.S.C. 228c-1), \$3,516,000.

LIMITATION ON SALARIES AND EXPENSES

For expenses necessary for the Railroad Retirement Board, \$24,336,000, to be derived from the railroad retirement accounts: *Provided*, That \$500,000 of the foregoing amount shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), only to the extent necessary to process workloads not anticipated in the budget estimates and after maximum absorption of the costs of such workloads within the remainder of the foregoing limitation has been achieved: *Provided further*, That notwithstanding any other provision in law, no portion of this limitation shall be available for payments of standard level user charges pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j)).

SOLDIERS' AND AIRMEN'S HOME

OPERATION AND MAINTENANCE

For maintenance and operation of the United States Soldiers' and Airmen's Home, to be paid from the Soldiers' and Airmen's Home permanent fund, \$14,505,000: *Provided*, That this appropriation shall not be available for the payment of hospitalization of members of the Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army upon recommendation of the Board of Commissioners of the Home and the Surgeon General of the Army.

TITLE IV—GENERAL PROVISIONS

SEC. 401. Appropriations contained in this Act, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18.

Experts and consultants.

SEC. 402. Appropriations contained in this Act available for salaries and expenses shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902).

5 USC 5332 note.
Uniform allowances.

SEC. 403. Appropriations contained in this Act available for salaries and expenses shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

Meetings.

SEC. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Fiscal year limitation.

SEC. 405. No part of any appropriation contained in this Act shall be used to finance any Civil Service Interagency Board of Examiners.

SEC. 406. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

Funds to campus disrupters, prohibition.

SEC. 407. The Secretary of Labor and the Secretary of Health, Education, and Welfare are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

Transfer of funds.

SEC. 408. Funds contained in this Act used to pay for contract services by profitmaking consultant firms or to support consultant appointments shall not exceed the fiscal year 1973 level: *Provided*, That obligations made from funds contained in this Act for consultant fees and services to any individual or group of consulting firms on any one project in excess of \$25,000 shall be reported to the Senate and House of Representatives at least twice annually.

Fiscal year limitation.

SEC. 409. No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative

Funds restriction.

88 STAT. 1652

relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

GSA, space
and services.

SEC. 410. No part of any appropriation contained in this Act shall be available for paying to the Administrator of the General Services Administration in excess of 90 percent of the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, for space and services.

40 USC 490.

Official
receptions.

SEC. 411. The Secretary of Labor and the Secretary of Health, Education, and Welfare are each authorized to make available not to exceed \$7,500 from funds available for salaries and expenses under titles I and II, respectively, for official reception and representation expenses.

Ante, pp. 1634,
1637.Research pro-
grams.

SEC. 412. None of the funds appropriated by this Act shall be used to pay for any research program or project or any program, project, or course which is of an experimental nature, or any other activity involving human participants, which is determined by the Secretary or a court of competent jurisdiction to present a danger to the physical, mental, or emotional well-being of a participant or subject of such program, project, or course, without the written, informed consent of each participant or subject, or his parents or legal guardian, if such participant or subject is under eighteen years of age. The Secretary shall adopt appropriate regulations respecting this section.

Short title.

This Act may be cited as the "Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1975".

Approved December 7, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-1140 (Comm. on Appropriations) and
No. 93-1489 (Comm. of Conference).

SENATE REPORT No. 93-1146 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 120 (1974):

June 27, considered and passed House.

Sept. 16-18, considered and passed Senate, amended.

Nov. 26, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 10, No. 50:

Dec. 9, Presidential statement.

ADDITIONAL MATERIAL



Public Law 93-348
93rd Congress, H. R. 7724
July 12, 1974

An Act

88 STAT. 342

To amend the Public Health Service Act to establish a program of National Research Service Awards to assure the continued excellence of biomedical and behavioral research and to provide for the protection of human subjects involved in biomedical and behavioral research and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "National Research Act".

National Research Act.
42 USC 2891-1

note.
National Research Service Award Act of 1974.

TITLE I—BIOMEDICAL AND BEHAVIORAL RESEARCH TRAINING

SHORT TITLE

SEC. 101. This title may be cited as the "National Research Service Award Act of 1974".

42 USC 2891-1
note.

FINDINGS AND DECLARATION OF PURPOSE

SEC. 102. (a) Congress finds and declares that—

42 USC 2891-1
note.

(1) the success and continued viability of the Federal biomedical and behavioral research effort depends on the availability of excellent scientists and a network of institutions of excellence capable of producing superior research personnel;

(2) direct support of the training of scientists for careers in biomedical and behavioral research is an appropriate and necessary role for the Federal Government; and

(3) graduate research assistance programs should be the key elements in the training programs of the institutes of the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration.

(b) It is the purpose of this title to increase the capability of the institutes of the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration to carry out their responsibility of maintaining a superior national program of research into the physical and mental diseases and impairments of man.

BIOMEDICAL AND BEHAVIORAL RESEARCH TRAINING

SEC. 103. The part H of the Public Health Service Act relating to the appointment of the Directors of the National Institutes of Health and the National Cancer Institute is redesignated as part I, section 461 of such part is redesignated as section 471, and such part is amended by adding at the end the following new sections:

Ante, p. 135.

"NATIONAL RESEARCH SERVICE AWARDS

"SEC. 472. (a) (1) The Secretary shall—

42 USC 4821-1.

"(A) provide National Research Service Awards for—

"(i) biomedical and behavioral research at the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration in matters relating to the cause, diagnosis, prevention, and treatment of the disease (or diseases) or other health problems to which the activities of the Institutes and Administration are directed,

"(ii) training at the Institutes and Administration of individuals to undertake such research,

"(iii) biomedical and behavioral research at non-Federal public institutions and at nonprofit private institutions, and

"(iv) pre- and postdoctoral training at such public and private institutions of individuals to undertake such research; and

Non-Federal
public and non-
profit private
institutions,
grants.

"(B) make grants to non-Federal public institutions and to nonprofit private institutions to enable such institutions to make to individuals selected by them National Research Service Awards for research (and training to undertake such research) in the matters described in subparagraph (A) (i).

A reference in this subsection to the National Institutes of Health or the Alcohol, Drug Abuse, and Mental Health Administration shall be considered to include the institutes, divisions, and bureaus included in the Institutes or under the Administration, as the case may be.

Prohibition.

"(2) National Research Service Awards may not be used to support residencies.

"(3) Effective July 1, 1975, National Research Service Awards may be made for research or research training in only those subject areas for which, as determined under section 473, there is a need for personnel.

"(b) (1) No National Research Service Award may be made by the Secretary to any individual unless—

Application.

"(A) the individual has submitted to the Secretary an application therefor and the Secretary has approved the application;

"(B) the individual provides, in such form and manner as the Secretary shall by regulation prescribe, assurances satisfactory to the Secretary that the individual will meet the service requirement of subsection (c) (1); and

"(C) in the case of a National Research Service Award for a purpose described in subsection (a) (1) (A) (iii) or (a) (1) (A) (iv), the individual has been sponsored (in such manner as the Secretary may by regulation require) by the institution at which the research or training under the Award will be conducted.

An application for an Award shall be in such form, submitted in such manner, and contain such information, as the Secretary may by regulation prescribe.

Review.

"(2) The award of National Research Service Awards by the Secretary under subsection (a) and the making of grants for such Awards shall be subject to review and approval by the appropriate advisory councils to the entities of the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration (A) whose activities relate to the research or training under the Awards, or (B) at which such research or training will be conducted.

Application
approval.

"(3) No grant may be made under subsection (a) (1) (B) unless an application therefor has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary may by regulation prescribe. Subject to the provisions of this section other than paragraph (1) of this subsection, National Research Service Awards made under a grant under subsection (a) (1) (B) shall be made in accordance with such regulations as the Secretary shall prescribe.

Three-year
limitation.

"(4) The period of any National Research Service Award made to any individual under subsection (a) may not exceed three years in the aggregate unless the Secretary for good cause shown waives the application of the three-year limit to such individual.

July 12, 1974

- 3 -

Pub. Law 93-348

88 STAT. 344

"(5) National Research Service Awards shall provide for such stipends and allowances (including travel and subsistence expenses and dependency allowances) for the recipients of the Awards as the Secretary may deem necessary. A National Research Service Award made to an individual for research or research training at a non-Federal public or nonprofit private institution shall also provide for payments to be made to the institution for the cost of support services (including the cost of faculty salaries, supplies, equipment, general research support, and related items) provided such individual by such institution. The amount of any such payments to any institution shall be determined by the Secretary and shall bear a direct relationship to the reasonable costs of the institution for establishing and maintaining the quality of its biomedical and behavioral research and training programs.

Stipends,
allowances.

"(c) (1) (A) Each individual who receives a National Research Service Award shall, in accordance with paragraph (3), engage in—

Health
research or
teaching, par-
ticipation.

"(i) health research or teaching,

"(ii) if authorized under subparagraph (B), serve as a member of the National Health Service Corps or serve in his specialty,

or

"(iii) if authorized under subparagraph (C), serve in a health related activity approved under that subparagraph, for a period computed in accordance with paragraph (2).

"(B) Any individual who received a National Research Service Award and who is a physician, dentist, nurse, or other individual trained to provide health care directly to individual patients may, upon application to the Secretary, be authorized by the Secretary to—

"(i) serve as a member of the National Health Service Corps,

"(ii) serve in his specialty in private practice in a geographic area designated by the Secretary as requiring that specialty, or

"(iii) provides services in his specialty for a health maintenance organization to which payments may be made under section 1876 of title XVIII of the Social Security Act and which serves a medically underserved population (as defined in section 1302(7) of this Act),

86 Stat. 1396;
87 Stat. 970,
971.
42 USC 1395mm.

in lieu of engaging in health research or teaching if the Secretary determines that there are no suitable health research or teaching positions available to such individual.

"(C) Where appropriate the Secretary may, upon application, authorize a recipient of a National Research Service Award, who is not trained to provide health care directly to individual patients, to engage in a health-related activity in lieu of engaging in health research or teaching if the Secretary determines that there are no suitable health research or teaching positions available to such individual.

Health-related
activities.

"(2) For each year for which an individual receives a National Research Service Award he shall—

"(A) for twelve months engage in health research or teaching or, if so authorized, serve as a member of the National Health Service Corps, or

"(B) if authorized under paragraph (1)(B) or (1)(C), for twenty months serve in his specialty or engage in a health-related activity.

"(3) The requirement of paragraph (1) shall be complied with by any individual to whom it applies within such reasonable period of time, after the completion of such individual's Award, as the Secretary shall by regulation prescribe. The Secretary shall (A) by regulation prescribe (i) the type of research and teaching which an individual may engage in to comply with such requirement, and (ii)

such other requirements respecting such research and teaching and alternative service authorized under paragraphs (1)(B) and (1)(C) as he deems necessary; and (B) to the extent feasible, provide that the members of the National Health Service Corps who are serving in the Corps to meet the requirement of paragraph (1) shall be assigned to patient care and to positions which utilize the clinical training and experience of the members.

Noncompliance,
recovery
formula.

"(4)(A) If any individual to whom the requirement of paragraph (1) is applicable fails, within the period prescribed by paragraph (.), to comply with such requirement, the United States shall be entitled to recover from such individual an amount determined in accordance with the formula—

$$A = \phi \left(\frac{t - 1/2s}{t} \right)$$

in which 'A' is the amount the United States is entitled to recover; 'φ' is the sum of the total amount paid under one or more National Research Service Awards to such individual and the interest on such amount which would be payable if at the time it was paid it was a loan bearing interest at a rate fixed by the Secretary of the Treasury after taking into consideration private consumer rates of interest prevailing at the time each Award to such individual was made; 't' is the total number of months in such individual's service obligation; and 's' is the number of months of such obligation served by him in accordance with paragraphs (1) and (2) of this subsection.

"(B) Any amount which the United States is entitled to recover under subparagraph (A) shall, within the three-year period beginning on the date the United States becomes entitled to recover such amount, be paid to the United States. Until any amount due the United States under subparagraph (A) on account of any National Research Service Award is paid, there shall accrue to the United States interest on such amount at the same rate as that fixed by the Secretary of the Treasury under subparagraph (A) to determine the amount due the United States.

Obligations,
cancellation,
waiver or
suspension.

"(4)(A) Any obligation of any individual under paragraph (3) shall be canceled upon the death of such individual.

"(B) The Secretary shall by regulation provide for the waiver or suspension of any such obligation applicable to any individual whenever compliance by such individual is impossible or would involve extreme hardship to such individual and if enforcement of such obligation with respect to any individual would be against equity and good conscience.

Appropriation.

"(d) There are authorized to be appropriated to make payments under National Research Service Awards and under grants for such Awards \$207,947,000 for the fiscal year ending June 30, 1975. Of the sums appropriated under this subsection, not less than 25 per centum shall be made available for payments under National Research Service Awards provided by the Secretary under subsection (a)(1)(A).

"STUDIES RESPECTING BIOMEDICAL AND BEHAVIORAL RESEARCH PERSONNEL

42 USC 2891-2.

"SEC. 473. (a) The Secretary shall, in accordance with subsection (b), arrange for the conduct of a continuing study to—

"(1) establish (A) the Nation's overall need for biomedical and behavioral research personnel, (B) the subject areas in which such personnel are needed and the number of such personnel needed in each such area, and (C) the kinds and extent of training which should be provided such personnel;

July 12, 1974

- 5 -

Pub. Law 93-348

89 STAT. 346

"(2) assess (A) current training programs available for the training of biomedical and behavioral research personnel which are conducted under this Act at or through institutes under the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration, and (B) other current training programs available for the training of such personnel;

"(3) identify the kinds of research positions available to and held by individuals completing such programs;

"(4) determine, to the extent feasible, whether the programs referred to in clause (B) of paragraph (2) would be adequate to meet the needs established under paragraph (1) if the programs referred to in clause (A) of paragraph (2) were terminated; and

"(5) determine what modifications in the programs referred to in paragraph (2) are required to meet the needs established under paragraph (1).

"(b)(1) The Secretary shall request the National Academy of Sciences to conduct the study required by subsection (a) under an arrangement under which the actual expenses incurred by such Academy in conducting such study will be paid by the Secretary. If the National Academy of Sciences is willing to do so, the Secretary shall enter into such an arrangement with such Academy for the conduct of such study.

"(2) If the National Academy of Sciences is unwilling to conduct such study under such an arrangement, then the Secretary shall enter into a similar arrangement with other appropriate nonprofit private groups or associations under which such groups or associations will conduct such study and prepare and submit the reports thereon as provided in subsection (c).

"(c) A report on the results of such study shall be submitted by the Secretary to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate not later than March 31 of each year."

Report to
congressional
committees.

CONFORMING AMENDMENTS

SEC. 104. (a)(1) Section 301 of the Public Health Service Act is amended (A) by striking out paragraph (c); (B) by striking out in paragraph (d) "or research training" each place it occurs, "and research training programs", and "and research training program"; and (C) by redesignating paragraphs (d), (e), (f), (g), (h), and (i) as paragraphs (c), (d), (e), (f), (g), and (h), respectively.

58 Stat. 691;
79 Stat. 448.
42 USC 241.

(2) (A) Section 303(a)(1) of such Act is amended to read as follows:

Clinical training and instruction.

"(1) to provide clinical training and instruction and to establish and maintain clinical traineeships (with such stipends and allowances (including travel and subsistence expenses and dependency allowances) for the trainees as the Secretary may deem necessary);".

76 Stat. 929.
42 USC 242a.

(B) Section 303(b) of such Act is amended by inserting before the first sentence the following: "The Secretary may provide for training, instruction, and traineeships under subsection (a)(1) through grants to public and other nonprofit institutions."

60 Stat. 423.

(3) Section 402(a) of such Act is amended (A) by striking out "training and instruction" in paragraph (3) and inserting in lieu thereof "clinical training and instruction", and (B) by striking out paragraph (4) and by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively.

56 Stat. 707;
85 Stat. 784.
42 USC 262.

(4) Section 407(b)(7) of such Act is amended (A) by striking out

85 Stat. 779.
42 USC 296a.

88 STAT. 347

"and basic research and treatment", and (B) by striking out "where appropriate".

85 Stat. 781. (5) Section 408(b)(3) of such Act is amended by inserting "clinical" before "training" each place it occurs.

42 USC 286b. (6) Section 412(7) of such Act is amended by striking out "(1) establish and maintain" and all that follows down through and including "maintain traineeships" and inserting in lieu thereof ", provide clinical training and instruction and establish and maintain clinical traineeships".

86 Stat. 680. (7) Section 413(a)(7) is amended by inserting "clinical" before "programs".

42 USC 287b. (8) Section 415(b) is amended by inserting before the period at the end of the last sentence thereof the following: "; and the term 'training' does not include research training for which fellowship support may be provided under section 472".

42 Stat. 683. (9) Section 422 of such Act is amended (A) by striking out paragraph (c) and by redesignating paragraphs (d), (e), and (f) as paragraphs (c), (d), and (e), respectively, and (B) by striking out "training and instruction and establish and maintain traineeships" in paragraph (e) (as so redesignated) and inserting in lieu thereof "clinical training and instruction and establish and maintain clinical traineeships".

86 Stat. 162. (10) Section 434(c)(2) of such Act is amended by inserting "(other than research training for which National Research Service Awards may be made under section 472)" after "training" the first time it occurs.

42 USC 289c-1. (11) Sections 433(a), 444, and 453 of such Act are each amended by striking out the second sentence thereof.

82 Stat. 785. (12) The heading for part I of title IV of such Act (as so redesignated by section 103) is amended by striking out "ADMINISTRATIVE" and inserting in lieu thereof "GENERAL."

76 Stat. 1073. (b) The amendments made by subsection (a) shall not apply with respect to commitments made before the date of the enactment of this Act by the Secretary of Health, Education, and Welfare for research training under the provisions of the Public Health Service Act amended or repealed by subsection (a).

82 Stat. 772.
42 USC 289c,
289g, 289k.
Ante, p. 342.

SEX DISCRIMINATION

85 Stat. 461. SEC. 105. Section 799A of the Public Health Service Act is amended
42 USC 295h-9. by adding at the end thereof the following: "In the case of a school of medicine which—

"(1) on the date of the enactment of this sentence is in the process of changing its status as an institution which admits only female students to that of an institution which admits students without regard to their sex, and

"(2) is carrying out such change in accordance with a plan approved by the Secretary,
the provisions of the preceding sentences of this section shall apply only with respect to a grant, contract, loan guarantee, or interest subsidy to, or for the benefit of such a school for a fiscal year beginning after June 30, 1979."

FINANCIAL DISTRESS GRANTS

85 Stat. 446. SEC. 106. Section 773(a) of the Public Health Service Act is
42 USC 295f-3. amended (1) by striking out "\$10,000,000" and inserting in lieu thereof "\$15,000,000", and (2) by striking out "1972" each place it occurs in the last sentence thereof and inserting in lieu thereof "1974".

July 12, 1974

- 7 -

Pub. Law 93-348

98 STAT. 348

TITLE II—PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

PART A—NATIONAL COMMISSION FOR THE PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

ESTABLISHMENT OF COMMISSION

SEC. 201. (a) There is established a Commission to be known as the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research (hereinafter in this title referred to as the "Commission").

42 USC 2891-1
note.

(b)(1) The Commission shall be composed of eleven members appointed by the Secretary of Health, Education, and Welfare (hereinafter in this title referred to as the "Secretary"). The Secretary shall select members of the Commission from individuals distinguished in the fields of medicine, law, ethics, theology, the biological, physical, behavioral and social sciences, philosophy, humanities, health administration, government, and public affairs; but five (and not more than five) of the members of the Commission shall be individuals who are or who have been engaged in biomedical or behavioral research involving human subjects. In appointing members of the Commission, the Secretary shall give consideration to recommendations from the National Academy of Sciences and other appropriate entities. Members of the Commission shall be appointed for the life of the Commission. The Secretary shall appoint the members of the Commission within sixty days of the date of the enactment of this Act.

Membership.

(2)(A) Except as provided in subparagraph (B), members of the Commission shall each be entitled to receive the daily equivalent of the annual rate of the basic pay in effect for grade GS-18 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of the duties of the Commission.

Term.

Compensation.

5 USC 5332
note.

(B) Members of the Commission who are full-time officers or employees of the United States shall receive no additional pay on account of their service on the Commission.

(C) While away from their homes or regular places of business in the performance of duties of the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

Travel expenses.

(c) The chairman of the Commission shall be selected by the members of the Commission from among their number.

80 Stat. 439;
68 Stat. 190.
Chairman.

(d)(1) The Commission may appoint and fix the pay of such staff personnel as it deems desirable. Such personnel shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

Personnel.

80 Stat. 378.
5 USC 101 et
seq.

(2) The Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule.

5 USC 5101,
5331, 5332
note.
80 Stat. 416.

COMMISSION DUTIES

42 USC 2891-1
note.

Research in-
volving human
subjects,
study, guide-
line develop-
ment.

SEC. 202. (a) The Commission shall carry out the following:

(1) (A) The Commission shall (i) conduct a comprehensive investigation and study to identify the basic ethical principles which should underlie the conduct of biomedical and behavioral research involving human subjects, (ii) develop guidelines which should be followed in such research to assure that it is conducted in accordance with such principles, and (iii) make recommendations to the Secretary (I) for such administrative action as may be appropriate to apply such guidelines to biomedical and behavioral research conducted or supported under programs administered by the Secretary, and (II) concerning any other matter pertaining to the protection of human subjects of biomedical and behavioral research.

(B) In carrying out subparagraph (A), the Commission shall consider at least the following:

(i) The boundaries between biomedical or behavioral research involving human subjects and the accepted and routine practice of medicine.

(ii) The role of assessment of risk-benefit criteria in the determination of the appropriateness of research involving human subjects.

(iii) Appropriate guidelines for the selection of human subjects for participation in biomedical and behavioral research.

(iv) The nature and definition of informed consent in various research settings.

(v) Mechanisms for evaluating and monitoring the performance of Institutional Review Boards established in accordance with section 474 of the Public Health Service Act and appropriate enforcement mechanisms for carrying out their decisions.

(C) The Commission shall consider the appropriateness of applying the principles and guidelines identified and developed under subparagraph (A) to the delivery of health services to patients under programs conducted or supported by the Secretary.

(2) The Commission shall identify the requirements for informed consent to participation in biomedical and behavioral research by children, prisoners, and the institutionalized mentally infirm. The Commission shall investigate and study biomedical and behavioral research conducted or supported under programs administered by the Secretary and involving children, prisoners, and the institutionalized mentally infirm to determine the nature of the consent obtained from such persons or their legal representatives before such persons were involved in such research; the adequacy of the information given them respecting the nature and purpose of the research, procedures to be used, risks and discomforts, anticipated benefits from the research, and other matters necessary for informed consent; and the competence and the freedom of the persons to make a choice for or against involvement in such research. On the basis of such investigation and study the Commission shall make such recommendations to the Secretary as it determines appropriate to assure that biomedical and behavioral research conducted or supported under programs administered by him meets the requirements respecting informed consent identified by the Commission. For purposes of this paragraph, the term "children" means individuals who have not attained the legal age of consent to participate in research as determined under the applicable law of the jurisdiction in which the research is to be conducted; the term "prisoner" means individuals involuntarily confined in correctional institutions or facilities (as defined in section 601 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3721)); and the term "institutionalized mentally infirm" includes individuals who are mentally

Post, p. 352.

Consent re-
quirements.

Definitions.

July 12, 1974

- 9 -

Pub. Law 93-348

88 STAT. 350

ill, mentally retarded, emotionally disturbed, psychotic, or senile, or who have other impairments of a similar nature and who reside as patients in an institution.

(3) The Commission shall conduct an investigation and study to determine the need for a mechanism to assure that human subjects in biomedical and behavioral research not subject to regulation by the Secretary are protected. If the Commission determines that such a mechanism is needed, it shall develop and recommend to the Congress such a mechanism. The Commission may contract for the design of such a mechanism to be included in such recommendations.

Protection
mechanism,
study.

(b) The Commission shall conduct an investigation and study of the nature and extent of research involving living fetuses, the purposes for which such research has been undertaken, and alternative means for achieving such purposes. The Commission shall, not later than the expiration of the 4-month period beginning on the first day of the first month that follows the date on which all the members of the Commission have taken office, recommend to the Secretary policies defining the circumstances (if any) under which such research may be conducted or supported.

Living fetus
research,
study.

(c) The Commission shall conduct an investigation and study of the use of psychosurgery in the United States during the five-year period ending December 31, 1972. The Commission shall determine the appropriateness of its use, evaluate the need for it, and recommend to the Secretary policies defining the circumstances (if any) under which its use may be appropriate. For purposes of this paragraph, the term "psychosurgery" means brain surgery on (1) normal brain tissue of an individual, who does not suffer from any physical disease, for the purpose of changing or controlling the behavior or emotions of such individual, or (2) diseased brain tissue of an individual, if the sole object of the performance of such surgery is to control, change, or affect any behavioral or emotional disturbance of such individual. Such term does not include brain surgery designed to cure or ameliorate the effects of epilepsy and electric shock treatments.

Psychosurgery
usage, study.

Definition.

(d) The Commission shall make recommendations to the Congress respecting the functions and authority of the National Advisory Council for the Protection of Subjects of Biomedical and Behavioral Research to be established under section 217(f) of the Public Health Service Act.

Recommendations
to Congress.

Post, p. 351.

SPECIAL STUDY

SEC. 203. The Commission shall undertake a comprehensive study of the ethical, social, and legal implications of advances in biomedical and behavioral research and technology. Such study shall include—

42 USC 2891-1
note.

(1) an analysis and evaluation of scientific and technological advances in past, present, and projected biomedical and behavioral research and services;

(2) an analysis and evaluation of the implications of such advances, both for individuals and for society;

(3) an analysis and evaluation of laws and moral and ethical principles governing the use of technology in medical practice;

(4) an analysis and evaluation of public understanding of and attitudes toward such implications and laws and principles; and

(5) an analysis and evaluation of implications for public policy of such findings as are made by the Commission with respect to advances in biomedical and behavioral research and technology and public attitudes toward such advances.

ADMINISTRATIVE PROVISIONS

42 USC 2891-1
note.

SEC. 204. (a) The Commission may for the purpose of carrying out its duties under sections 202 and 203 hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission deems advisable.

(b) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out its duties. Upon the request of the chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

Information
disclosure,
prohibition.

(c) The Commission shall not disclose any information reported to or otherwise obtained by it in carrying out its duties which (1) identifies any individual who has been the subject of an activity studied and investigated by the Commission, or (2) which concerns any information which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code.

52 Stat. 791.

(d) Except as provided in subsection (b) of section 202, the Commission shall complete its duties under sections 202 and 203 not later than the expiration of the 24-month period beginning on the first day of the first month that follows the date on which all the members of the Commission have taken office. The Commission shall make periodic reports to the President, the Congress, and the Secretary respecting its activities under sections 202 and 203 and shall, not later than ninety days after the expiration of such 24-month period, make a final report to the President, the Congress, and the Secretary respecting such activities and including its recommendations for administrative action and legislation.

Reports to
President,
Congress and
HEW.

(e) The Commission shall cease to exist thirty days following the submission of its final report pursuant to subsection (d).

Termination
date.

DUTIES OF THE SECRETARY

42 USC 2891-1
note.
Publication in
Federal Regis-
ter.

SEC. 205. Within 60 days of the receipt of any recommendation made by the Commission under section 202, the Secretary shall publish it in the Federal Register and provide opportunity for interested persons to submit written data, views, and arguments with respect to such recommendation. The Secretary shall consider the Commission's recommendation and relevant matter submitted with respect to it and, within 180 days of the date of its publication in the Federal Register, the Secretary shall (1) determine whether the administrative action proposed by such recommendation is appropriate to assure the protection of human subjects of biomedical and behavioral research conducted or supported under programs administered by him, and (2) if he determines that such action is not so appropriate, publish in the Federal Register such determination together with an adequate statement of the reasons for his determination. If the Secretary determines that administrative action recommended by the Commission should be undertaken by him, he shall undertake such action as expeditiously as is feasible.

PART B—MISCELLANEOUS

NATIONAL ADVISORY COUNCIL FOR THE PROTECTION OF SUBJECTS OF
BIOMEDICAL AND BEHAVIORAL RESEARCH

58 Stat. 691;
86 Stat. 85.
42 USC 218.
Establishment.

SEC. 211. (a) Section 217 of the Public Health Service Act is amended by adding at the end the following new subsection:

"(f) (1) There shall be established a National Advisory Council for the Protection of Subjects of Biomedical and Behavioral Research

July 12, 1974

- 11 -

Pub. Law 93-348

88 STAT. 352

(hereinafter in this subsection referred to as the 'Council') which shall consist of the Secretary who shall be Chairman and not less than seven nor more than fifteen other members who shall be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The Secretary shall select members of the Council from individuals distinguished in the fields of medicine, law, ethics, theology, the biological, physical, behavioral and social sciences, philosophy, humanities, health administration, government, and public affairs; but three (and not more than three) of the members of the Council shall be individuals who are or who have been engaged in biomedical or behavioral research involving human subjects. No individual who was appointed to be a member of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research (established under title II of the National Research Act) may be appointed to be a member of the Council. The appointed members of the Council shall have terms of office of four years, except that for the purpose of staggering the expiration of the terms of office of the Council members, the Secretary shall, at the time of appointment, designate a term of office of less than four years for members first appointed to the Council.

Membership.

80 Stat. 378.
5 USC 101 et
seq.

Ante, p. 348.
Term.

"(2) The Council shall—

Duties.

"(A) advise, consult with, and make recommendations to, the Secretary concerning all matters pertaining to the protection of human subjects of biomedical and behavioral research;

"(B) review policies, regulations, and other requirements of the Secretary governing such research to determine the extent to which such policies, regulations, and requirements require and are effective in requiring observance in such research of the basic ethical principles which should underlie the conduct of such research and, to the extent such policies, regulations, or requirements do not require or are not effective in requiring observance of such principles, make recommendations to the Secretary respecting appropriate revision of such policies, regulations, or requirements; and

"(C) review periodically changes in the scope, purpose, and types of biomedical and behavioral research being conducted and the impact such changes have on the policies, regulations, and other requirements of the Secretary for the protection of human subjects of such research.

"(3) The Council may disseminate to the public such information, recommendations, and other matters relating to its functions as it deems appropriate.

"(4) Section 14 of the Federal Advisory Committee Act shall not apply with respect to the Council."

86 Stat. 776.
5 USC app. I.
Effective date.
42 USC 218
note.

(b) The amendment made by subsection (a) shall take effect July 1, 1976.

INSTITUTIONAL REVIEW BOARDS; ETHICS GUIDANCE PROGRAM

SEC. 212. (a) Part I of title IV of the Public Health Service Act, as amended by section 103 of this Act, is amended by adding at the end the following new section:

Ante, p. 342.

"INSTITUTIONAL REVIEW BOARDS; ETHICS GUIDANCE PROGRAM

"SEC. 474. (a) The Secretary shall by regulation require that each entity which applies for a grant or contract under this Act for any project or program which involves the conduct of biomedical or behavioral research involving human subjects submit in or with its

42 USC 2891-3.

application for such grant or contract assurances satisfactory to the Secretary that it has established (in accordance with regulations which the Secretary shall prescribe) a board (to be known as an 'Institutional Review Board') to review biomedical and behavioral research involving human subjects conducted at or sponsored by such entity in order to protect the rights of the human subjects of such research.

"(b) The Secretary shall establish a program within the Department under which requests for clarification and guidance with respect to ethical issues raised in connection with biomedical or behavioral research involving human subjects are responded to promptly and appropriately."

Regulations.
42 USC 2891-3
note.
Ante, p. 352.

(b) The Secretary of Health, Education, and Welfare shall within 240 days of the date of the enactment of this Act promulgate such regulations as may be required to carry out section 474(a) of the Public Health Service Act. Such regulations shall apply with respect to applications for grants and contracts under such Act submitted after promulgation of such regulations.

LIMITATION ON RESEARCH

42 USC 2891-1
note.

SEC. 213. Until the Commission has made its recommendations to the Secretary pursuant to section 202(b), the Secretary may not conduct or support research in the United States or abroad on a living human fetus, before or after the induced abortion of such fetus, unless such research is done for the purpose of assuring the survival of such fetus.

INDIVIDUAL RIGHTS

87 Stat. 95.
42 USC 300a-7.

SEC. 214. (a) Subsection (c) of section 401 of the Health Programs Extension Act of 1973 is amended (1) by inserting "(1)" after "(c)", (2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and (3) by adding at the end the following new paragraph:

Nondiscrimina-
tion.

"(2) No entity which receives after the date of enactment of this paragraph a grant or contract for biomedical or behavioral research under any program administered by the Secretary of Health, Education, and Welfare may—

"(A) discriminate in the employment, promotion, or termination of employment of any physician or other health care personnel, or

"(B) discriminate in the extension of staff or other privileges to any physician or other health care personnel,

because he performed or assisted in the performance of any lawful health service or research activity, because he refused to perform or assist in the performance of any such service or activity on the grounds that his performance or assistance in the performance of such service or activity would be contrary to his religious beliefs or moral convictions, or because of his religious beliefs or moral convictions respecting any such service or activity."

(b) Section 401 of such Act is amended by adding at the end the following new subsection:

"(d) No individual shall be required to perform or assist in the performance of any part of a health service program or research activity funded in whole or in part under a program administered by the Secretary of Health, Education, and Welfare if his performance or assistance in the performance of such part of such program or activity would be contrary to his religious beliefs or moral convictions."

July 12, 1974

- 13 -

Pub. Law 93-348

86 STAT. 354

SPECIAL PROJECT GRANTS AND CONTRACTS

SEC. 215. Section 772(a)(7) of the Public Health Service Act is amended by inserting immediately before the semicolon at the end thereof the following: “, or (C) providing increased emphasis on the ethical, social, legal, and moral implications of advances in biomedical research and technology with respect to the effects of such advances on individuals and society”.

Approved July 12, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-224 (Comm. on Interstate and Foreign Commerce) and No. 93-1148 (Comm. of Conference).

SENATE REPORT No. 93-381 (Comm. on Labor and Public Welfare).

CONGRESSIONAL RECORD:

Vol. 119 (1973): May 31, considered and passed House.
 Sept. 11, considered and passed Senate, amended.
 Vol. 120 (1974): June 27, Senate agreed to conference report.
 June 28, House agreed to conference report.



Public Law 94-282
94th Congress, H. R. 10230
May 11, 1976

An Act

To establish a science and technology policy for the United States, to provide for scientific and technological advice and assistance to the President, to provide a comprehensive survey of ways and means for improving the Federal effort in scientific research and information handling, and in the use thereof, to amend the National Science Foundation Act of 1950, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Science and Technology Policy, Organization, and Priorities Act of 1976".

National Science
and Technology
Policy, Organiza-
tion, and Priori-
ties Act of 1976.
42 USC 6601
note.

TITLE I—NATIONAL SCIENCE, ENGINEERING, AND TECHNOLOGY POLICY AND PRIORITIES

FINDINGS

SEC. 101. (a) The Congress, recognizing the profound impact of science and technology on society, and the interrelations of scientific, technological, economic, social, political, and institutional factors, hereby finds and declares that—

(1) the general welfare, the security, the economic health and stability of the Nation, the conservation and efficient utilization of its natural and human resources, and the effective functioning of government and society require vigorous, perceptive support and employment of science and technology in achieving national objectives;

(2) the many large and complex scientific and technological factors which increasingly influence the course of national and international events require appropriate provision, involving long-range, inclusive planning as well as more immediate program development, to incorporate scientific and technological knowledge in the national decisionmaking process;

(3) the scientific and technological capabilities of the United States, when properly fostered, applied, and directed, can effectively assist in improving the quality of life, in anticipating and resolving critical and emerging international, national, and local problems, in strengthening the Nation's international economic position, and in furthering its foreign policy objectives;

(4) Federal funding for science and technology represents an investment in the future which is indispensable to sustained national progress and human betterment, and there should be a continuing national investment in science, engineering, and technology which is commensurate with national needs and opportunities and the prevalent economic situation;

(5) the manpower pool of scientists, engineers, and technicians, constitutes an invaluable national resource which should be utilized to the fullest extent possible; and

(6) the Nation's capabilities for technology assessment and for technological planning and policy formulation must be strengthened at both Federal and State levels.

42 USC 6601.

Priority goals.

(b) As a consequence, the Congress finds and declares that science and technology should contribute to the following priority goals without being limited thereto:

(1) fostering leadership in the quest for international peace and progress toward human freedom, dignity, and well-being by enlarging the contributions of American scientists and engineers to the knowledge of man and his universe, by making discoveries of basic science widely available at home and abroad, and by utilizing technology in support of United States national and foreign policy goals;

(2) increasing the efficient use of essential materials and products, and generally contributing to economic opportunity, stability, and appropriate growth;

(3) assuring an adequate supply of food, materials, and energy for the Nation's needs;

(4) contributing to the national security;

(5) improving the quality of health care available to all residents of the United States;

(6) preserving, fostering, and restoring a healthful and esthetic natural environment;

(7) providing for the protection of the oceans and coastal zones, and the polar regions, and the efficient utilization of their resources;

(8) strengthening the economy and promoting full employment through useful scientific and technological innovations;

(9) increasing the quality of educational opportunities available to all residents of the United States;

(10) promoting the conservation and efficient utilization of the Nation's natural and human resources;

(11) improving the Nation's housing, transportation, and communication systems, and assuring the provision of effective public services throughout urban, suburban, and rural areas;

(12) eliminating air and water pollution, and unnecessary, unhealthful, or ineffective drugs and food additives; and

(13) advancing the exploration and peaceful uses of outer space.

DECLARATION OF POLICY

42 USC 6602.

SEC. 102. (a) PRINCIPLES.—In view of the foregoing, the Congress declares that the United States shall adhere to a national policy for science and technology which includes the following principles:

(1) The continuing development and implementation of strategies for determining and achieving the appropriate scope, level, direction, and extent of scientific and technological efforts based upon a continuous appraisal of the role of science and technology in achieving goals and formulating policies of the United States, and reflecting the views of State and local governments and representative public groups.

(2) The enlistment of science and technology to foster a healthy economy in which the directions of growth and innovation are compatible with the prudent and frugal use of resources and with the preservation of a benign environment.

(3) The conduct of science and technology operations so as to serve domestic needs while promoting foreign policy objectives.

(4) The recruitment, education, training, restraining, and beneficial use of adequate numbers of scientists, engineers, and tech-

May 11, 1976

- 3 -

Pub. Law 94-282

nologists, and the promotion by the Federal Government of the effective and efficient utilization in the national interest of the Nation's human resources in science, engineering, and technology.

(5) The development and maintenance of a solid base for science and technology in the United States, including: (A) strong participation of and cooperative relationships with State and local governments and the private sector; (B) the maintenance and strengthening of diversified scientific and technological capabilities in government, industry, and the universities, and the encouragement of independent initiatives based on such capabilities, together with elimination of needless barriers to scientific and technological innovation; (C) effective management and dissemination of scientific and technological information; (D) establishment of essential scientific, technical and industrial standards and measurement and test methods; and (E) promotion of increased public understanding of science and technology.

(6) The recognition that, as changing circumstances require periodic revision and adaptation of title I of this Act, the Federal Government is responsible for identifying and interpreting the changes in those circumstances as they occur, and for effecting subsequent changes in title I as appropriate.

(b) **IMPLEMENTATION.**—To implement the policy enunciated in subsection (a) of this section, the Congress declares that:

(1) The Federal Government should maintain central policy planning elements in the executive branch which assist Federal agencies in (A) identifying public problems and objectives, (B) mobilizing scientific and technological resources for essential national programs, (C) securing appropriate funding for programs so identified, (D) anticipating future concerns to which science and technology can contribute and devising strategies for the conduct of science and technology for such purposes, (E) reviewing systematically Federal science policy and programs and recommending legislative amendment thereof when needed. Such elements should include an advisory mechanism within the Executive Office of the President so that the Chief Executive may have available independent, expert judgment and assistance on policy matters which require accurate assessments of the complex scientific and technological features involved.

(2) It is a responsibility of the Federal Government to promote prompt, effective, reliable, and systematic transfer of scientific and technological information by such appropriate methods as programs conducted by nongovernmental organizations, including industrial groups and technical societies. In particular, it is recognized as a responsibility of the Federal Government not only to coordinate and unify its own science and technology information systems, but to facilitate the close coupling of institutional scientific research with commercial application of the useful findings of science.

(3) It is further an appropriate Federal function to support scientific and technological efforts which are expected to provide results beneficial to the public but which the private sector may be unwilling or unable to support.

(4) Scientific and technological activities which may be properly supported exclusively by the Federal Government should be distinguished from those in which interests are shared with State and local governments and the private sector. Among these enti-

ties, cooperative relationships should be established which encourage the appropriate sharing of science and technology decisionmaking, funding support, and program planning and execution.

(5) The Federal Government should support and utilize engineering and its various disciplines and make maximum use of the engineering community, whenever appropriate, as an essential element in the Federal policymaking process.

(6) Comprehensive legislative support for the national science and technology effort requires that the Congress be regularly informed of the condition, health and vitality, and funding requirements of science and technology, the relation of science and technology to changing national goals, and the need for legislative modification of the Federal endeavor and structure at all levels as it relates to science and technology.

(c) **PROCEDURES.**—The Congress declares that, in order to expedite and facilitate the implementation of the policy enunciated in subsection (a) of this section, the following coordinate procedures are of paramount importance:

(1) Federal procurement policy should encourage the use of science and technology to foster frugal use of materials, energy, and appropriated funds; to assure quality environment; and to enhance product performance.

(2) Explicit criteria, including cost-benefit principles where practicable, should be developed to identify the kinds of applied research and technology programs that are appropriate for Federal funding support and to determine the extent of such support. Particular attention should be given to scientific and technological problems and opportunities offering promise of social advantage that are so long range, geographically widespread, or economically diffused that the Federal Government constitutes the appropriate source for undertaking their support.

(3) Federal promotion of science and technology should emphasize quality of research, recognize the singular importance of stability in scientific and technological institutions, and for urgent tasks, seek to assure timeliness of results. With particular reference to Federal support for basic research, funds should be allocated to encourage education in needed disciplines, to provide a base of scientific knowledge from which future essential technological development can be launched, and to add to the cultural heritage of the Nation.

(4) Federal patent policies should be developed, based on uniform principles, which have as their objective the preservation of incentives for technological innovation and the application of procedures which will continue to assure the full use of beneficial technology to serve the public.

(5) Closer relationships should be encouraged among practitioners of different scientific and technological disciplines, including the physical, social, and biomedical fields.

(6) Federal departments, agencies, and instrumentalities should assure efficient management of laboratory facilities and equipment in their custody, including acquisition of effective equipment, disposal of inferior and obsolete properties, and cross-servicing to maximize the productivity of costly property of all kinds. Disposal policies should include attention to possibilities for further productive use.

May 11, 1976

- 5 -

Pub. Law 94-282

(7) The full use of the contributions of science and technology to support State and local government goals should be encouraged.

(8) Formal recognition should be accorded those persons whose scientific and technological achievements have contributed significantly to the national welfare.

(9) The Federal Government should support applied scientific research, when appropriate, in proportion to the probability of its usefulness, insofar as this probability can be determined; but while maximizing the beneficial consequences of technology, the Government should act to minimize foreseeable injurious consequences.

(10) Federal departments, agencies, and instrumentalities should establish procedures to insure among them the systematic interchange of scientific data and technological findings developed under their programs.

TITLE II—OFFICE OF SCIENCE AND TECHNOLOGY POLICY

SHORT TITLE

SEC. 201. This title may be cited as the "Presidential Science and Technology Advisory Organization Act of 1976".

Presidential
Science and
Technology Ad-
visory Organi-
zation Act of 1976.

42 USC 6611
note.

ESTABLISHMENT

SEC. 202. There is established in the Executive Office of the President an Office of Science and Technology Policy (hereinafter referred to in this title as the "Office").

42 USC 6611.

DIRECTOR: ASSOCIATE DIRECTORS

SEC. 203. There shall be at the head of the Office a Director who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for level II of the Executive Schedule in section 5313 of title 5, United States Code. The President is authorized to appoint not more than four Associate Directors, by and with the advice and consent of the Senate, who shall be compensated at a rate not to exceed that provided for level III of the Executive Schedule in section 5314 of such title. Associate Directors shall perform such functions as the Director may prescribe.

Appointment,
Compensation.
42 USC 6612.

FUNCTIONS

SEC. 204. (a) The primary function of the Director is to provide, within the Executive Office of the President, advice on the scientific, engineering, and technological aspects of issues that require attention at the highest levels of Government.

42 USC 6613.

(b) In addition to such other functions and activities as the President may assign, the Director shall—

(1) advise the President of scientific and technological considerations involved in areas of national concern including, but not limited to, the economy, national security, health, foreign relations, the environment, and the technological recovery and use of resources;

(2) evaluate the scale, quality, and effectiveness of the Federal effort in science and technology and advise on appropriate actions;

(3) advise the President on scientific and technological considerations with regard to Federal budgets, assist the Office of Management and Budget with an annual review and analysis of funding proposed for research and development in budgets of all Federal agencies, and aid the Office of Management and Budget and the agencies throughout the budget development process; and

(4) assist the President in providing general leadership and coordination of the research and development programs of the Federal Government.

POLICY PLANNING, ANALYSIS, AND ADVICE

42 USC 6614.

SEC. 205. (a) The Office shall serve as a source of scientific and technological analysis and judgment for the President with respect to major policies, plans, and programs of the Federal Government. In carrying out the provisions of this section, the Director shall—

(1) seek to define coherent approaches for applying science and technology to critical and emerging national and international problems and for promoting coordination of the scientific and technological responsibilities and programs of the Federal departments and agencies in the resolution of such problems;

Science and
Technology
Report.

(2) assist and advise the President in the preparation of the Science and Technology Report, in accordance with section 209 of this Act;

(3) gather timely and authoritative information concerning significant developments and trends in science, technology, and in national priorities, both current and prospective, to analyze and interpret such information for the purpose of determining whether such developments and trends are likely to affect achievement of the priority goals of the Nation as set forth in section 101(b) of this Act;

Data base.

(4) encourage the development and maintenance of an adequate data base for human resources in science, engineering, and technology, including the development of appropriate models to forecast future manpower requirements, and assess the impact of major governmental and public programs on human resources and their utilization;

Studies and
analyses.

(5) initiate studies and analyses, including systems analyses and technology assessments, of alternatives available for the resolution of critical and emerging national and international problems amenable to the contributions of science and technology and, insofar as possible, determine and compare probable costs, benefits, and impacts of such alternatives;

(6) advise the President on the extent to which the various scientific and technological programs, policies, and activities of the Federal Government are likely to affect the achievement of the priority goals of the Nation as set forth in section 101(b) of this Act;

(7) provide the President with periodic reviews of Federal statutes and administrative regulations of the various departments and agencies which affect research and development activities, both internally and in relation to the private sector, or which may interfere with desirable technological innovation, together with

May 11, 1976

- 7 -

Pub. Law 94-282

recommendations for their elimination, reform, or updating as appropriate;

(8) develop, review, revise, and recommend criteria for determining scientific and technological activities warranting Federal support, and recommend Federal policies designed to advance (A) the development and maintenance of broadly based scientific and technological capabilities, including human resources, at all levels of government, academia, and industry, and (B) the effective application of such capabilities to national needs;

(9) assess and advise on policies for international cooperation in science and technology which will advance the national and international objectives of the United States;

(10) identify and assess emerging and future areas in which science and technology can be used effectively in addressing national and international problems;

(11) report at least once each year to the President on the overall activities and accomplishments of the Office, pursuant to section 209 of this Act;

Report to
President.

(12) periodically survey the nature and needs of national science and technology policy and make recommendations to the President, for review and transmission to the Congress, for the timely and appropriate revision of such policy in accordance with section 102(a) (6) of this Act; and

(13) perform such other duties and functions and make and furnish such studies and reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

(b) (1) The Director shall establish an Intergovernmental Science, Engineering, and Technology Advisory Panel (hereinafter referred to as the "Panel"), whose purpose shall be to (A) identify and define civilian problems at State, regional, and local levels which science, engineering, and technology may assist in resolving or ameliorating; (B) recommend priorities for addressing such problems; and (C) advise and assist the Director in identifying and fostering policies to facilitate the transfer and utilization of research and development results so as to maximize their application to civilian needs.

Intergovern-
mental Science,
Engineering, and
Technology Ad-
visory Panel.
Establishment.

(2) The Panel shall be composed of (A) the Director of the Office, or his representative; (B) at least ten members representing the interests of the States, appointed by the Director of the Office after consultation with State officials; and (C) the Director of the National Science Foundation, or his representative.

Membership.

(3) (A) The Director of the Office, or his representative, shall serve as Chairman of the Panel.

Chairman.

(B) The Panel shall perform such functions as the Chairman may prescribe, and shall meet at the call of the Chairman.

(4) Each member of the Panel shall, while serving on business of the Panel, be entitled to receive compensation at a rate not to exceed the daily rate prescribed for GS-18 of the General Schedule under section 5332 of title 5, United States Code, including traveltime, and, while so serving away from his home or regular place of business, he may be allowed travel expenses, including per diem in lieu of subsistence in the same manner as the expenses authorized by section 5703 (b) of title 5, United States Code, for persons in government service employed intermittently.

Compensation.

5 USC 5332
note.

FIVE-YEAR OUTLOOK

42 USC 6615.

SEC. 206. (a) Within its first year of operation, the Office shall, to the extent practicable, within the limitations of available knowledge and resources, and with appropriate assistance from the departments and agencies and such consultants and contractors as the Director deems necessary, identify and describe situations and conditions which warrant special attention within the next five years, involving—

(1) current and emerging problems of national significance that are identified through scientific research, or in which scientific or technical considerations are of major significance; and

(2) opportunities for, and constraints on, the use of new and existing scientific and technological capabilities which can make a significant contribution to the resolution of problems identified under paragraph (1) of this subsection or to the achievement of Federal program objectives or national goals, including those set forth in section 101(b) of this Act.

Annual revision.

(b) The Office shall annually revise the five-year outlook developed under subsection (a) of this section so that it takes account of new problems, constraints and opportunities and changing national goals and circumstances, and shall extend the outlook so that it always extends five years into the future.

Consultation.

(c) The Director of the Office shall consult as necessary with officials of the departments and agencies having programs and responsibilities relating to the problems, constraints, and opportunities identified under subsections (a) and (b) of this section, in order to—

(1) identify and evaluate alternative actions that might be taken by the Federal Government, State and local governments, or the private sector to deal with such problems, constraints, or opportunities; and

(2) ensure that alternative actions identified under paragraph (1) of this subsection are fully considered by departments and agencies in formulating their budget, program, and legislative proposals.

Consultation.

(d) The Director of the Office shall consult as necessary with officials of the Office of Management and Budget and other appropriate elements of the Executive Office of the President to ensure that the problems, constraints, opportunities, and alternative actions identified under subsections (a), (b), and (c) of this section are fully considered in the development of the President's Budgets and legislative programs.

ADDITIONAL FUNCTIONS OF THE DIRECTOR;
ADMINISTRATIVE PROVISIONS

42 USC 6616.

SEC. 207. (a) The Director shall, in addition to the other duties and functions set forth in this title—

(1) serve as Chairman of the Federal Coordinating Council for Science, Engineering, and Technology established under title IV; and

(2) serve as a member of the Domestic Council.

(b) For the purpose of assuring the optimum contribution of science and technology to the national security, the Director, at the request of the National Security Council, shall advise the National Security Council in such matters concerning science and technology as relate to national security.

May 11, 1976

- 9 -

Pub. Law 94-282

(c) In carrying out his functions under this Act, the Director is authorized to—

(1) appoint such officers and employees as he may deem necessary to perform the functions now or hereafter vested in him and to prescribe their duties;

(2) obtain services as authorized by section 3109 of title 5 of the United States Code, at rates not to exceed the rate prescribed for grade GS-18 of the General Schedule by section 5332 of title 5 of the United States Code; and

(3) enter into contracts and other arrangements for studies, analyses, and other services with public agencies and with private persons, organizations, or institutions, and make such payments as he deems necessary to carry out the provisions of this Act without legal consideration, without performance bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

5 USC 5332
note.

COORDINATION WITH OTHER ORGANIZATIONS

SEC. 208. (a) In exercising his functions under this Act, the Director shall—

42 USC 6617.

(1) work in close consultation and cooperation with the Domestic Council, the National Security Council, the Council on Environmental Quality, the Council of Economic Advisers, the Office of Management and Budget, the National Science Board, and the Federal departments and agencies;

(2) utilize the services of consultants, establish such advisory panels, and, to the extent practicable, consult with State and local governmental agencies, with appropriate professional groups, and with such representatives of industry, the universities, agriculture, labor, consumers, conservation organizations, and such other public interest groups, organizations, and individuals as he deems advisable;

(3) hold such hearings in various parts of the Nation as he deems necessary, to determine the views of the agencies, groups, and organizations referred to in paragraph (2) of this subsection and of the general public, concerning national needs and trends in science and technology; and

Hearings.

(4) utilize with their consent to the fullest extent possible the services, personnel, equipment, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order to avoid duplication of effort and expense, and may transfer funds made available pursuant to this Act to other Federal agencies as reimbursement for the utilization of such personnel, services, facilities, equipment, and information.

(b) Each department, agency, and instrumentality of the Executive Branch of the Government, including any independent agency, is authorized to furnish the Director such information as the Director deems necessary to carry out his functions under this Act.

(c) Upon request, the Administrator of the National Aeronautics and Space Administration is authorized to assist the Director with respect to carrying out his activities conducted under paragraph (5) of section 205 (a) of this Act.

SCIENCE AND TECHNOLOGY REPORT

Transmittal to
Congress.
42 USC 6618.

Sec. 209. (a) The President shall transmit annually to the Congress, beginning February 15, 1978, a Science and Technology Report (hereinafter referred to as the "Report") which shall be prepared by the Office, with appropriate assistance from Federal departments and agencies and such consultants and contractors as the Director deems necessary. The report shall draw upon the information prepared by the Director pursuant to section 206 of this Act, and to the extent practicable, within the limitations of available knowledge and resources, discuss such issues as—

(1) a review of developments of national significance in science and technology;

(2) the significant effects of current and projected trends in science and technology on the social, economic, and other requirements of the Nation;

(3) a review and appraisal of selected science- and technology-related programs, policies, and activities of the Federal Government;

(4) an inventory and forecast of critical and emerging national problems the resolution of which might be substantially assisted by the application of science and technology;

(5) the identification and assessment of scientific and technological measures that can contribute to the resolution of such problems, in light of the related social, economic, political, and institutional considerations;

(6) the existing and projected scientific and technological resources, including specialized manpower, that could contribute to the resolution of such problems; and

(7) recommendations for legislation on science- and technology-related programs and policies that will contribute to the resolution of such problems.

(b) In preparing the Report under subsection (a) of this section, the Office shall make maximum use of relevant data available from the National Science Foundation and other Government departments and agencies.

(c) The Director shall insure that the Report, in the form approved by the President, is printed and made available as a public document.

Public document.

TITLE III—PRESIDENT'S COMMITTEE ON SCIENCE AND TECHNOLOGY

ESTABLISHMENT

42 USC 6631.

Sec. 301. The President shall establish within the Executive Office of the President a President's Committee on Science and Technology (hereinafter referred to as the "Committee").

MEMBERSHIP

42 USC 6632.

Sec. 302. (a) The Committee shall consist of—

(1) the Director of the Office of Science and Technology Policy established under title II of this Act; and

(2) not less than eight nor more than fourteen other members appointed by the President not more than sixty days after the Director has assumed office (as provided in section 203 of this Act).

May 11, 1976

- 11 -

Pub. Law 94-282

(b) Members of the Committee appointed by the President pursuant to subsection (a) (2) of this section shall—

(1) be qualified and distinguished in one or more of the following areas: science, engineering, technology, information dissemination, education, management, labor, or public affairs;

(2) be capable of critically assessing the policies, priorities, programs, and activities of the Nation, with respect to the findings, policies, and purposes set forth in title I; and

(3) shall collectively constitute a balanced composition with respect to (A) fields of science and engineering, (B) academic, industrial, and government experience, and (C) business, labor, consumer, and public interest points of view.

(c) The President shall appoint one member of the Committee to serve as Chairman and another member to serve as Vice Chairman for such periods as the President may determine.

(d) Each member of the Committee who is not an officer of the Federal Government shall, while serving on business of the Committee, be entitled to receive compensation at a rate not to exceed the daily rate prescribed for GS-18 of the General Schedule under section 5332 of title 5, United States Code, including traveltime, and while so serving away from his home or regular place of business he may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in Government service employed intermittently.

Chairman.

Compensation.

5 USC 5332
note.

FEDERAL SCIENCE, ENGINEERING, AND TECHNOLOGY SURVEY

SEC. 303. (a) The Committee shall survey, examine, and analyze the overall context of the Federal science, engineering, and technology effort including missions, goals, personnel, funding, organization, facilities, and activities in general, taking adequate account of the interests of individuals and groups that may be affected by Federal scientific, engineering, and technical programs, including, as appropriate, consultation with such individuals and groups. In carrying out its functions under this section, the Committee shall, among other things, consider needs for—

42 USC 6633.

(1) organizational reform, including institutional realignment designed to place Federal agencies whose missions are primarily or solely devoted to scientific and technological research and development, and those agencies primarily or solely concerned with fuels, energy, and materials, within a single cabinet-level department;

(2) improvements in existing systems for handling scientific and technical information on a Government-wide basis, including consideration of the appropriate role to be played by the private sector in the dissemination of such information;

(3) improved technology assessment in the executive branch of the Federal Government;

(4) improved methods for effecting technology innovation, transfer, and use;

(5) stimulating more effective Federal-State and Federal-industry liaison and cooperation in science and technology, including the formation of Federal-State mechanisms for the mutual pursuit of this goal;

(6) reduction and simplification of Federal regulations and administrative practices and procedures which may have the effect of retarding technological innovation or opportunities for its utilization;

(7) a broader base for support of basic research;

(8) ways of strengthening the Nation's academic institutions' capabilities for research and education in science and technology;

(9) ways and means of effectively integrating scientific and technological factors into our national and international policies;

(10) technology designed to meet community and individual needs;

(11) maintenance of adequate scientific and technological manpower with regard to both quality and quantity;

(12) improved systems for planning and analysis of the Federal science and technology programs; and

(13) long-range study, analysis, and planning in regard to the application of science and technology to major national problems or concerns.

Interim report.

(b)(1) Within twelve months from the time the Committee is activated in accordance with section 302(a) of this Act, the Committee shall issue an interim report of its activities and operations to date. Not more than twenty-four months from the time the Committee is activated, the Committee shall submit a final report of its activities, findings, conclusions, and recommendations, including such supporting data and material as may be necessary, to the President.

Report to President.

Transmittal to Congress.

(2) The President, within sixty days of receipt thereof, shall transmit each such report to each House of Congress together with such comments, observations, and recommendations thereon as he deems appropriate.

CONTINUATION OF COMMITTEE

42 USC 6634.

SEC. 304. (a) Ninety days after submission of the final report prepared under section 303 of this Act, the Committee shall cease to exist, unless the President, before the expiration of the ninety-day period, makes a determination that it is advantageous for the Committee to continue in being.

(b) If the President determines that it is advantageous for the Committee to continue in being, (1) the Committee shall exercise such functions as are prescribed by the President; and (2) the members of the Committee shall serve at the pleasure of the President.

STAFF AND CONSULTANT SUPPORT

42 USC 6635.

SEC. 305. (a) In the performance of its functions under sections 303 and 304 of this Act, the Committee is authorized—

(1) to select, appoint, employ, and fix the compensation of such specialists and other experts as may be necessary for the carrying out of its duties and functions, and to select, appoint, and employ, subject to the civil service laws, such other officers and employees as may be necessary for carrying out its duties and functions; and

(2) to provide for participation of such civilian and military personnel as may be detailed to the Committee pursuant to subsection (b) of this section for carrying out the functions of the Committee.

(b) Upon request of the Committee, the head of any Federal department, agency, or instrumentality is authorized (1) to furnish to

May 11, 1976

- 13 -

Pub. Law 94-282

the Committee such information as may be necessary for carrying out its functions and as may be available to or procurable by such department, agency, or instrumentality, and (2) to detail to temporary duty with the Committee on a reimbursable basis such personnel within his administrative jurisdiction as it may need or believe to be useful for carrying out its functions. Each such detail shall be without loss of seniority, pay, or other employee status, to civilian employees so detailed, and without loss of status, rank, office, or grade, or of any emolument, perquisite, right, privilege, or benefit incident thereto to military personnel so detailed. Each such detail shall be made pursuant to an agreement between the Chairman and the head of the relevant department, agency, or instrumentality, and shall be in accordance with the provisions of subchapter III of chapter 33, title 5, United States Code.

5 USC 3341.

TITLE IV—FEDERAL COORDINATING COUNCIL FOR SCIENCE, ENGINEERING, AND TECHNOLOGY

ESTABLISHMENT AND FUNCTIONS

Sec. 401. (a) There is established the Federal Coordinating Council for Science, Engineering, and Technology (hereinafter referred to as the "Council").

42 USC 6651.

(b) The Council shall be composed of the Director of the Office of Science and Technology Policy and one representative of each of the following Federal agencies: Department of Agriculture, Department of Commerce, Department of Defense, Department of Health, Education, and Welfare, Department of Housing and Urban Development, Department of the Interior, Department of State, Department of Transportation, Veterans' Administration, National Aeronautics and Space Administration, National Science Foundation, Environmental Protection Agency, and Energy Research and Development Administration. Each such representative shall be an official of policy rank designated by the head of the Federal agency concerned.

Membership.

(c) The Director of the Office of Science and Technology Policy shall serve as Chairman of the Council. The Chairman may designate another member of the Council to act temporarily in the Chairman's absence as Chairman.

Chairman.

(d) The Chairman may (1) request the head of any Federal agency not named in subsection (b) of this section to designate a representative to participate in meetings or parts of meetings of the Council concerned with matters of substantial interest to such agency, and (2) invite other persons to attend meetings of the Council.

(e) The Council shall consider problems and developments in the fields of science, engineering, and technology and related activities affecting more than one Federal agency, and shall recommend policies and other measures designed to—

(1) provide more effective planning and administration of Federal scientific, engineering, and technological programs.

(2) identify research needs including areas requiring additional emphasis.

(3) achieve more effective utilization of the scientific, engineering, and technological resources and facilities of Federal agencies, including the elimination of unwarranted duplication, and

(4) further international cooperation in science, engineering, and technology.

(f) The Council shall perform such other related advisory duties as shall be assigned by the President or by the Chairman.

(g) For the purpose of carrying out the provisions of this section, each Federal agency represented on the Council shall furnish necessary assistance to the Council. Such assistance may include—

(1) detailing employees to the Council to perform such functions, consistent with the purposes of this section, as the Chairman may assign to them, and

(2) undertaking, upon request of the Chairman, such special studies for the Council as come within the functions herein assigned.

Subcommittees
and panels,
establishment.

(h) For the purpose of conducting studies and making reports as directed by the Chairman, standing subcommittees and panels of the Council may be established.

ABOLITION OF FEDERAL COUNCIL FOR SCIENCE AND TECHNOLOGY

42 USC 1862
note.

SEC. 402. The Federal Council for Science and Technology, established pursuant to Executive Order 10807, issued March 13, 1959, as amended by Executive Order 11381, issued November 8, 1967, is hereby abolished.

42 USC 1862
note.

TITLE V—GENERAL PROVISIONS

AUTHORIZATION

42 USC 6671.

SEC. 501. (a) For the purpose of carrying out title II of this Act, there are authorized to be appropriated—

(1) \$750,000 for the fiscal year ending June 30, 1976;

(2) \$500,000 for the period beginning July 1, 1976, and ending September 30, 1976;

(3) \$3,000,000 for the fiscal year ending September 30, 1977; and

(4) such sums as may be necessary for each of the succeeding fiscal years.

(b) For the purpose of carrying out title III of this Act, there are authorized to be appropriated—

(1) \$750,000 for the fiscal year ending June 30, 1976;

(2) \$500,000 for the period beginning July 1, 1976, and ending September 30, 1976;

(3) \$1,000,000 for the fiscal year ending September 30, 1977; and

(4) such sums as may be necessary for each of the succeeding fiscal years.

STATUTORY REPEAL

SEC. 502. Sections 1, 2, 3, and 4 of Reorganization Plan Numbered 2 of 1962 (76 Stat. 1253) and section 2 of Reorganization Plan Numbered 1 of 1973 (87 Stat. 1089) are repealed.

5 USC app.;
42 USC 1861
note.
5 USC app. II;
50 USC app. 2271
note.

May 11, 1976

- 15 -

Pub. Law 94-282

AMENDMENT

Sec. 503. Section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) is amended by striking out subsection (g) and by redesignating subsections (h), (i), and (j), and all references thereto, as subsections (g), (h), and (i), respectively.

Approved May 11, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-595 (Comm. on Science and Technology) and No. 94-1046 (Comm. of Conference).

SENATE REPORTS: No. 94-622 accompanying S. 32 (Committees on Labor and Public Welfare, Commerce, and Aeronautical and Space Sciences) and No. 94-765 (Comm. of Conference).

CONGRESSIONAL RECORD:

Vol. 121 (1975): Nov. 6, considered and passed House.

Vol. 122 (1976): Feb. 4, considered and passed Senate, amended, in lieu of S. 32.

Apr. 27, Senate agreed to conference report.

Apr. 29, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:

Vol. 12, No. 20 (1976): May 11, Presidential statement.



Public Law 93-126
93rd Congress, H. R. 7645
October 18, 1973

An Act

87 STAT. 451

To authorize appropriations for the Department of State, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of State Appropriations Authorization Act of 1973".

Department of
State Appropri-
ations Authori-
zation Act of
1973.

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) There are authorized to be appropriated for the Department of State for the fiscal year 1974, to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States, including trade negotiations, and other purposes authorized by law, the following amounts:

- (1) for the "Administration of Foreign Affairs", \$282,565,000;
- (2) for "International Organizations and Conferences", \$211,279,000;
- (3) for "International Commissions", \$15,568,000;
- (4) for "Educational Exchange", \$59,800,000;
- (5) for "Migration and Refugee Assistance", \$8,800,000.

(b) In addition to amounts authorized by subsection (a) of this section, there are authorized to be appropriated for the Department of State for the fiscal year 1974 the following additional or supplemental amounts:

- (1) not to exceed \$9,328,000 for increases in salary, pay, retirement, or other employee benefits authorized by law;
- (2) not to exceed \$12,307,000 for additional overseas costs resulting from the devaluation of the dollar; and
- (3) not to exceed \$1,165,000 for the establishment of a liaison office in the Peoples Republic of China.

(c) In addition to amounts otherwise authorized, there are authorized to be appropriated to the Department of State \$40,000,000 for protection of personnel and facilities from threats or acts of terrorism.

Protection from
terrorism.

(d) In addition to amounts otherwise authorized, there are authorized to be appropriated to the Secretary of State for the fiscal year 1974 not to exceed \$36,500,000 to carry out the provisions of section 101

Russian refugee
assistance.

(b) of the Foreign Relations Authorization Act of 1972, relating to Russian refugee assistance.

86 Stat. 489.

(e) In addition to amounts otherwise authorized, there are authorized to be appropriated to the Department of State for the fiscal year 1974 not to exceed \$4,500,000 for payment by the United States of its share of the expenses of the International Commission of Control and Supervision as provided in article 14 of the Protocol to the Agreement on Ending the War and Restoring Peace in Vietnam Concerning the International Commission of Control and Supervision, dated January 27, 1973.

International
Commission of
Control and
Supervision.

24 USC 1.

(f) Appropriations made under subsections (a), (b), and (c) of this section are authorized to remain available until expended.

INTERPARLIAMENTARY UNION

SEC. 3. The first section of the Act entitled "An Act to authorize participation by the United States in the Interparliamentary Union", approved June 28, 1935 (22 U.S.C. 276), is amended—

78 Stat. 1014;
86 Stat. 34.

- (1) by striking out "\$102,000" and inserting in lieu thereof "\$120,000"; and

(2) by striking out "\$57,000" and inserting in lieu thereof "\$75,000".

STUDY COMMISSION RELATING TO FOREIGN POLICY

86 Stat. 498. SEC. 4. Section 603(b) of the Foreign Relations Authorization Act of 1972 (22 U.S.C. 2823(b)), relating to the reporting date for the Commission on the Organization of the Government for the Conduct of Foreign Policy, is amended by striking out "June 30, 1974" and inserting in lieu thereof "June 30, 1975".

USE OF FOREIGN CURRENCY

68 Stat. 850; 78 Stat. 1015. SEC. 5. Subsection (b) of section 502 of the Mutual Security Act of 1954 (22 U.S.C. 1754) is amended—

(1) by striking out "\$50" in the first sentence of such subsection and inserting in lieu thereof "\$75";

(2) by inserting immediately before "appropriate committees" the following: "Members and employees of"; and

(3) by striking out the colon and all that follows thereafter in such subsection and inserting in lieu thereof a period and the following: "Within the first ninety calendar days that Congress is in session in each calendar year, the Department of State shall submit to the chairman of each such committee a report showing the amounts and dollar equivalent values of each such foreign currency expended during the preceding calendar year by each Member and employee with respect to travel outside the United States. Such reports of that committee shall be available for public inspection in the offices of such committee."

Report to congressional committees.

AMBASSADORS AND MINISTERS

Nominees, filing of campaign contribution report.

"Contribution."

86 Stat. 11.
2 USC 431.
"Immediate family."

SEC. 6. From and after the date of enactment of this Act, each person appointed by the President as ambassador or minister shall, at the time of his nomination, file with the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a report of contributions made by such person and by members of his immediate family during the period beginning on the first day of the fourth calendar year preceding the calendar year of his nomination and ending on the date of his nomination, which report shall be verified by the oath or affirmation of such person, taken before any officer authorized to administer oaths. As used in this section, the term "contribution" has the same meaning given such term by section 301(e) of the Federal Election Campaign Act of 1971, and the term "immediate family" means a person's spouse, and any child, parent, grandparent, brother, or sister of such person and the spouses of any of them.

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

SEC. 7. (a) Section 2(2) of the Act of September 19, 1966 (80 Stat. 808; 22 U.S.C. 277d-31), is amended by striking out "\$20,000" and inserting in lieu thereof "\$25,000".

(b) Section 3 of the Act of August 10, 1964 (78 Stat. 386; 22 U.S.C. 277d-28), is amended by striking out "\$20,000" and inserting in lieu thereof "\$30,000".

(c) The last paragraph of the Act of September 18, 1964 (78 Stat. 956; 22 U.S.C. 277d-29), is amended by striking out "\$23,000" and inserting in lieu thereof "\$50,000".

October 18, 1973

- 3 -

Pub. Law 93-126

87 STAT. 453

EXTENSION OF PUBLIC LAW 92-14

SEC. 8. Section 2 of the Act entitled "An Act to authorize the United States Postal Service to receive the fee of \$2 for execution of an application for a passport", approved May 14, 1971 (85 Stat. 38; Public Law 92-14), is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974".

22 USC 214
note.

BUREAU OF OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

SEC. 9. There is established within the Department of State a Bureau of Oceans and International Environmental and Scientific Affairs. In addition to the positions provided under the first section of the Act of May 26, 1949, as amended (22 U.S.C. 2652), there shall be an Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, appointed by the President, by and with the advice and consent of the Senate, who shall be the head of the Bureau and who shall have responsibility for matters relating to oceans, environmental, scientific, fisheries, wildlife, and conservation affairs.

Establishment.

86 Stat. 490.

FOREIGN SERVICE PROMOTIONS

SEC. 10. Section 623 of the Foreign Service Act of 1946 (22 U.S.C. 996) is amended to read as follows:

60 Stat. 1014.
22 USC 993.

"RECOMMENDATIONS FOR PROMOTIONS

"SEC. 623. (a) The Secretary shall establish, with the advice of the Board of the Foreign Service, selection boards to evaluate the performance of Foreign Service officers; and upon the basis of their findings, which, except for career ambassadors and career ministers, shall be submitted to the Secretary in rank order by class or in rank order by specialization within a class, the Secretary shall make recommendations in accordance with the findings to the President for the promotion of Foreign Service officers. No person assigned to serve on any such board shall serve in such capacity for any two consecutive years. In special circumstances, however, which shall be set forth by regulations, the Secretary shall have the authority to remove individual names from the rank order list submitted by the selection boards or to delay the inclusion of individual names until a subsequent list of nominations is transmitted to the President.

"(b) The Secretary may, pursuant to a recommendation of a duly constituted grievance board or panel or an equal employment opportunity appeals examiner—

Grievance board.

"(1) recommend to the President the promotion of a Foreign Service officer;

"(2) promote Foreign Service Staff personnel and Foreign Service Reserve officers with limited or unlimited tenure; and

"(3) grant to Foreign Service personnel additional step increases in salary, within the salary range established for the class in which an officer or employee is serving.

"(c) The Secretary may, in special circumstances which shall be set forth in regulations, make retroactive promotions and additional increases in salary within class made or granted under the authority of this section."

Retroactive
promotions.

REIMBURSEMENT FOR DETAILED STATE DEPARTMENT PERSONNEL

SEC. 11. (a) An Executive agency to which any officer or employee of the Department of State is detailed, assigned, or otherwise made

87 Stat. 454

available, shall reimburse the Department for the salary and allowances of each such officer or employee for the period the officer or employee is so detailed, assigned, or otherwise made available. However, if the Department of State has an agreement with an Executive agency or agencies providing for the detailing, assigning, or otherwise making available, of substantially the same numbers of officers and employees between the Department and the Executive agency or agencies, and such numbers with respect to a fiscal year are so detailed, assigned, or otherwise made available, or if the period for which the officer or employee is so detailed, assigned, or otherwise made available does not exceed ninety days, no reimbursement shall be required to be made under this section.

(b) For purposes of this section, "Executive agency" has the same meaning given that term by section 105 of title 5, United States Code.

80 Stat. 379.

OVERSEAS KINDERGARTEN EDUCATION ALLOWANCE

80 Stat. 511.

SEC. 12. Section 5924(4)(A) of title 5, United States Code, is amended by inserting immediately before "elementary" the following: "kindergarten,".

REQUIREMENT FOR CONGRESSIONAL AUTHORIZATION FOR THE INVOLVEMENT OF AMERICAN FORCES IN FURTHER HOSTILITIES IN INDOCHINA, AND FOR EXTENDING ASSISTANCE TO NORTH VIETNAM

SEC. 13. Notwithstanding any other provision of law, on or after August 15, 1973, no funds heretofore or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia, unless specifically authorized hereafter by the Congress. Notwithstanding any other provision of law, upon enactment of this Act, no funds heretofore or hereafter appropriated may be obligated or expended for the purpose of providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam, unless specifically authorized hereafter by the Congress.

LIMITATION ON PUBLICITY AND PROPAGANDA PURPOSES

SEC. 14. No appropriation made available under this Act shall be used—

- (1) for publicity or propaganda purposes designed to support or defeat legislation pending before Congress; or
- (2) to influence in any way the outcome of a political election.

HOUSING SUPPLEMENT FOR CERTAIN EMPLOYEES ASSIGNED TO THE UNITED STATES MISSION TO THE UNITED NATIONS

SEC. 15. The United Nations Participation Act of 1945 (22 U.S.C. 287) is further amended by adding the following new section at the end thereof:

59 Stat. 619;
63 Stat. 734.

80 Stat. 484.

"SEC. 9. The President may, under such regulations as he shall prescribe, and notwithstanding section 3648 of the Revised Statutes (31 U.S.C. 529) and section 5536 of title 5, United States Code—

- "(1) grant any employee of the staff of the United States Mission to the United Nations designated by the Secretary of State who is required because of important representational responsibilities to live in the extraordinarily high-rent area immediately surrounding the headquarters of the United Nations in New York, New York, an allowance to compensate for the portion of expenses necessarily incurred by the employee for quarters and utilities

October 18, 1973

- 5 -

Pub. Law 93-126

87 STAT. 455

which exceed the average of such expenses incurred by typical, permanent residents of the Metropolitan New York, New York, area with comparable salary and family size who are not compelled by reason of their employment to live in such high-rent area; and

"(2) provide such allowance as the President considers appropriate, to each Delegate and Alternate Delegate of the United States to any session of the General Assembly of the United Nations who is not a permanent member of the staff of the United States Mission to the United Nations, in order to compensate each such Delegate or Alternate Delegate for necessary housing and subsistence expenses incurred by him with respect to attending any such session.

Not more than forty-five employees shall be receiving an allowance under paragraph (1) of this section at any one time."

MUTUAL RESTRAINT ON MILITARY EXPENDITURES

SEC. 16. It is the sense of the Congress that the United States and the Union of Soviet Socialist Republics should, on an urgent basis and in their mutual interests, seek agreement on specific mutual reductions in their respective expenditures for military purposes so that both nations can devote a greater proportion of their available resources to the domestic needs of their respective peoples; and, the President of the United States is requested to seek such agreements for the mutual reduction of armament and other military expenditures in the course of all discussions and negotiations in extending guaranties, credits, or other forms of direct or indirect assistance to the Soviet Union.

EXPRESSION OF INDIVIDUAL VIEWS TO CONGRESS

SEC. 17. Section 502 of the Foreign Relations Authorization Act of 1972 (2 U.S.C. 194a) is amended by striking out "appointed by the President, by and with the advice and consent of the Senate, to a position in" and inserting in lieu thereof "or employee of". 86 Stat. 496.

Approved October 18, 1973.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-223 (Comm. on Foreign Affairs) and Nos. 93-367 and 93-563 (Comm. of Conference).
 SENATE REPORTS: No. 93-176 accompanying S. 1248 and No. 93-396 accompanying S. 2436 (Comm. on Foreign Relations).
 CONGRESSIONAL RECORD, Vol. 119 (1973):
 June 7, considered and passed House.
 June 11-14, considered and passed Senate, amended, in lieu of S. 1248.
 Sept. 11, House rejected conference report; concurred in Senate amendment with an amendment.
 Sept. 26, Senate agreed to House amendment with an amendment.
 Oct. 10, House and Senate agreed to conference report.

INDEX TO PARTS II AND III
(Not Including Authorization and Appropriation Acts)

ABBREVIATIONS

COMMERCE.....	Department of Commerce
COMSAT.....	Communications Satellite Corporation
CPSC.....	Consumer Product Safety Commission
CSC.....	Civil Service Commission
DOD.....	Department of Defense
DOT.....	Department of Transportation
EPA.....	Environmental Protection Agency
ERDA.....	Energy Research and Development Administration
ESSA.....	Environmental Science Services Administration
HEW.....	Department of Health, Education and Welfare
HUD.....	Department of Housing and Urban Development
INTERIOR.....	Department of the Interior
LABOR.....	Department of Labor
NAS.....	National Academy of Sciences
NBS.....	National Bureau of Standards
NIH.....	National Institutes of Health
NIOSH.....	National Institute for Occupational Safety and Health
NSF.....	National Science Foundation
OTA.....	Office of Technology Assessment
R&D.....	Research and Development
SMITHSONIAN.....	The Smithsonian Institution
TVA.....	Tennessee Valley Authority
USDA.....	Department of Agriculture



INDEX

A

- Academic facilities, *see* Colleges
- Accident research, 280, 291, 294, 301, 1112
- Administration on Aging, geriatrics research, 1193
- Adult education, 501, 502
- Advisory Committee on New Educational Media, established, 449
- Advisory Council on Graduate Education, established, 497
- Aeronautics, *see* Federal Aviation Administration, and National Aeronautics and Space Administration
- Aging, research on, *see* Geriatrics research
- Agricultural and Consumer Protection Act of 1973, 1279
- Agricultural Experiment Stations, *see* Experiment Stations
- Agricultural research, 56, 134, 136, 178, 194, 616, 633, 641, 758, 761, 1145
- Agricultural Research Administration, 61
- Agricultural Research Center, 56
 - working capital fund established, 195
- Agriculture, Department of,
 - Bureau of Animal Industry, 56, 125, 131, 133
 - Cascade Head Scenic-Research Area, established, 2155
 - colleges, agricultural, 122, 125
 - Colorado River Basin Salinity Control Act, 1669
 - Commodity Credit Corporation, 262
 - cooperation with other agencies,
 - Commerce, 133
 - Interior, 260, 398, 406, 1185, 1669
 - Patent Office, 781
 - experiment stations, 125, 131
 - food materials survey, 1185
 - importation,
 - of honeybees, 124
 - of plants, nursery stock, 122
 - mineral needs survey, 1185
 - National Arboretum, established, 440
 - National Wilderness Preservation System, 398
 - poultry product survey, 583
 - protected plant varieties, register, 195
 - research, general, 56, 134, 136, 178, 194, 1145
 - alcohol, plants for, 138
 - commodities, farm, 156, 262
 - cooperative, with states, 138
 - cotton, 133, 134, 180-182
 - egg and egg products, 2000
 - erosion, soil, 360
 - farm, adequate dwellings, 932, 934
 - small, 200, 201
 - fisheries, funds for, 260
 - foreign currencies, use for, 173
 - forestry, 359
 - diseases, trees, 355
 - epidemics affecting, 355
 - insects affecting, 355
 - timber development, 1055
 - trees, 440
 - fuels, synthetic liquid, 701
 - grains, feed, 1297
 - livestock, 123
 - diseases, 532, 533, 534, 1297
 - injuries, 1297
 - slaughter of, humane, 179

Agriculture, Department of (continued)

- research, general, (continued)
 - marketing, 139, 166, 167, 170, 171, 172, 180, 182, 2000
 - National Wilderness Preservation System, 398, 400
 - nutrition, child, 934
 - Patent Office, research for, 781
 - plants, 440
 - potato, 196-199
 - rivers, scenic, 406
 - salinity, 1669
 - scenic area, 406, 2155
 - seeds, 165
 - Sugar Act of 1948, related to, 156
 - transportation of animals for, 182-193
 - trees, see forestry research
 - tropical agricultural, 178
 - twine, imported, use of for, 356
 - Virgin Islands, extension service, 1450
 - wheat, 1297
 - snow surveys, 47
- Air Quality Advisory Board, established, 949
- Air Transportation Security Act of 1974, 1696
- Aircraft piracy, see Hijack prevention research
- Aircraft research, EPA, 966
- Alcohol, Drug Abuse and Mental Health Administration, established, 1607
- Alcohol, plants, government-owned, 138
- Alcoholism research, 815, 816, 1049, 1067, 1091, 2259
- Aliens, involved in research, 205
- American Philosophical Society, scientific collections at Philadelphia, 318
- Amtrak Improvement Act of 1973, 1408, 2971
- Anadromous fishery resources research, 371, 372, 378
- Anemia research, see Sick cell anemia research and/or Cooley's anemia research
- Animals,
 - diseases, 532, 533, 534, 1297
 - for research, 182-193
 - fur seals, 403
- Anthropological research, 434, 435
- Antihijacking Act of 1974, 1696
- Apostle Islands National Lakeshore, scientific values, 339
- Appalachian hardwood products research, 806
- Appalachian Regional Commission, 801, 807
- Aquarium, see National Fisheries Center and Aquarium
- Aquatic plant growth research, 730
- Armed Forces, scientific contributions, 438
- Arms Control and Disarmament Agency, 655-658
- Arms control research, 655, 656, 657
- Army Corps of Engineers, see Corps of Engineers
- Arthritis research, 877, 880, 2199
- Atomic Energy Commission, 1000-1035
 - administration of research, 1027-1034
 - Euratom cooperation, 1034, 1035
 - licenses and research activities, 1020-1023
 - organization and nuclear technology, 1000-1016
 - patents and innovations, 1025-1026
 - release of research results, 1023-1025
 - research assistance, in-house research, 1011, 1012
 - special nuclear material, 1013-1019
- Atomic energy research, 1010-1012, 1024, 1027, 1034, 1035
- Automation, adverse effects, 268
- Automobile Consumer Information Study, 290
- Aviation Research navigation facilities research, 1146
 - scientific equipment collected, 435
 - see also Federal Aviation Administration, National Aeronautics and Space Administration, and Navigation research, air

B

- Badlands National Monument, examination by scientific institutions, 320
- Barro Colorado Island, set aside, 580
- Behavioral research, 881, 926, 1077, 2528
 - aging, 1643
 - driving, 1353
 - hijacking, 1702
 - occupational safety, 692
 - see also* Sociological research
- Bighorn Canyon National Recreation Area, scientific features, 336
- Biological research, 112
 - alternatives for pest control, 121
 - anadromous fisheries, 372, 374
 - diseases, 863-873, 877-880
 - marine mammals, 410
 - oysters, disease resistant, 376
 - Pacific Ocean fishery resources, 374
 - productivity and environment, 615
- Biomedical research, 926, 2528
- Blindness, research on causes, 883, 884
- Board of Foreign Scholarships, 650
- Bonneville Power Administration, 2032-2034
- Building research,
 - for farms, 134
 - housing design, 231
 - materials, 236
- Bureau for the Education and Training of the Handicapped, 515
- Bureau of Animal Industry, 56, 125, 131, 133
- Bureau of Commercial Fisheries, 108
- Bureau of Mines, research facilities, 698-703
- Bureau of Narcotics and Dangerous Drugs, 584
- Bureau of Occupational Safety and Health, transferred to EPA, 100
- Bureau of Oceans and International Environmental and Scientific Affairs, 2348
- Bureau of Prisons, 1995
- Bureau of Radiological Health, transferred to EPA, 100
- Burn injury research, 2079
- Burros, wild, scientific recommendations, 532
- Business research, Small, 1060

C

- Cancer research, 63, 620, 854-863, 925
- Canyon de Chelly National Monument, scientific features, 320
- Canyonlands National Park, established, 311
- Cape Cod National Seashore, scientific features, 321
- Cascade Head Scenic-Research Area, established, 2155
- Cattle grubs, research on, 534
- Cerebral palsy, *see* Neurological diseases research
- Child Abuse Prevention and Treatment Act, 1581
- Child research,
 - abuse, 1581
 - health, *see* Health research
 - welfare, 928
- Civil Service Commission, 45, 46
 - educational requirement minimum for scientific positions allowed, 46
 - registers of eligibles for scientific positions, 46
 - waiver of competitive examination for scientific positions, 46
- Clinic use research, 884
- Clinical research, diagnosis, 869, 877
- Coal, health effects research, 1648
- Coal research, 702, 706,
 - products, use of, 802
- Coast and Geodetic Survey, charts, 731, 732
- Coast Guard, *see* U.S. Coast Guard
- Coastal engineering research, 728, 729
- Coastal water pests research, 404, 405

Colleges,

- agricultural, 124, 125
- excavations at Mesa Verde National Park, 310
- experiment stations, agricultural, 131
- fish and wildlife resources, 370
- forestry, 357
- grants for,
 - child welfare research, 928
 - dental disease research, 288C
 - ecological research, 759
 - graduate school construction, 450
 - heart disease research, 872
 - medical research, 919-924
 - scientific/technical training, 473-476
 - water quality control training, 765
- libraries/information services, 469-472
- program improvement, graduate, 484
- relations to state technical service programs, 276
- Sea Grant program, 733, 734

Colorado River Basin Salinity Control Act, salinity research, 1669

Commerce, Department of,

- Coast and Geodetic Survey, charts, 731, 732
- college, *see* Sea Grant College program
- cooperation with other agencies, 288
- USDA, 133
- Interior, 409-423, 1486
- DOT, 779
- EPA, 779
- GSA, 59

Environmental Science Services Administration, established, 75

Fire Research Center, established, 2079

National Academy for Fire Prevention, established, 2079

National Bureau of Standards, 235-242

National Fire Prevention & Control Administration, established, 2079

National Oceanic & Atmospheric Administration, established 108

research and development,

- automated data processing, 798
- contracts for, 288
- cotton, 133
- economic depression, 1065
- economic development, regional 1067, 1068
- endangered species, 1486
- estuarine, 428
- fire, 235-242
- flammability standards, 272, 274
- hydraulic laboratory, national, 235-241
- information dissemination, 271, 272
- marine mammal, 409-423
- meteorology, 1152
- ocean dumping, 779, 780
- over-fishing, 779
- patent, policy on, 782
- pollution, long-range effects, 780
- Small Business Administration, 243-259
- textile, by the Textile Foundation, 242

Sea Grant College program, 733, 734

Standard Reference Data Program, 242

State Technical Services, applications of science & technology, 275-277

Weather Bureau, 1152

Committee on Coal Mine Safety Research, established, 712

Commodities research, 156, 262

conservation or disposal, 262

farm products and byproducts, 134, 156

surplus commodities, 155, 156

Commodity Credit Corporation, 262

Communications Satellite Corporation (COMSAT), established, 1140

Communications satellite research, 1135-1140

Community development research, 455

Community Services Administration, 2259, 1053-1062

- Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1974, 1607
- Comprehensive Employment Training Act of 1973, 1434, 1463
- Computer science and technology research, 798
- Computer technology research, health care, 903
- COMSAT, *see* Communications Satellite Corporation
- Congressional Research Service, established, 31
- Consumer-oriented research, 283, 287, 290, 294, 298, 301, 304, 466, 511, 1116
- Consumer Product Safety Commission,
 - cooperation with NBS, 301, 304
 - established, 292
 - injury information, 294
 - product safety rules, 295
 - public information, 297
 - research facilities, 298
- Cooley's anemia research, 927
- Copyright, scientific classification 429
- Copyrighted works, *see* National Commission on New Technological Uses of Copyrighted Works
- Coral reef predators, *see* Crown of Thorns research
- Corporation for Public Broadcasting, 1129
- Corps of Engineers, 728, 730, 731, 746
- Corrections research, 1995
- Cotton research, 133, 134, 180-182
- Council of Economic Advisors, 265
- Council on Environmental Quality, 1084, 1085
- Court system, research on, 676
- Crime Control Act of 1973, 1253
- Crime research, 465, 1701, 1824, 1995
- Crown of Thorns research, 405
- Cumberland Island National Seashore, preserve scientific value, 412
- Curriculum research, 459
- Customs duties on fishery products used for research, 260

D

- Data processing, automated, research on, 798
- Deaf-blind research, 683, 1395
 - See also*, National Center for Deaf-Blind Youths and Adults
- Debris reservoir research, 731
- Defense, Department of, 728, 730, 731, 746, 989
 - cooperation with Interior, 989, 990
 - Corps of Engineers, 728, 730, 731, 746
 - research
 - aquatic plant growths, 730
 - coastal engineering, 426, 728
 - debris reservoirs, 731
 - dredged spoil, 746
 - saline water, 989
- Delaware Water Gap National Recreation Area, scientific features, 331
- Delinquency research, 465, 1079, 1080, 1982
- Dental research, 874
- Depository Institutions, Insurance, 2044
- Diabetes mellitus research, 1691
- Digestive diseases research, 880
- Disabled Veterans' and Servicemen's Automobile and Adaptive Equipment Amendments of 1974, 2158
- Disarmament research, 655-658
- Disaster preparedness, research on, 1622
- Disaster Relief Act of 1974, 1621
- Disaster research, 804, 828, 854-873, 877-880, 885, 919-925, 927, 1049, 1091, 1643, 1691, 2199
- Dredged spoil research, 746
- Drug abuse research, 587, 606, 610-614, 815, 816, 819, 1353, 2259
 - See also*, Special Action Office for Drug Abuse Prevention and National Institute on Drug Abuse
- Drugs effectiveness and hazards research, 548
 - evaluation and use for research, 543-583
 - general research, 597
- Dwellings, farm, *see* Farm Research

E

- Eagles, bald and golden, use for scientific purposes, 361
- Ecological research, 105, 759
 - balance, 408
 - coastal waters, 779
 - environmental quality, 1084, 1086
 - study centers, 530
- Economic depression research, 1065
 - low income problems, 2259
- Economic development research, regional, 801, 807, 1062, 1067, 1068, 2289
 - foreign, 638
- Economic opportunity research, 1053-1061
- Educational Amendments of 1974, 1706
- Educational research, 643
 - See also*, Health, Education and Welfare, Department of Education
- Effluent Standards and Water Quality Information Advisory Committee, established, 777
- Egg and egg product research, 2000
- Egg Board, established, 2003
- Egg Research and Consumer Information Act, 2000
- Electrical research, 2032
 - power, 388, 389
- Electronic products radiation research, *see* Radiation research
- Emergency Medical Services Systems Act of 1973, 1422
- Employment,
 - minimum educational requirements, CSC, for scientific positions, 45
- research,
 - geriatric, 685
 - incentives, 921
 - unemployment compensation, 930
 - of specially qualified scientific and professional personnel by agencies, 44
 - unemployment, technology factors, 1046
 - railroad employees, 1110
- Endangered species,
 - research on conservation, 362-367
 - scientific data for, 362-364
- Endangered Species Act of 1973, 1486
- Energy Reorganization Act of 1974, 2009
- Energy Research and Development Administration, established, 2528
 - energy resources research, 1588, 2009, 2164
 - See also*, Atomic Energy Commission
- Energy Supply and Environmental Coordination Act of 1974, 1648
- Engineering research, 235
 - coastal, 728
- Environmental Protection Agency,
 - cooperation with other agencies,
 - Commerce, 779
 - DOT, 779
 - Interior, 1070, 1071
 - NAS, 2122
 - USC, 779
 - established, 99
 - noise control, 1092-1104
 - pesticide control, 535
 - pollution control, 82
 - research,
 - aircraft, 966
 - air quality, 940-950
 - emissions standards, 951-965
 - fuels/vehicles, 938
 - noise, 969, 1092-1104
 - ocean dumping, 779
 - pollution, 737-745, 751-779
 - solid waste disposal, 1070-1072
 - water, drinking, 2121
 - water quality, 748-751, 2142
 - water quality control, 748-751

Environmental research, 529, 905

See also, Environmental Protection Agency

Environmental Science Services Administration, established in Commerce, 75
later moved to NOAA, 107
abolished, 115

Epidemics research, forest diseases, 356

Epilepsy, *see* Neurological diseases research

Erosion research, 729

Estuarine research, 406, 428, 758

Ethics of research, biomedical/behavioral, 2528

Ethnic Heritage Program, research, 468

European Space Research Organization, 619

Excavated earth & rock, *see* Dredged spoil research.

Exchange programs, scientific, 627, 643, 650

Executive Office of the President,

communications satellite system, Presidential responsibility, 1135-1139

disaster preparedness, program established, 1621

drug abuse prevention, research on, 608-610

Economic Advisors, Council of, research use, 265

Environmental Quality, Council on, established, 1084-1085

Science and Technology Policy Office, 2548

Telecommunications Policy, Office of, established, 99

Experiment stations,

agricultural, 131

fishery, 384

marketing research functions, 170

Extension service, Virgin Islands, 1145

Eye disease research, 883, 884

F

Fabric flammability research, 274, 301-303

Family planning research, 926, 1022-1074

Farm research, 200, 201

housing/dwellings, 1896

Federal Aviation Administration, 1146-1149, 1701

Federal Columbia River Transmission System Act, 2030

Federal Communications Commission, 1124, 1128, 1135-1139

Federal Coordinating Council for Science, Engineering, and Technology, 2556

Federal Council on Science and Technology, abolished, 2557

Federal Energy Administration Act of 1974, 1588

Federal Energy Administration, established, 1588

Federal Fire Prevention and Control Act of 1974, 2079

Federal Hazardous Substances Act, HEW functions transferred to CPSC, 302

Federal Highway Act of 1973, 1312

Federal Judicial Center, 676

Federal Maritime Commission, 1120

Federal Nonnuclear Energy Research and Development Act of 1974, 2164

Federal Power Commission, 2036

Federal Science, Engineering, and Technology Survey, 2554

Federal Trade Commission, consultations to Small Business Administration,
R & D, 257

Feed grains research, 1279

Fellowships, research,

educational, 445, 480

heart/lung disease, 863

highway safety, 1358

law enforcement, 1077

NSF, general, 974

pollution, 738, 753, 756

vocational rehabilitation, 681, 1397

Fire research, 237-241

coal mines, 703

See also, Flammability standards

Fire Research Center, established, 2079

Fish and wildlife research, 382, 384

Fish and Wildlife Service, 379, 380, 383

Fish protein concentrate research, 385

Fishery research and development, 260, 371-375, 378, 384, 385, 292-398, 423

- Five-Year Plan, Annual Technical Services Program, 277
- Fixed-nitrogen Research Laboratory, 387
- Flaming Gorge National Recreation Area, scientific values, 338
- Flammability standards, 272-274
- Followthrough programs, research, 2259
- Food, Drug and Cosmetic Act, Federal, research under, 100
- Food materials needs survey, 1185
- Food research, 385
 - additives, scientific data, 543
- Foreign currencies, used for
 - agricultural research, 173
 - health research, 629
- Forestry research, 356, 357, 359
- Fossils, scientific collections, 436
- Fraser River system salmon fisheries, 377
- Fuel research, 701, 938
- Fur seal resources research, 403

G

- General Services Administration, use of research for computer purchases, 798
- Geological Survey, established, 1104, 1105
 - mineral research, 1185
- Geophysical investigations, 731, 732
- Geothermal Energy Coordination and Management Project, established, 1956
- Geothermal Energy Research, Development, and Demonstration Act of 1974, 1955
- Geriatrics research, 1062-1064, 1155, 1194, 1198, 1211, 1213-1215, 1643, 1940
- Ginning, *see* Cotton research
- Glen Canyon National Recreation Area, scientific features, 350
- Graduate studies, *see* Advisory Council on Graduate Education.
 - See also*, Colleges
- Grains, *see* Feed grains research, 1279
- Great Lakes,
 - fisheries research, 112-116, 371-373, 392
 - pollution control research, 738, 763
- Great Lakes Fishery Commission, 392
- Gulf Breeze Biological Laboratory, 112

H

- Handicapped, research on
 - education of, 513-526
 - prosthetics for, 787, 1365, 2160
 - rehabilitation of, 677, 683
 - transportation for, 1155
- Hawaii fishery research laboratory, established, 374
- Hawaii National Park, buildings for scientific purposes, 317
- Hazardous substances, *see* Federal Hazardous Substances Act, *see also* Toxic substances research
- Headstart, Economic Opportunity and Community Partnership Act of 1974, 2259
- Health, Education and Welfare, Department of,
 - Alcohol, Drug Abuse and Mental Health Administration, established, 1607
 - cooperation with other agencies,
 - Commerce, 2079
 - HUD, 1092, 1417
 - Interior, 724-728
 - international health/medical research, 627-629
 - Labor, 692-694, 696, 697
 - NIOSH, 723
 - drug evaluation data, 543-583
 - education, research aspects,
 - adult, 501-503
 - bilingual, 463, 1706
 - consumer, 466, 511
 - cooperative, 477
 - crime, in schools, 1706
 - delinquents, 465
 - diseases, 919-925

Health, Education and Welfare, Dept. of (continued)

education, research aspects (continued)

- drug abuse, 606
- environmental, 529-531
- facilities, 450-455
- financial assistance, 445, 457, 459-463, 465, 466, 473-476, 480-485, 896, 897
- graduate programs, 495
- handicapped, 513-526
- homemaking, 511
- information sciences, 469-472
- National Institute of Education, 505
- nursing, 917
- professions development, 478
- public service, 488-495
- research, 441, 442, 459-461
- rural, urban, suburban problems, 468, 469
- telecommunications, use of, 447-450
- television techniques, 532
- vocational, 509, 510
- women's equality, 1706
- established, 63
- Ethnic Heritage Program, 468
- Headstart, Economic Opportunity and Community Partnership Act of 1974, 2255
- health planning, 2207
- National Center for Deaf-Blind Youths and Adults, 683
- National Defense Education Program, 444
- National Institute of Occupational Safety and Health, 694
- National Institute on Aging, established, 1643
- National Institute on Drug Abuse, established, 614
- research,
 - aging processes, 1643, 1062-1064, 1193
 - alcoholism, 1049, 1091, 2266
 - Appalachian region occupational diseases, 804
 - arthritis, 2199
 - burns, 2079
 - child abuse, 1581
 - coal emissions, health effects, 1648
 - crime, 1824
 - delinquency, juvenile, 1079, 1080
 - dental health, 929
 - developmental, 1048
 - diabetes, 1691
 - drug abuse prevention, 610-613
 - rehabilitation, 2266
 - drugs, use of for, 543-583
 - ethnic heritage, 468
 - family planning, 1072-1074
 - Followthrough programs, 2259
 - Headstart programs, 2272
 - health services, 1510, 1679
 - international studies, 497-500
 - language, 445, 446, 463
 - lead poisoning, paint, 1092, 1417
 - low income, 2259
 - medical awards, 2528
 - medical techniques, emergency, 1422
 - mining health & safety, coal, 723-729
 - National Commission on Diabetes, 1691
 - Native American Program, 2259
 - nutrition, school, 464
 - occupational safety and health, 675, 692-694, 696, 697, 723-729, 804
 - population, 1072-1074

Health, Education and Welfare, Department of (continued)
research, (continued)

- Public Health Service, 817-882
 - administration of research, 810-817
 - child health research, 880
 - diseases, 919-928
 - family planning, 926
 - health, advisory committees, 882
 - facilities, 823, 885-895
 - maternal/child, 930
 - personnel training, 904-916
 - hospital/clinic use, 884
 - institutes, diseases, established, 877-8
 - international cooperation, 826
 - medical research assistance, 847-853
 - medical science, 881
 - mental health, 820, 901, 902
 - narcotics and drugs, 819
 - National Cancer Institute, 854-863
 - National Eye Institute, 883
 - National Heart and Lung Institute, 863-873
 - National Institute of Dental Research
 - National Library of Medicine, established, 874-876, 845-847
 - nursing, 917
 - population, 926
 - statistics and information, 824
 - transferred to HEW, 87
 - rehabilitation, vocational, 677-681, 1365, 2104
 - sudden infant death, 1585
 - telecommunications, 447-450
 - welfare, child, 928

Health Maintenance Organization Act of 1973, 1510

- Health research, 627-631, 821-823, 826, 885, 891-900, 904-916, 1679
 - child, 930
 - coal emissions, 1648
 - dental, 929
 - information, 824
 - maternal, 930
 - mental, 820, 901, 902
 - national planning, 2207
 - occupational health standards, 685-695, 712, 713, 724, 725
 - quality assurance programs, 1533

Health Services Research, Health Statistics, and Medical Libraries Act of 1974, 1679

- Heart disease research, 65, 863-873, 919-926
- Helium research, 1186-1189
- High-speed ground transportation research, 670, 1156-1158, 1349
- Highway planning research, 659-670, 1349, 1352, 1358
- Highway Safety Act of 1973, 1349
- Hijack prevention research, aircraft, 1701
- Hog cholera research, 534
- Horses, wild, scientific recommendations, 408
- Horticultural research, 440
- Hospital use research, 884
- Housing and Community Development Act of 1974, 836
- Housing and Urban Development, Department of,
 - community development technology, 1081, 1087-1090
 - housing technology, 231
 - National Institute of Building Sciences, established, 1931
- research,
 - community development, 451
 - farm housing/dwellings, 1940
 - housing, 1940
 - lead poisoning, 1092, 1417
 - mobile home construction, 1906
 - solar energy demonstration, 1940, 1944

- Housing research, 228-230, 451
 - farm, 1896, 1940
 - for handicapped/elderly, 1940
 - low income, 227
 - mobile home, 1906
- Hydraulic laboratory, national, 237-242
- Hydraulic research, 109

I

- Ice Age National Scientific Reserve, 352-354
- Immigrants, involved in research, 205
 - visas granted, scientists, 211
- Importation, for research or scientific purposes
 - controlled substances/drugs, 602
 - honeybees, 124
 - injurious mammals, birds for collections, 432
 - marine mammals/products, 442
 - nursery stock plants, 122
- Indian Trust land research, 316
- Indiana Dunes National Lakeshore, scientific interest, 337
- Infant death, *see* Sudden infant death research
- Information dissemination research and study results, 270, 271
 - air pollution, 936
 - atomic energy data, 1023
 - community improvement, 1061
 - consumer education curricula, 466
 - consumer product safety, 297, 298
 - drug abuse, 611
 - economic opportunity, 1061
 - educational media, 558
 - fire research data, NBS, 239
 - fisheries, 378
 - foreign currencies used for, 174
 - geriatrics, 1063, 1198, 1213, 1215
 - health statistics, 824
 - heart/lung diseases, 863
 - helium, 1188
 - housing, 455
 - law enforcement, 1079, 1080
 - medical, 797
 - pesticides in water, 759
 - railroad safety, 1116
 - Science Information Service, 981, 982
 - Solar Information Data Bank, 2040
 - space research, 1042
 - state/interstate technical information centers, 276
 - studies by research organizations, 288
 - transportation, 1160
 - unemployment, 930
 - vehicle emissions tests, 957
 - water resources, 999
- Information sciences research, 471, 472
- Injury Information Clearinghouse, CPSC, 294
- Institute of General Medical Sciences, established, 881
- Insurance, experimental housing, 231
- Inter-American Foundation, created, 621
- Inter-American Tropical Tuna Commission, 393, 394
- Interior, Department of the,
 - Bureau of Mines, laboratory facilities, 698-700
 - conservation, 305-354, 361-367, 398-403, 409-424
 - cooperation, with other agencies,
 - USDA, 398-403, 406, 701, 1185, 1669
 - Commerce, 1486, 409-424
 - DOD, 989, 990
 - EPA, 1072-1074
 - HEW, 724-728
 - Smithsonian, 405

Interior, Department of the (continued)

- food materials survey, 1185
- Geological Survey, established, 1104, 1105
- horses/burros, scientific recommendations, 408
- mineral materials survey, 1185
- National Aquarium, 396, 397
- National Fisheries Center, 396, 397
- National parks, scientific features, 305-354
- National Wilderness Preservation System, 398-403
- Office of Coal Research, established, 704-706
- research,
 - coal resources, lignite, 702, 703
 - contract authority, 985, 986
 - endangered species, 361-367, 1486
 - estuarine, 406
 - fishery, 260, 367-386
 - fuels, synthetic liquid, 701
 - helium, 186-189
 - marine mammals, 409-424
 - metals, precious, 703
 - minerals, 703
 - mining, 698-700, 703, 707-723
 - pests, coastal water, 404, 405
 - river, 406
 - saline water, 986-992, 1669
 - scenic areas, 406
 - seal, fur, 403
 - solid waste disposal, 1070-1072
 - starfish, 405
 - water resources, 993, 994
 - wilderness preservation, 398-403
 - wildlife, 367-386

Intergovernmental Science, Engineering, and Technology Advisory Panel, 2550

International Agency for Research on Cancer, 620

International Biological Program, 615

International Commission for the Scientific Investigation of Tuna, 393, 394

International Commission on Northwest Atlantic Fisheries, 395

International North Pacific Fisheries Commission, 395, 396

International studies research, 497-500

International Whaling Commission, 392

J

Jellyfish control research, 404, 405

Joint Commissions on (Foreign) Rural Development, 642

Joint Committee on the Library, *see* Library of Congress

Judicial research, 676

Justice, Department of, 1074-1078, 1253, 1966

drugs, scientific data, 584-605

Law Enforcement Assistance Administration, 1253

National Institute for Juvenile Justice and Delinquency Prevention, established, 1982

National Institute of Corrections, established, 1995

National Institute of Law Enforcement and Criminal Justice, established, 1077, 1078

research,

corrections, 1966

delinquency, juvenile, 1982

drugs, 584-605

law enforcement, 1074-1078, 1253

Juvenile delinquency, *see* Delinquency research

Juvenile Justice and Delinquency Prevention Act of 1974, 1966

K

Kidney disease research, *see* Renal disease research

L

- Labor, Department of,
 - cooperation with other agencies,
 - HEW, 692, 696, 697
 - National Commission on Manpower Policies, 1463
 - research,
 - manpower development, 1045-1047
 - occupational safety/health, 685-687, 692, 696, 697
 - older workers abilities, 685
 - unemployment compensation 930
 - Work Incentive Program, 929
 - work opportunities, 1459, 1471, 1476
- Lake Chelan National Recreation Area, established, 308
- Lake Erie Demonstration Project, pollution research, 763
- Lake Mead National Recreation Area, scientific features, 330
- Lake Survey, *see* U.S. Lake Survey
- Lamprey control research, 392
- Language research,
 - bilingual, 463, 1725
 - teaching methods, 446
- Law Enforcement Assistance Administration, 1253
- Law enforcement research, 1074-1079, 1253
- Lead poisoning research, 1092, 1417
- Legislative Reference Service, *see* Congressional Research Service
- Librarianship research, 469
- Library of Congress,
 - Congressional Research Service, established, 31
 - evaluation of foreign books for scientific content, 174
 - National Commission on New Technological Uses of Copyrighted Works,
 - established, 2161
 - services to OTA,
- Lignite coal resources research, 702, 703
- Livestock, research on, 123
 - diseases, 532-534, 1297
 - injuries, 1297
 - slaughter of, humane, 179
- Loans for research and development, small businesses, 257

M

- Manpower development research, 1045-1047, 1475
- Marine cargo carriage research, 1120
- Marine Mammal Commission, 410-414, 417, 418, 423-425, 427, 428
- Marine mammal research & conservation, 409-423, 426, 427
- Marine Minerals Technology Center, 109
- Marine resources research, 109, 134
- Marine species research, 1120
- Marketing research,
 - agricultural products, 134, 139, 141, 166-172
 - cotton, 180-182
 - egg products, 2000
 - fish and fish products, 384
 - fruits, vegetables and nuts, 139
 - milk products, 145
 - potatoes, 117-199
 - Virgin Islands products, 1140-1145
- Materials research, *see* Minerals, Marine Minerals Technology Center, and Metallurgical Research,
- Mathematics research, 236
- Media research, for educational purposes, 447, 449
- Medical research, 627-631, 635, 787, 791-795, 1233, 1425, 2159, 2528
 - emergency service, 1425
 - facilities, 795-797
 - nuclear materials for, 1021
 - in Philippines, 789
- Mental health research, 513, 815, 820, 901, 902, 1065

Mesa Verde National Park, scientific examinations, 310
 Metallurgical research, 236, 700, 703
 Metals, *see* Metallurgical research
 Meteorology research, 1152
 Migratory game fish research, 374
 Migratory waterfowl research, 367
 Military research, general, *see* Defense, Department of
 Military research, use of nuclear material, 1010
 Milk and milk products marketing research, 145
 Mineral needs survey, 1185
 national policy, 700
 Mining research, 698-700, 703, 704, 707-728
 Missouri River reservoir research, 112
 Monuments, *see* National Monuments
 Motor vehicle safety research, 278-286, 289
 Mount Rogers National Recreation Area, scientific values, 333
 Multiple sclerosis, *see* Neurological diseases research
 Museum research, 434

N

Narcotics research, *see* Drug abuse research
 National Academy for Fire Prevention, established, 2079
 National Academy of Sciences, 119, 425, 538, 580, 775, 785, 786, 2124, 2125
 corporation created, 785
 National Advisory Committee, agricultural, established, 172
 National Advisory Committee on Handicapped Children, 513, 514, 516
 National Advisory Council on Alcohol Abuse and Alcoholism, 814
 National Advisory Council on Education for Health Professions, established, 895
 National Advisory Council on Education Professions Development, appointed, 478
 National Advisory Council on Health Research Facilities, 885, 886
 National Advisory Council on Regional Medical Programs established, 924
 National Advisory Council on Vocational Rehabilitation, 679
 National Advisory Dental Research Council, 814, 874
 National Advisory Health Council, 814, 882
 National Advisory Mental Health Council, 814
 National Aeronautics and Space Administration, 1035-1044, 1135-1139, 1190,
 1944
 National Air Pollution Control Administration, transferred to EPA, 105
 National Airport System Plan, 1177
 National Aquarium, 396, 397
 National Arboretum, established, 440
 National Arthritis Act of 1974, 2199
 National Bureau of Standards, 235-242, 301-303, 712, 1944
 National Cancer Advisory Board, established, 862
 National Cancer Institute, 90, 854-863
 National Cancer Program, 857
 National Center for Deaf-Blind Youths and Adults, 683
 National Center for Health Services Research, 1679, 1680
 National Center for Health Statistics, 1679, 1682
 National Center on Child Abuse and Neglect, 1581
 National Commission for the Protection of Human Subjects of Biomedical and
 Behavioral Research, established, 2528
 National Commission on Arthritis and Related Musculo-skeletal Diseases, estab-
 lished, 2199
 National Commission on Diabetes, 1679
 National Center on Educational Media Materials for the Handicapped, estab-
 lished, 524
 National Council on Educational Research, 505
 National Commission on Educational, Scientific and Cultural Cooperation, 617
 National Commission on Electronic Fund Transfers, 2052
 National Commission on Libraries and Information Sciences, established, 526-528
 National Commission on New Technological Uses of Copyrighted Works, estab-
 lished, 2161
 National Commission on Productivity, *see* National Commission on Productivity
 and Work Quality.
 National Commission on Productivity and Work Quality, 267, 1646
 National Diabetes Mellitus Research and Education Act, 1691

- National Eye Institute, established, 884, 1692
- National Fire Prevention and Control Administration, established, 2080
- National Fisheries Center, 396, 397
- National Health Planning and Resources Development Act of 1974, 2207
- National Heart and Lung Advisory Council, 863, 868, 870-873
- National Heart and Lung Institute, 90, 863-873, 1692
- National Heart, Blood Vessel, Lung and Blood Disease Program, 865
- National Highway Safety Advisory Committee, established, 674
- National Institute for Juvenile Justice and Delinquency Prevention, established, 1982
- National Institute for Occupational Safety and Health, established, 694
- National Institute of Arthritis, Metabolism, and Digestive Diseases, established, 877, 880, 1692
- National Institute of Building Sciences, established, 1931-1936
- National Institute of Child Health and Human Development, 1585, 1692
- National Institute of Corrections, established, 1995
- National Institute of Dental Research, 874-876, 1692
- National Institute of Education, research aspects, 505
- National Institute of General Medical Sciences, 1692
- National Institute of Law Enforcement and Criminal Justice, established, 1077-1079, 1262
- National Institute of Neurological Diseases, 1692
- National Institute on Aging, established 1643
- National Institute on Alcohol Abuse and Alcoholism, 1091
- National Institute on Drug Abuse, 614
- National Institutes of Health, research institutes, 863-871
- National Library of Medicine, 845-847
- National Mass Transportation Assistance Act of 1974, 2096
- National Medal of Science, 983, 984
- National Monuments, authorized for scientific interest, 319
- National Oceanic and Atmospheric Administration, 75, 112
- National Park Foundation, conservation of scientific resources, 306, 307
- National Park Service, cooperation with scientific societies, 305, 309
- National Parks, scientific features, 305-354
- National Railroad Passenger Corporation, 1117-1119
- National Research Council, 775
- National Research Service Award Act of 1974, 2528
- National Rural Development Program, 194
- National Science and Technology Policy, Organization, and Priorities Act of 1976, 2544
- National Science Board, policies, 972
- National Science Foundation,
 - authority, 975
 - committee structure revised, 80
 - coordination with
 - HEW, on educational needs, 479
 - on physical science laboratory equipment, 484
 - OTA, 43
 - congressional committees, 984
 - established, 969
 - evaluation of foreign scientific literature with
 - Library of Congress, 174
 - functions, 970
 - security/restrictions on research, 980
 - solar heating/cooling research, 1949
- National Transportation Safety Board, 2191-2193
- National Wild and Scenic Rivers System, 406
- National Wilderness Preservation System, 398-400
- National Zoological Park, 438, 539
- Native Americans Programs research, 229
- Natural resources research, 309
 - fish and wildlife, 364-369
 - flora and fauna, 437
- Naturalization,
 - for adopted child of research employees, 219
 - for spouse of research employees, 217
 - loss of, not applicable to absences for scientific research, 223-225
 - requirements, absences due to research activities, 215

Navigation research, air, 1146-1149, 1180-1184
 Neurological diseases research, 877
 Nez Perce National Historical Park, lands included, 316
 Nitrogen research, *see* Fixed-nitrogen Research Laboratory
 Noise pollution/control research, 969, 1092-1104, 1150, 1160
 Nuclear material, use for research, 1015-1023
 Nuclear research, 1001
 Nursing education research, 917
 Nutrition research, child, 464, 934

O

Occupational safety research,
 educational, 496
 see also, Safety research and Vocational education research
 Ocean dumping research and monitoring, 779, 780
 Oceanography research, 108, 133, 234, 374
 Office of Coal Research, established, 706-706
 Office of Economic Opportunity, research, 1053-1062
 Office of Environmental Quality, established, 1086
 Office of Noise Abatement and Control, established, 969
 Office of Population Affairs, established, 1072
 Office of Science and Technology, established (later abolished), 68, 870
 Office of Science and Technology Policy, 2548
 Office of Sea Grant Programs, 109
 Office of Technology Assessment, established, 36-44
 Advisory Council, 41
 annual report to Congress, 44
 board, 38
 coordination with National Science Foundation, 43
 powers of, 40
 utilization of Library of Congress, 43
 Office of Telecommunications Policy, established, 99
 Older Americans Comprehensive Service Amendments of 1973, 1193-1232
 Oregon Dunes National Recreation Area, scientific values, 345
 Orthopedic appliance research, 2159
 Outdoor recreation research, 323
 Overfishing, research on effects of, 779, 780
 Oysters, research for disease resistant, 376

P

Packaging research, agricultural products, 167
 Paralysis, research on, 787
 Patent policy,
 arms control research, 657
 motor vehicle safety research, 280
 NSF funded research, 976
 nuclear reactor research, 1025
 plant research, 781
 saline water conversion research, 989
 space/aeronautical research, 1037
 TVA, 389
 security classification preserved, 271
 Peace Corps research, 652-655
 Pesticides research, 105, 106, 120
 scientific review of, 119
 tolerances to, in agricultural commodities, 535
 Philosophical Society, *see* American Philosophical Society
 Physical sciences research, 236
 Pictured Rocks National Lakeshores, scientific features, 334
 Plant research, 122, 134, 195, 1496
 aquatic, 730
 nursery stock plants, 122
 patents for, 781
 protected varieties, register, 195
 see also, National Arboretum

- Poison Prevention Packaging Act of 1970, HEW functions transferred to CPSC, 302
- Poisoning research, 1092, 1417
- Policy/Statement of Purpose, Congressional, on
- agricultural research, 126, 131, 134-137
 - alcoholism research, 1049
 - arms control/disarmament research, 655
 - arthritis research, 2199
 - awards for biomedical/behavioral research, 2528
 - bilingual education research, 1725-1734
 - biological research, 615
 - building research/technology, 1931
 - communications satellite system, 1135
 - community development research, 455
 - consumer product risks, 290, 291
 - cotton research, 180
 - deaf, research on, 522
 - diabetes research, 1691
 - disease research, 620, 885
 - drug abuse research, 608
 - East-West technical exchange, 627
 - economic productivity, 207
 - educational opportunities, scientific, 444
 - educational quality, 480
 - educational television/radio research, 1129
 - egg product research, 2080
 - endangered species, 362
 - energy research, 2009, 2164
 - environmental quality, 1082-1084
 - fire research, 2080
 - fish, shellfish and wildlife resources, 367
 - forestry research, 357
 - geothermal resource technology, 1955
 - geriatric research, 1062
 - handicapped research, 522
 - health research, 885
 - health sciences information, 847
 - highway planning research, 661
 - housing/community technology, 1081, 1087
 - inter-American scientific exchange, 625
 - international studies, 497, 621
 - juvenile delinquency research, 1966
 - law enforcement research, 1074, 1253
 - loans to small businesses for R&D, 257
 - marine mammal depletion, 409
 - marine science research, 732
 - marine resources, 733
 - materials, *see* Minerals
 - medical facility use in research, 884
 - medical research, 795
 - migratory waterfowl habitat preservation, 367
 - minerals, 700
 - mining/metallurgical research, 707
 - motor vehicle safety standards, 277
 - mining safety research, 707
 - National Defense Education Program, 444
 - nutrition research, 934
 - occupational safety research, 685
 - pollution research, water, 737, 751
 - population research, 640
 - potato research, 196-199
 - poultry inspection, scientific basis, 583
 - radiation emissions research, 832
 - saline water conversion research, 986
 - science and technology, 2545
 - solid waste research, 1070

- Policy/Statement of Purpose, Congressional, on (continued)
 - solar energy research, 1944, 2036
 - space/aeronautical research, 1035
 - standardized reference data, 242
 - transportation of research animals, 182
 - transportation technology, 1159
 - waste treatment technology, 768
- Political research, 638, 639
- Pollution information, 106
- Pollution research,
 - agricultural, 759, 761
 - air, 938, 949
 - ecological chain, 104
 - long-range effects, ocean, 33, 780
 - water, 82-86, 738-751, 761-764, 778
 - see also*, Environmental Protection Agency
- Population research, 638-640, 1072-1074
- Potato research, 196-199
- Poultry research, 583
 - product inspection, scientific aspects, 583
- Presidential Science and Technology Advisory Organization Act of 1976, 2548
- President's Cancer Panel, established, 857
- President's Committee on Science and Technology, 2553
- Productivity research, national, 267, 1646
- Professor Emeritus grants for research, 474
- Prosthetics research, 787, 2159
- Protein research, *see* Fish protein concentrate research
- Public Health Service, *see* listing under Health, Education and Welfare, Dept. of
- Public Health Service Act, amendments, 1510
- Public service education, 488

Q

- Quarantine, for plants, *see* Plants, nursery stock

R

- Radiation control research, 832-844
- Railroad Retirement Board, 1106
- Recreation, *see* Outdoor recreation research
- Redwood National Park, established for scientific study, 307
- Reference data, *see* Standard Reference Data Program
- Regional Rail Reorganization Act of 1973, 1537-1580
- Rehabilitation Act of 1973, 1365-1407
- Rehabilitation Act Amendments of 1974, 2104-2108
- Rehabilitation research, *see* Vocational rehabilitation research
- Rehabilitation Services Administration, established, 2104
- Relics, threatened by dam construction, 315
- Renal disease research, 1386
- Report, Science and Technology, 2553
- Research Fellowships, *see* Fellowships, research
- Research on Aging Act of 1974, 1643
- Research Policy, *see* Science Policy
- Reservoir, *see* Debris reservoir research
- Resources, *see* Natural resources research
- Respiratory disease research, 725
- Rheumatism research, 877
- River research, 406, 760
 - See also*, Estuarine research
- Ross Lake National Recreation Area, established, 308
- Ruins, permits to examine, 319
- Rural development, 134, 194, 200, 201, 468, 469, 642, 1059
- Rural housing research, 1896

S

- Safe Drinking Water Act, 2121
- Safety research and development, 277, 280-286
 - boating, 1121-1123
 - food additives, 577
 - mining, 707-713, 722-725
 - mobile home, 1906
 - motor vehicle, 277-286, 289
 - occupational, 685-696, 697, 709-728
 - pipeline, 1174-1176
 - railroad, 1106-1116
 - toxic substances, 692
 - transportation, 2181
 - vehicle/highway, 668, 671-675, 1349, 1358, 1359, 1360
- Salinity research, 986, 989-992, 1144, 1669
- Salmon, *see* Sockeye salmon fisheries
- Scenic area research, 307-310, 406, 2155
- Scholarships for scientific training in water quality control, 767
- School lunch programs, nutritional research, 934
- Science and Technology Report, 2553
- Science Information Service, 981, 982
- Science Policy, 2544
 - see also*, Policy
- Scientific personnel, specially qualified, employment of by agencies, 44
 - see also*, Civil Service Commission
- Sea Grant College program, 733-736
- Seals, *see* Fur seal resources research
- Seaweed control research, 404, 405
- Seed research, 165
- Sewage disposal research, 754
- Shellfisheries research center, established, 375
- Sickle cell anemia research, 927, 1241
- Sleeping Bear Dunes National Seashore, scientific features, 341
- Small Business Administration, 243-260, 1060
- Smithsonian Institution, 404, 425, 433-439
- Snow surveys, 47-55
- Sociological research, 481, 640, 652-654
 - see also*, Behavioral research
- Sockeye salmon fisheries, scientific investigations, 377
- Soil erosion research, 360
- Solar Energy Coordination and Management Project, established, 2036
- Solar energy research, 1940, 1944, 2036
- Solar Energy Research, Development, and Demonstration Act of 1974, 2036
- Solar Energy Research Institute, established, 2036
- Solar Heating and Cooling Demonstration Act of 1974, 1944
- Solar Information Data Bank, 2040
- Solid waste disposal research, 757, 1070-1072
- Space flight, scientific equipment collected, 435
- Space research, 619, 1035-1044
- Special Action Office for Drug Abuse Prevention, 608-610
- Spoil, *see* Dredged spoil research
- Standard Reference Data Program, 242
- Standards,
 - air craft emissions, 966
 - air quality, 942-948, 951-954
 - boating safety, 1121
 - bumpers, motor vehicle, 289
 - mining, 709-711, 722, 723
 - motor vehicle, research pursuant to 278-286
 - noise emission, 1097-1099, 1101-1104
 - occupational health and safety, 685-691, 694, 695, 697
 - packaging, hazards to children, 287
- Starfish investigations, 405

- State, Department of, 627, 632-641, 643-652
 - Bureau of Oceans and International Environmental and Scientific Affairs, 2348
 - research,
 - agricultural training facilities, 641
 - development assistance, foreign, 632-638
 - economic development, foreign, 638, 639
 - exchange, East/West, 627
 - population growth, mutual foreign, 643-652 640
- State Technical Services, 275-277
- Stroke research, 919-926
- Study/research, facilities available, 439
- Sudden infant death research, 1585
- Sugar Act of 1948, research related to, 156
- Surplus farm commodity research, 155, 156

T

- Teaching, assistance for scientific, 480-484
- Technical Services Programs, *see* Five-Year Plan
- Technology,
 - aeronautics, 1177
 - agricultural, 632
 - air quality control, 944
 - cargo carriage, 1120
 - clearinghouse for information, 270
 - community development, 1081, 1087-1090
 - computer, health care, 903
 - desalination, 636
 - drug use, 611
 - educational media, 450
 - emission control, 940, 964, 966
 - farm machinery, 136
 - fishery resources, 260, 373
 - fishing, effect of on marine mammals, 412
 - Five-Year Plan, states, 277
 - food, 385, 464, 636
 - housing, 226, 231, 1081, 1087-1090
 - elderly and handicapped, 1940
 - low income, 226
 - incentives for state/interstate technical programs, 275-277
 - marine minerals, 108
 - military, information on, 271
 - mining, 698, 722
 - motor vehicle safety, 283
 - noise control, 1997
 - occupational health and safety, 697
 - Office of Science and Technology (now abolished), 71-73
 - Office of Technology Assessment, established, 36
 - pollution source, 738, 1086
 - railroad, 1119
 - solar heating, 1944
 - source of unemployment, 1045
 - space, 1035
- Technology Assessment Board, 38
- Technology Policy, *see* Policy
- Telecommunications research, 97, 447-450, 638, 1124, 1128
- Television, research on educational use, 532
- Tennessee Valley Authority, 387-389
- Textile Foundation, *see* Textile research
- Textile research, 242
- Tobacco yield research, 158
- Tocks Island Reservoir Project, *see* Delaware Water Gap National Recreation Area
- Toxic substances research, 692
- Traffic accident research, *see* Safety research

- Transportation, Department of,
 - Automobile Consumer Information Study, 290
 - cooperation with other agencies,
 - Commerce, 779
 - EPA, 779
 - established, 1159-1174
 - Federal Aviation Administration, 1146-1149, 1701
 - National Railroad Passenger Corporation, 1117-1119
 - National Transportation Safety Board, 2191, 2193
 - research,
 - highway, 659-675, 802, 1341, 1352
 - navigation, aviation, 1177-1184
 - facilities, 1146
 - ocean dumping, 779
 - oceanography, 233, 234
 - rail service, 1117-1119, 2078
 - safety
 - boating, 1121-1123
 - highway, 1353, 1358-1363
 - motor vehicle, 277-290
 - pipeline, 1174-1176
 - railroad, 1113-1116, 2189
 - transportation, 2181-2198
 - transportation, 1153-1158, 1338, 2078, 2103
 - standards, motor vehicle, 277-279, 286, 289, 290
 - Urban Mass Transportation Administration, established, 91
 - U.S. Coast Guard, 233, 234, 779
- Transportation research, 93, 166-172, 1160
 - agricultural products, 166-172
 - hazardous materials, 2184, 2185
 - high-speed ground, 670, 1156-1158, 1338
 - mass, urban, 1153-1155
 - railroad, 1117-1119, 1410, 1551, 1566, 2078
 - rural, 2078
 - safety, 2191-2194
 - Urban Mass Transportation Administration, 93
- Transportation Safety Act of 1974, 2181
- Tree research, 355
 - See also*, National Arboretum
- Tropical agriculture research, 178, 641
- Tuna commissions and research, 393, 394, 961
- Twine, imported, used for research, 356

U

- Urban Mass Transportation Administration, established, 93
- Urban research, 93, 468, 469
 - housing development, 228
- U.S. Advisory Commission on International Educational and Cultural Affairs, 650
- U.S. Coast Guard,
 - ocean dumping research, 779
 - oceanographic research, 233
 - science degrees for cadets, 234
- U.S. Lake Survey, hydraulic research, 109
- U.S. Public Health Service, *see* listing under Health, Education, and Welfare,
 - Dept. of
- U.S. Railway Association, 1559
- Venereal disease, research on, 828

V

- Veterans' Administration, 787-797, 1233, 2159
- Veterans Health Care Expansion Act of 1973, 1233
- Virgin Islands Corporation, 1140-1145
- Vocational education research, 481, 509, 510, 677-682, 1393, 2104
 - rehabilitation, 677-682, 1393, 2104

W

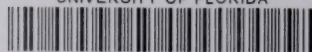
- War, research on the meaning of, 438
- Water research,
 - drinking, 2121
 - motion, characteristics, quantity, 112
 - pollution, *see* Pollution research, water
 - resources research, 993-999
 - see also*, Hydraulic research and Saline water research
- Waterfowl, *see* Migratory waterfowl research
- Watershed management research, 356
- Weather Bureau, 49, 1152
- Weather research, 49
- Welfare research, 931
- Western Medical Institute of Research, 348
- Whaling, scientific permit, 390, 391
- Wheat research, 1297
- Whiskeytown-Shasta-Trinity National Recreation Area, scientific values, 332
- Wilderness preservation, *see* National Wilderness Preservation System
- Wildlife and fish research, 382
- Wildlife management research, 364
- Wind tunnel research, transsonic & supersonic, 1190
- Women's equality in education, research, 1776
- Work Incentive Program, research 929

Z

- Zoological specimens, for sale, *see* Bureau of Animal Industry



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